



Multnomah Community Television
26000 S.E. Stark St.
Gresham, OR 97030-3300
(503) 491-7636 FAX (503) 491-7636

Multnomah County Commission
Bill Farver Swearing-In
March 14, 2001



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Beverly Stein, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Diane Linn, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: diane.m.linn@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
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Email: serena.m.cruz@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
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Email: lisa.h.naito@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

ANY QUESTIONS? CALL BOARD

CLERK DEB BOGSTAD @ (503) 988-3277

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES
PLEASE CALL THE BOARD CLERK
AT (503) 988-3277, OR MULTNOMAH
COUNTY TDD PHONE (503) 988-5040,
FOR INFORMATION ON AVAILABLE
SERVICES AND ACCESSIBILITY.**

MARCH 13 & 15, 2001

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	9:30 a.m. Tuesday DSCD Policy & Performance Review
Pg. 2	9:00 a.m. Wednesday Interim Chair Swearing In Ceremony
Pg. 2	8:45 a.m. Thursday Interim District 1 Commissioner Swearing In Ceremony
Pg. 3	9:00 a.m. Thursday SEC 0-5 Hearing
Pg. 4	9:30 a.m. Thursday Alcohol and Drug Services Implementation Plan
Pg. 4	10:05 a.m. Thursday Resolution Declaring Vacancies, Setting Election Dates and Filing Deadlines for County Elective Offices
Pg. 4	10:30 a.m. Thursday Executive Session
Pg. 5	Budget Deliberations Schedule
*	March 29, 2001 Meeting Cancelled

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

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

Saturday, 9:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Tuesday, 11:00 PM, Channel 30

Produced through Multnomah Community Television

Tuesday, March 13, 2001 - 9:30 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

B-1 Department of Sustainable Community Development Policy & Performance Review. Presented by Maria Rojo de Steffey. 1 HOUR REQUESTED.

Wednesday, March 14, 2001 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

SWEARING IN CEREMONY

The Honorable Multnomah County Presiding Circuit Court Judge James Ellis will Administer the Oath of Office to Interim Multnomah County Chair Bill Farver. Reception and Refreshments Immediately Following Ceremony.

Thursday, March 15, 2001 - 8:45 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

SWEARING IN CEREMONY

The Honorable Multnomah County Circuit Court Judge Ellen Rosenblum will Administer the Oath of Office to Interim Multnomah County Commissioner District 1 Pauline Anderson. Short Reception and Refreshments Immediately Following Ceremony.

Thursday, March 15, 2001 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:00 AM

DISTRICT ATTORNEY'S OFFICE

- C-1 Budget Modification DA 01-04 Adding \$58,581 Bureau of Justice Administration Grant Funding for 1.0 FTE Legal Assistant as Support Staff for the Westside Community Court Project
- C-2 Budget Modification DA 01-05 Adding \$101,350 Bureau of Justice Assistance Grant Funding for a Deputy District Attorney 2 to the Leadership Site Demonstration Project for Community Prosecution

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

- C-3 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to C. REUFLI, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-4 Amendment 1 to Intergovernmental/Omnibus Revenue Agreement 0110880 with the City of Portland, for Homeless, Public Safety, Youth Employment and Involvement, and Housing Program Services to Add Revenue for a Total of \$1,952,934

REGULAR AGENDA - 9:00 AM

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 9:00 AM

- R-1 Continuation and Disposition of a Hearing Before the Board Regarding the Appeal of the Hearings Officer's Approval of **SEC 0-5**, a Request for a Sport Court and Weight Room within an SEC Wildlife Habitat Overlay Zone for a Property Located at 13939 NW GERMANTOWN ROAD. 30 MINUTES REQUESTED.

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES - 9:30 AM

- R-2 Review and Approval of Multnomah County Alcohol and Drug Biennial Implementation Plan for Fiscal Year 2001-2003 for Submission to the State Office of Alcohol and Drug Abuse Programs

NON-DEPARTMENTAL - 9:50 AM

- R-3 Second Reading and Possible Adoption of a Special ORDINANCE Designating Disposition of Flavel Tax Foreclosed Property, and Declaring an Emergency
- R-4 RESOLUTION Confirming the Interim Designation for Multnomah County Commissioner District 2 in the Event of a Vacancy
- R-5 RESOLUTION Declaring Vacancies, Setting Election Dates and Filing Deadlines For County Elective Offices
-

Thursday, March 15, 2001 - 10:30 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
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(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Only Representatives of the News Media and Designated Staff are Allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by David Rhys, Gail Parnell and Cathy O'Brien. 1.5 HOURS REQUESTED.

2001-2002 Multnomah County Budget Deliberations Schedule

(Subject to Change – Please Check Weekly Board Agenda for Updates)

All sessions to be held in the Multnomah Building, Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, except as noted

Thur, April 26, 2001	9:30 to noon	Executive Budget Overview Presentation to Board and Regular Board Meeting
Tue, May 1, 2001	9:00 to 3:00 p.m.	Opportunity for Commissioner Updates on Boards and Committees, followed by Board Budget Work Session on Issues
Thur, May 3, 2001	9:30 to noon	Board Approval of Budget for Transmission to Tax Supervising and Conservation Commission and Regular Board Meeting
Tue, May 8, 2001	9:30 to noon	Central Citizen Budget Advisory Committee Report and Department of Library Services Budget Hearing
Tue, May 8, 2001	1:30 to 4:00 p.m.	Department of Sustainable Community Development Budget Hearing
Wed, May 9, 2001	9:30 to noon	Department of Support Services Budget Hearing
Wed, May 9, 2001	1:30 to 4:00 p.m.	Non-Departmental Budget Hearing
*Thur, May 10, 2001	6:00 to 8:00 p.m.	Public Hearing on the Multnomah County Budget, Midland Branch Library, 805 SE 122nd Avenue, Portland

Tue, May 15, 2001	9:30 to noon	Public Affairs Office Legislative Update discussion, followed by Department of Aging and Disability Services Budget Hearing
Tue, May 15, 2001	1:30 to 4:00 p.m.	Capital Program Budget Hearing
Wed, May 16, 2001	9:30 to noon	Health Department Budget Hearing
Wed, May 16, 2001	1:30 to 4:00 p.m.	Department of Community and Family Services Budget Hearing
*Thur, May 17, 2001	6:00 to 8:00 p.m.	Public Hearing on the Multnomah County Budget, North Portland Branch Library, 512 N Killingsworth, Portland
Tue, May 22, 2001	9:30 to noon	District Attorney's Office Budget Hearing
Tue, May 22, 2001	1:30 to 4:00 p.m.	Department of Juvenile and Adult Community Justice Budget Hearing
Wed, May 23, 2001	9:30 to noon	Sheriff's Office Budget Hearing
*Wed, May 23, 2001	6:00 to 8:00 p.m.	Public Hearing on the Multnomah County Budget, Gresham Branch Library, 385 NW Miller, Gresham
Tue, May 29, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, May 29, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session

Wed, May 30, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Wed, May 30, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, June 5, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Tue, June 5, 2001	1:30 to 4:00 p.m.	Discussion, Follow-up Info, Review Budget Amendments Work Session
Wed, June 6, 2001	9:30 to noon	Discussion, Follow-up Info, Review Budget Amendments Work Session
Thur, June 7, 2001	1:30 to 3:00 p.m.	Tax Supervising and Conservation Commission Public Hearing on Multnomah County Budget (quorum of BCC to attend)
Thur, June 7, 2001	6:00 to 8:00 p.m.	Public Hearing on the Multnomah County Budget
Thur, June 14, 2001	9:30 to noon	Public Hearing on the Multnomah County Budget, Board Adoption of Budget and Amendments and Regular Board Meeting



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

DEBORAH BOGSTAD, BOARD CLERK

MULTNOMAH COUNTY CHAIR'S OFFICE

MULTNOMAH BUILDING

501 SE HAWTHORNE BOULEVARD, SUITE 600

PORTLAND, OREGON 97214

TELEPHONE • (503) 988- 3277 FAX • (503) 988- 3013

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN• CHAIR •988- 3308

DIANE LINN• DISTRICT 1 •988- 5220

SERENA CRUZ• DISTRICT 2 •988- 5219

LISA NAITO• DISTRICT 3 •988- 5217

LONNIE ROBERTS• DISTRICT 4 •988- 5213

SUPPLEMENTAL AGENDA **REVISED START TIME**

Thursday, March 15, 2001 - **8:45 AM**

Multnomah Building, First Floor Commissioners Boardroom 100

501 SE Hawthorne Boulevard, Portland

SWEARING IN CEREMONY

The Honorable Multnomah County Circuit Court Judge Ellen Rosenblum will Administer the Oath of Office to Interim Multnomah County Commissioner District 1 Pauline Anderson. Short Reception and Refreshments Immediately Following Ceremony.

Thursday, March 15, 2001 - **9:30 AM**

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BOTH PARTIES TO THIS LAND USE CASE HAVE REQUESTED THAT THE BOARD NOT GO FORWARD WITH DISPOSITION OF THE HEARING AT THIS TIME. THE BOARD WILL BE ASKED TO APPROVE A MOTION TO POSTPONE INDEFINITELY PENDING A FUTURE DATE.

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES - 9:30 AM

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BOGSTAD Deborah L

From: STEIN Beverly E
Sent: Monday, March 05, 2001 7:08 AM
To: #ALL ADS USERS; #ALL AUDITORS; #ALL CCFC USERS; #ALL CHAIR'S OFFICE; #ALL COUNTY ATTORNEY; #ALL COUNTY MEDICAL EXAMINERS STAFF; #ALL DCFS USERS; #ALL DCJ EMPLOYEES; #ALL DES USERS; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; #ALL DSS STAFF; #ALL FORD USERS; #ALL HEALTH DEPT; #ALL LPSCC USERS; #ALL MCSO; #ALL PAO STAFF; #ALL TSCC USERS
Subject: Thanks for a great 8 years

Dear County employees:

I have decided to resign my position as County Chair effective 9 a.m. on March 14. I will formally announce this decision at Central Library today at 11 a.m. My Chief of Staff, Bill Farver, will serve as interim Chair until a May 15 election is held to choose my successor. Following this message is the complete text of the announcement I will make this morning.

I want to thank all of you for a truly wonderful 8 years. Together we have transformed Multnomah County. I know that the organization I will be leaving is in almost every way stronger and more effective than it was 8 years ago. That couldn't have happened without the tremendous, broad-based support which I have received from all of you. I'm extremely proud to have had the opportunity to work together to improve our community. Thank you.

Beverly

RESIGNATION SPEECH

Almost 8 years ago I announced my candidacy for Multnomah County Chair right here in the Central Library. As I think back to the Library's condition then - dingy, cramped, operating with antiquated equipment...and compare it with the restored, updated, world-class facility we are in today - I believe that the library's transformation is representative of the sweeping changes that we have accomplished in Multnomah County over these past 8 years.

My job as chair and Chief Executive of Multnomah County has been the best job I have ever had and I'm extremely proud of what I've accomplished in leading the third largest government in Oregon.

The focus of my work here at MC has been to improve the efficiency of government, to create partnerships that leverage tax dollars and to focus resources on achieving results. I've worked hard to create a culture of achievement, focusing on the Benchmark goals of improving school success, reducing child poverty, reducing crime and our newest

✓ benchmark, improving access to health and mental health care. There are many things that I'm proud of . . . I'll mention only a few:

First, the libraries. In partnership with the voters we remodeled this remarkable building, expanded our network of neighborhood branches and opened our libraries 7 days a week.

In partnership with schools, cities and private funders we have launched the Schools Uniting Neighborhoods initiative to boost student achievement and build communities by keeping our schoolhouses lit into the evening.

We've expanded school based health centers and provided counseling to elementary school students from families with substance abuse or mental health problems. Our Student Attendance Initiative has improved attendance from 73% to 83% among participating students.

We've added more than 500 jail beds and greatly expanded alcohol and drug treatment to reduce repeat criminal behavior. We've created specialized treatment for juvenile sex offenders and negotiated the transfer of sheriff's deputies to the Portland Police to provide continuity and efficiency as unincorporated areas are annexed.

We have integrated services for elderly and disabled people and created a system for homeless youth. We've improved the number of immunized 2 year olds from 52% to 92% and the number of older women with up-to-date mammograms at our clinics from 28% to 80%.

Long before the current energy crisis, we recognized the importance of conservation, and under my leadership the County has taken energy conservation steps which today save \$525,000 a year in taxpayer money. Under the direction of our new Department of Sustainable Community Development, we are poised to greatly expand our energy saving and other environmentally responsible actions.

And a lot of this was possible because of our RESULTS initiative to improve the quality of our services. I am particularly proud that we won the Oregon Quality Award, which recognizes the best performing private and public organizations, for our achievements in making government work harder and smarter for the taxpayers. To date we have saved more than \$2 million from these efforts.

When I took office in 1993, most County employees did not have computers. We now have a state of the art countywide computer system. Unlike the experience of many other governments, ours was on time and under budget. I am proud to have had the opportunity to lead Multnomah County into the 21st century--- in more ways than one.

With the help of many of the people in this room- especially my incredible group of Department Directors and my wonderful staff - as well as the 5,000 other dedicated County employees, we have made real progress in improving the lives of our County's residents and giving our taxpayers good value for their tax dollars.

As most of you know, I've been exploring the possibility of seeking a new challenge in next year's elections.

As I have been exploring a run for Oregon's Governor, it has become clear to me that I can't find enough hours in the day to prepare to run for Governor and do justice to my position as County Chair. I'm a hard worker and I don't mind working long hours. But I need to insure that speculation about my future plans does not become a distraction from the important work of Multnomah County.

So, I've decided to resign my position as County Chair effective 9 a.m. on March 14 in order to prepare for my run for Governor. I will formally launch my Gubernatorial campaign sometime this May.

I intend to use the time between now and March 14 to insure a smooth transition for my Chief of Staff Bill Farver, who will, in accordance with the

County Charter, serve as interim Chair, until a May 15 election allows voters to choose a new Chair.

Bill brings 16 years of policy and budget experience in Multnomah County to this new challenge. He has an unswerving commitment to using tax dollars wisely and doing what is right for the clients of county services. I have complete confidence in his ability to lead the county in this interim period and he has my heartfelt thanks for being willing to do so.

My appreciation also goes to my colleagues on the Board of County Commissioners. I know that they will carry on the business of the County with great skill and care. I am confident that they will successfully adopt the best possible budget.

One of the ways I have managed the county is to urge my employees to pay attention to what they really care about. I have tried to arrange work to take advantage of the energy of this passion because I have learned that people do their best work when they care deeply about the outcomes of their efforts. Now it is time for me to take my own advice. My passion right now is to prepare myself for a new leadership challenge and that's what I'm going to do.

I have loved serving as Multnomah County Chair and administering the county. My work has been exciting (even thrilling), challenging, and, yes, sometimes frustrating but it has always felt meaningful and valuable. Most of all, I want to thank the people of Multnomah County for giving me this opportunity to serve and to work to improve our community.

Thank you.

Beverly Stein

Multnomah County Chair
501 SE Hawthorne Blvd. 6th Floor
Portland OR 97214
Phone: (503) 988-3308
FAX: (503) 988-3093
Email: mult.chair@co.multnomah.or.us
Website: www.multnomah.lib.or.us/cc/bev/index2.html

BOGSTAD Deborah L

From: LINN Diane M
Sent: Monday, March 05, 2001 4:59 PM
To: STEIN Beverly E; #ALL ADS USERS; #ALL AUDITORS; #ALL CCFC USERS; #ALL CHAIR'S OFFICE; #ALL COUNTY ATTORNEY; #ALL COUNTY MEDICAL EXAMINERS STAFF; #ALL DCFS USERS; #ALL DCJ EMPLOYEES; #ALL DES USERS; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; #ALL DSS STAFF; #ALL FORD USERS; #ALL HEALTH DEPT; #ALL LPSCC USERS; #All MCSO; #ALL PAO STAFF; #ALL TSCC USERS
Subject: Thank you

Dear County Employees:

I will be resigning my position as County Commissioner for District One effective Wednesday March 14, 2001. I will formally announce this decision and my plans to run for Multnomah County Chair at Buckman Elementary School tomorrow on Tuesday March 6, 2001 at 10:00 a.m.

My designee, Pauline Anderson will serve as interim Commissioner until an election is held to fill the position. You may remember Pauline as from her time as Commissioner for District One from 1985-1993. My staff John Rakowitz and Laura Bridges will be staying through the interim to staff District One.

During the time that I have served on the Board of Commissioners we have worked together on many issues that have helped improve the quality of life for those that live, work, and do business in Multnomah County. I want to express my appreciation for the hard work and caring you all bring to those we serve at Multnomah County.

Thank you,

Diane Linn

BOGSTAD Deborah L

From: FARVER Bill M
Sent: Tuesday, March 06, 2001 3:20 PM
To: #MULTNOMAH COUNTY ALL EMPLOYEES
Subject: Bill Farver Swearing In Ceremony

You are welcome to join me as I take the oath of office as Interim Multnomah County Chair.

**Please Join Us For The
Swearing-In Ceremony of
Bill Farver
As Multnomah County Chair**

**Wednesday March 14, 2001
9:00 - 10:00 a.m.
Multnomah Building
1st Floor Boardroom
501 SE Hawthorne Blvd.
Portland OR 97214**

**Presiding Circuit Court Judge James Ellis
Will Administer the Oath of Office**

Reception & Refreshments Following

BOGSTAD Deborah L

From: BRIDGES Laura M
Sent: Friday, March 09, 2001 4:28 PM
To: #ALL CHAIR'S OFFICE; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; FLYNN Suzanne J; SCHRUNK Michael D; MCCONNELL Jim; POE Lorenzo T; ROJO DE STEFFEY Maria; SHIRLEY Lillian M; CLAWSON Elyse; COOPER Ginnie; JOHNSON Cecilia
Subject: Please Join Us

**Please Join Us For The
Swearing-In Ceremony of
Pauline Anderson**

**As Interim Multnomah County Commissioner
District One**

**Thursday March 15, 2001
8:45 a.m.
Multnomah Building
1st Floor Boardroom
501 SE Hawthorne Blvd.
Portland OR 97214**

**The Honorable Multnomah County Circuit Court Judge Ellen Rosenblum will
Administer the Oath of Office**

Short Reception and Refreshments Immediately Following Ceremony.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: **District Attorney**DIVISION: **N/A**CONTACT: **Scott Marcy**PHONE: **248-3863**

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

Mike SchrunckSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)**Budget Modification DA #01-04 Adds 1.0 FTE Legal Assistant as support staff for the Westside Community Court Project**

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This is a new award that will increase the District Attorney's budget. This change will allow the DA's Office to strengthen the adjudication process. This will be accomplished by bringing together key players from the community, social service agencies, the courts, and other components of the criminal justice system to develop long term solutions to ending low level crime. This funding is from the Bureau of Justice Administration.

BOARD OF
COUNTY COMMISSIONERS
01 MAR - 7 PM 12:43
MULTNOMAH COUNTY
OREGON

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Adds an additional \$58,581.00 to the current years budget. This grant will expire December 31, 2001.
\$91,419.00 will be added to next fiscal year's DA's Budget. Indirect costs are allowed to be charged to this grant.

TOTAL \$58,581

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

(Specify Fund)

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Fred M. Davis, Jr**March 6, 2001**

Plan / Budget Analyst:

Date:

Board Approval:

Date:

Department Director:

Date:

Scott Marcy

Employee Services:

Date:

(Deborah C. Boester) 03/15/01

BUDGET MODIFICATION: DA #01-04

5. ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
15-20	6246	62781	Legal Assistant	708229	1.00	34,300	9,524	6,309	50,133
15-20	6244	62781	Interns	708228	1.00	11,813	1,095	160	13,068
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					2.00	46,113	10,619	6,469	63,201

6. 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 BudMod.

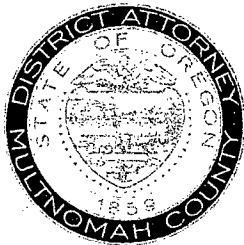
						CURRENT YEAR			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
15-00	6191	62781	Legal Assistant	708229	0.40	13,720	3,810	2,524	20,053
15-00	6073	62781	Interns	708228	0.40	4,725	438	64	5,227
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TOTAL CURRENT FY CHANGES					0.80	18,445	4,248	2,588	25,281

BUDGET MODIFICATION: DA #01-04
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: 00/01

Line No.	Fund Center	Fund Code	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Cost	WBS Element						
1	15-20	1505			DA001CCWEST.01	60000		18,445	18,445		Base Pay
2	15-20	1505			DA001CCWEST.01	60130		4,248	4,248		Fringe
3	15-20	1505			DA001CCWEST.01	60140		2,588	2,588		Insurance
4	15-20	1505			DA001CCWEST.01	60270		200	200		Local Travel
5	15-20	1505			DA001CCWEST.01	60240		7,592	7,592		Supplies
6	15-20	1505			DA001CCWEST.01	60170		22,264	22,264		Professional Services
7	15-20	1505			DA001CCWEST.01	60370		348	348		Telephones
8	15-20	1505			DA001CCWEST.01	60350		2,896	2,896		Indirect
9	70-90	3502		709520		50310		(348)	(348)		Telephone Svc Reimbursement Revenue
10	70-90	3502		709520		60200		348	348		Telephone Fund Expense
11	19	1000		9500001000		50310		(2,896)	(2,896)		Service Reimbursement Indirect
12	70-80	3500		70800		50310		(2,588)	(2,588)		Insurance Fund Transfer
13	70-80	3500		70800		60330		2,588	2,588		Claims Paid
14	19	1000		9500001000		60470		2,896	2,896		Contingency
15	15-20	1505			DA001CCWEST.01	50170		58,581	58,581		
16											
17								0			
18								0			
19								0			
20								0			
21								0			
22								0			
23								0			
24								0			
25								0			
26								0			
27								0			
28								0			
29								0			
									117,162	0	Total



Michael D. Schrunk, District Attorney

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

MEMORANDUM

To: Board of County Commissioners
From: Mike Schrunk
Date: March 07, 2001
Subject: Budget Modification DA #01-04 Adds 1.0 FTE Legal Assistant as support staff for the Westside Community Court Project

1. Recommendation/Action Requested: Approval of the Budget Modification.
2. Background/Analysis: This is a new award that will increase the District Attorney's budget. This change will allow the DA's Office to strengthen the adjudication process. This will be accomplished by bringing together key players from the community, social service agencies, the courts, and other components of the criminal justice system to develop long term solutions to ending low level crime. This funding is from the Bureau of Justice Administration.
3. Financial Impact: Add \$58,581 to the District Attorney's budget funded by the Bureau of Justice Assistance.
4. Legal Issues: N/A
5. Controversial Issues: N/A
6. Link to Current County Policies: N/A
7. Citizen Participation: N/A
8. Other Government Participation: US Department of Justice, Portland Police Bureau

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: District AttorneyDIVISION: N/ACONTACT: Scott MarcyPHONE: 248-3863

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

Mike SchrunkSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

Budget Modification DA #01-05 adds a Deputy District Attorney 2 to the Leadership Site Demonstration Project for Community Prosecution

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

The Multnomah County District Attorney's Office will use grant funds to enhance the ability of the Neighborhood DA's Program to provide community prosecution services locally and to offer technical assistance to other jurisdictions interested in community prosecution initiatives. The District Attorney's Office will accomplish this goal through the following activities: 1) enhancement of the District Attorney's Office web site to include information on how jurisdictions can use community justice strategies to solve quality of life problems; 2) development of a resource guide that will include lessons learned from the past ten years of the Neighborhood District Attorney's Program; 3) training of district attorney staff through site visits to model community justice initiatives; and 4) the creation of a specialized resource on community safety problems in government-subsidized low-income housing programs.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Adds an additional \$101,350.00 to the current years budget. This grant will expire December 31, 2001. \$48,650.00 will be added to next fiscal year's DA's Budget. Indirect costs are allowed to be charged to this grant.

TOTAL \$101,350

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

(Specify Fund)

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Fred M. Davis, Jr

March 6, 2001

Plan / Budget Analyst:

Date:

Board Approval:

Date:

Deborah C. Bogstad

03/15/01

Department Director:

Date:

Scott Marcy

Employee Services:

Date:

BOARD OF
 COUNTY COMMISSIONERS
 01 MAR - 7 PM 12:43
 MULTNOMAH COUNTY
 OREGON

BUDGET MODIFICATION: DA #01-05

5. ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
15-20	6252	62780	DEPUTY DISTRICT ATTORNEY 2	708227	1.00	54,058	15,011	6,769	75,838
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					1.00	54,058	15,011	6,769	75,838

6. 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 BudMod.

						CURRENT YEAR			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
15-00	6191	62780	DEPUTY DISTRICT ATTORNEY 2	708227	0.40	21,623	6,004	2,708	30,335
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.40	21,623	6,004	2,708	30,335

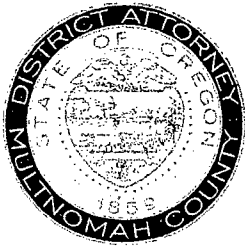
BUDGET MODIFICATION: DA #01-05

EXPENDITURES & REVENUES

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

Budget Fiscal Year: 00/01

Line No.	Fund Center	Fund Code	Accounting Unit		WBS Element	Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost							
1	15-20	1505			DA001BJA-NDA-LDRSHP.01	60000		21,623	21,623		Base Pay
2	15-20	1505			DA001BJA-NDA-LDRSHP.01	60130		6,004	6,004		Fringe
3	15-20	1505			DA001BJA-NDA-LDRSHP.01	60140		2,708	2,708		Insurance
4	15-20	1505			DA001BJA-NDA-LDRSHP.01	60240		7,211	7,211		Supplies
5	15-20	1505			DA001BJA-NDA-LDRSHP.01	60170		58,500	58,500		Professional Services
6	15-20	1505			DA001BJA-NDA-LDRSHP.01	60370		294	294		Telephones
7	15-20	1505			DA001BJA-NDA-LDRSHP.01	60350		5,010	5,010		Indirect
8	70-90	3502		709520		50310		(348)	(348)		Telephone Svc Reimbursement Revenue
9	70-90	3502		709520		60200		348	348		Telephone Fund Expense
10	19	1000		9500001000		50310		(5,010)	(5,010)		Service Reimbursement Indirect
11	70-80	3500		70800		50310		(2,708)	(2,708)		Insurance Fund Transfer
12	70-80	3500		70800		60330		2,708	2,708		Claims Paid
13	19	1000		9500001000		60470		5,010	5,010		Contingency
14	15-20	1505			DA001BJA-NDA-LDRSHP.01	50170		101,350	101,350		
15								0			
16								0			
17								0			
18								0			
19								0			
20								0			
21								0			
22								0			
23								0			
24								0			
25								0			
26								0			
27								0			
28								0			
29								0			
									202,700	0	Total



Michael D. Schrunk, District Attorney

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

M E M O R A N D U M

To: Board of County Commissioners
From: Mike Schrunk
Date: March 07, 2001
Subject: Budget Modification DA #01-05 adds a Deputy District Attorney 2 to the Leadership Site Demonstration Project for Community Prosecution

1. Recommendation/Action Requested: Approval of the Budget Modification.
2. Background/Analysis: The Multnomah County District Attorney's Office will use grant funds to enhance the ability of the Neighborhood DA's Program to provide community prosecution services locally and to offer technical assistance to other jurisdictions interested in community prosecution initiatives. The District Attorney's Office will accomplish this goal through the following activities: 1) enhancement of the District Attorney's Office web site to include information on how jurisdictions can use community justice strategies to solve quality of life problems; 2) development of a resource guide that will include lessons learned from the past ten years of the Neighborhood District Attorney's Program; 3) training of district attorney staff through site visits to model community justice initiatives; and 4) the creation of a specialized resource on community safety problems in government-subsidized low-income housing programs.
2. Financial Impact: Add \$101,350 to the District Attorney's budget funded by the Bureau of Justice Assistance.
3. Legal Issues: N/A
4. Controversial Issues: N/A
5. Link to Current County Policies: N/A
6. Citizen Participation: N/A
7. Other Government Participation: US Department of Justice, Portland Police Bureau

MEETING DATE: MAR 15 2001
AGENDA NO: C-3
ESTIMATED START TIME: 9:00 am

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Private Sale.

BOARD BRIEFING:

Date Requested: _____

Requested by: _____

Amount of Time Needed: _____

REGULAR MEETING:

Date Requested: Consent Calendar

Amount of Time Needed: _____

DEPARTMENT: Sustainable Community

DIVISION: Administration

CONTACT: Gary Thomas

TELEPHONE : 503-988-3590 x22591

BLDG/ROOM : 503/175/Tax Title

PERSON(S) MAKING PRESENTATION:

Consent Calendar

ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

Request approval of Private Sale of tax foreclosed property under ORS 275.225 to C. RUEFLI.

The property is assessed at less than \$5000.00 on the most recent assessment roll and has been shown to be unbuildable "AS IS" per letter from the City of Portland. The pending sale is to be advertised as provided by ORS 275.225.

The price of the sale is \$900.00.

Staff Report, Board Resolution, Deed D011767, and Notice of Sale attached.

****Return original deed and copies of all to Becky Grace 503/175 following approval****

03/27/01 ORIGINAL Deed & copies of all to Becky
GRACE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____

Maui P. de Steffey

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 988-3277

BOARD OF
COUNTY COMMISSIONERS
01 MAR - 2
AM 10:51
MULTNOMAH COUNTY
OREGON

**AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Gary Thomas

TODAY'S DATE: February 22, 2001

REQUESTED PLACEMENT DATE: Consent Calendar

RE: Request approval to sell a Tax Foreclosed Property at Private Sale.

I. Recommendation/Action Requested:

Approval to sell a tax foreclosed property by Private Sale

II. Background/Analysis:

This property was deeded to the County on 10/11/96, through foreclosure for non-payment of property taxes. This property was made available to Government Agencies and Non-Profit Housing Developers of Multnomah County during fiscal year 1996/97, in accordance with Ordinance 895. There were no requests for this property. The Private Sale parcel is a 23-foot wide parcel in Multnomah County (see area map of property). The County Tax Title Division conducted a sealed bid auction limited to only adjacent property owners. The individuals named in this proposed sale were the successful bidders.

III. Financial Impact:

Private Sale will allow for recovery of delinquent taxes, interest, fees, and costs. The sale will also reinstate the property on the tax roll (see exhibit "B").

IV. Legal Issues:

No legal issues are expected. Private Sales are provided for in ORS 275.225. This parcel would be sold "**AS IS**" without guarantee of clear title.

V. Controversial Issues:

Under ORS 275.225 Private Sales are available on property that is unsuitable for construction and is assessed at less than \$5,000. The current assessed value is \$1,220.00.

VI. Link to Current County Policies:

This property has been through all the processes provided for in Ordinance 895.

VII. Citizen Participation:

Once the Board of County Commissioners approves the action to sell, a notice will be placed in the Daily Journal of Commerce to advertise the Private Sale.

VIII. Other Government Participation:

Properties sold at Multnomah County Public or Private Sale are subject to ORS 275.275. There are no liens recorded against the parcel at this time.

EXHIBIT "B"

**PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2000/01**

LEGAL DESCRIPTION:	EAST 23' OF LOT 21, BLOCK 3, TUALATIN ACRES
ADJACENT PROPERTY ADDRESS:	9449 SW 62 ND DR
TAX ACCOUNT NUMBER:	R-290952 (84470-2250)
GREENSPACE DESIGNATION:	No Greenspace Designation was assigned to this property.
SIZE OF PARCEL:	APPROX. 23' X 123' (2,825SF)
ASSESSED VALUE:	\$1,220.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE:

BACK TAXES & INTEREST:	\$275.94
TAX TITLE MAINTENANCE COST & EXPENSES:	167.00
ADVERTISING COST:	50.00
RECORDING FEE:	24.00
CITY LIENS:	0.00
SUB-TOTAL	<hr/> \$516.94
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$850.00



Office of Planning
and
Development Review
Land Use Review Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-7800
www.ci.portland.or.us

April 17, 2000

Gary Thomas
Multnomah County Tax Title
PO Box 2716
Portland OR 97208-2716

Re: Zoning confirmation for a vacant parcel of land on SW 62nd Drive, legally described as the east 23' of Lot 21, Block 3, Tualatin Acres; Section 30, Township 1S, Range 1E; State Identification # 1S1E30BC 3000; Quarter Section Map 3923; Tax Account #R84470-2250.

Dear Mr. Thomas,

You have requested a zoning confirmation for the above-referenced property. Specifically, you asked if this piece of property is suitable for construction or placement of a dwelling thereon under current zoning regulations.

This site is located in an R10 zone – Residential 10,000 (Chapter 33.110 of the Portland Zoning Code). The site also has a Comprehensive Plan Map Designation of R7 – Residential 7,000. This designation is available to property owners to request a zone change through the Zoning Map Amendment procedure. The R10 zone allows single dwelling residential development with a minimum lot size of 10,000 square feet for new lots. Development standards include a minimum building setback of 10 feet from side and rear property lines and a maximum building coverage of 30% of the site. Given that this site is approximately 23 feet wide, the above standards would preclude any development unless combined with an adjacent property or approved through land use adjustment reviews. ***Therefore, the property in question is not suitable for the construction or placement of a residential dwelling under current zoning regulations.***

A review of Buildings records indicates no permits for this property. A review of land use case history was also completed as part of this zoning confirmation. There is no land use history for this site.

This confirmation is based on information provided by you, as well as our review of zoning regulations, building permits and land use case history. No site visit was conducted as part of this confirmation. The above information is current, but zoning regulations change over time; these changes may affect the use and/or development of the property. Please contact me if you have additional questions.

Sincerely,

Stephanie Seale, City Planner

encs. Chapter 33.110
Current zoning map 3923



MULTNOMAH COUNTY TAX TITLE

PO Box 2716 ~ Portland, OR 97208-2716 ~ (503) 988-3590

Friday, February 23, 2001

Hello Maria,

After you are done with the enclosed Private Sale documents will you please forward this file to Carol Kinoshita (106/1530) in the County Attorney's office.

Thank you,

A handwritten signature in cursive script, appearing to read "Becky", is written over the typed name.

Becky Grace
X27145

RECEIVED
FEB 27 2001

COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OR

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to C. RUEFLI, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes.
- b) The property is assessed at \$1220.00 in value on the County's current tax roll.
- c) The property is unsuitable for construction or placement of structures thereon, as provided under ORS 275.225(2).
- d) C. RUEFLI has agreed to pay \$900.00 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) C. RUEFLI has agreed to reimburse the County for the cost of publishing notice of this sale.

The Multnomah County Board of Commissioners Resolves:

- 1. That Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2).
- 2. That not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$900.00, the Chair on behalf of Multnomah County, is hereby authorized to execute a deed conveying to C. RUEFLI the following real property:

EAST 23' OF LOT 21, BLOCK 3, TUALATIN ACRES, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

ADOPTED this _____ day of March 2001.

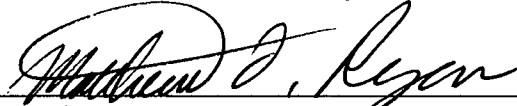
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By



Matthew O. Ryan, Assistant County Attorney

Deed D011767

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to C. RUEFLI, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

EAST 23' OF LOT 21, BLOCK 3, TUALATIN ACRES, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$900.00.

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

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

C. RUEFLI
C/O FRANK MEYER
5715 63RD AVE, NE
SEATTLE, WA 98105

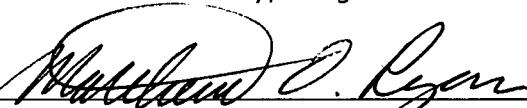
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the _____ day of March 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Attorney

After recording, return to 503/175/Multnomah County Tax Title

**NOTICE OF PRIVATE SALE
PURSUANT TO ORS 275.225**

Multnomah County Department of Sustainable Community Development, Division of Housing, Tax Title Unit, 501 SE Hawthorne Blvd, Portland, OR 97214-3560, will sell the following Property:

EAST 23' OF LOT 21, BLOCK 3, TUALATIN ACRES, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon. Also known as tax account number R-84470-2250.

A 23-foot wide parcel in Multnomah County that is non-buildable. The assessed value is \$1220.00.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-024

Authorizing Private Sale of Certain Tax Foreclosed Property to C. RUEFLI, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes.
- b) The property is assessed at \$1220.00 in value on the County's current tax roll.
- c) The property is unsuitable for construction or placement of structures thereon, as provided under ORS 275.225(2).
- d) C. RUEFLI has agreed to pay \$900.00 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225.
- e) C. RUEFLI has agreed to reimburse the County for the cost of publishing notice of this sale.

The Multnomah County Board of Commissioners Resolves:

- 1. That Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2).
- 2. That not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$900.00, the Chair on behalf of Multnomah County, is hereby authorized to execute a deed conveying to C. RUEFLI the following real property:

EAST 23' OF LOT 21, BLOCK 3, TUALATIN ACRES, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

ADOPTED this 15th day of March 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver

Bill Farver, Interim Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant County Attorney

**NOTICE OF PRIVATE SALE
PURSUANT TO ORS 275.225**

Multnomah County Department of Sustainable Community Development, Division of Housing, Tax Title Unit, 501 SE Hawthorne Blvd, Portland, OR 97214-3560, will sell the following Property:

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A 23-foot wide parcel in Multnomah County that is non-buildable. The assessed value is \$1220.00.

Deed D011767

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to C. RUEFLI, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

EAST 23' OF LOT 21, BLOCK 3, TUALATIN ACRES, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$900.00.

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

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

C. RUEFLI
C/O FRANK MEYER
5715 63RD AVE, NE
SEATTLE, WA 98105

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 15th day of March 2001, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Bill Farver, Interim Chair



REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By


Matthew O. Ryan, Assistant County Attorney

After recording, return to 503/175/Multnomah County Tax Title

STATE OF OREGON

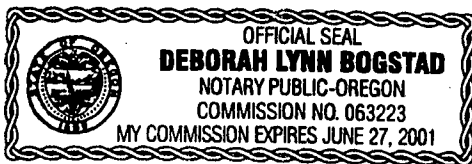
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 15th day of March, 2001, by Bill Farver, to me personally known, as Interim 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

Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/01

Meeting Date: **MAR 15 2001**
Agenda No: C-4
Estimated Start Time: 9:00

(Above Space For Board Clerk's Use Only)

AGENDA PLACEMENT FORM

Subject: Amendment 1 to Intergovernmental Agreement/Omnibus Revenue Agreement with the City of Portland for homeless, public safety, youth employment and involvement, and housing program services. Amendment adds total of \$206,084 revenues for a revised agreement total of \$1,952,934.

Board Briefing:

Date Requested: _____
Requested By: _____
Amount Of Time Needed: _____

Regular Meeting:

Date Requested: Next available

Amount Of Time Needed: Consent

Department: Community and Family Services Division: Community Programs & Partnerships

Contact: Lorenzo Poe/Mary Li

Telephone #: 503.988.3691

Bldg/Room #: 166/7

Person(s) Making Presentation: N/A

Action Requested:

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

Suggested Agenda Title:

Amendment 1 to Intergovernmental Agreement/Omnibus Revenue Agreement with the City of Portland for Homeless, Public Safety, Youth Employment and Involvement, and Housing Program Services to add revenues totaling \$206,084 for a revised agreement total of \$1,952,934.

03/27/01 Originals to Tom Octine

Signatures Required:

Elected Official: _____

(Or)

Department

Manager: _____

Lorenzo Poe

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1 MAR -9 AM 7:42

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call The Board Clerk @ 503.988.3277



Department of Community and Family Services

MULTNOMAH COUNTY OREGON

421 SW Sixth – Seventh Floor
Portland OR 97216-1618
(503) 988-3691 phone
(503) 988-3379 fax

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director
Department of Community and Family Services

DATE: February 20, 2001

SUBJECT: FY 2000-2001 Intergovernmental Revenue Agreement with the City of Portland, Omnibus –
Amendment #1

- I. **Recommendation/Retroactive Action Requested:** The Department of Community and Family Services recommends Board of County Commissioner approval of Amendment 1 to the Omnibus Revenue Agreement with the City of Portland for the period July 1, 2000 through June 30, 2001. This amendment is retroactive due to time incurred in verifying revenues and funding amounts.
- II. **Background/Analysis:** The Department of Community and Family Services annually receives a transfer of City of Portland funds for the purchase of human services, including homeless programs, public safety programs (domestic violence and gang projects), Youth Employment and Empowerment (YEEP) services and housing program services. This amendment adds funding of \$25,000 for homeless family day shelter activities, increases PILOT revenues by \$28,323 for emergency assistance and homeless prevention activities, and increases HOME revenues by \$152,761 for development fund activities.
- III. **Financial Impact:** This amendment adds revenues of \$206,084 for a revised agreement total of \$1,952,934.
- IV. **Legal Issues:** None
- V. **Controversial Issues:** None
- VI. **Link to Current County Policies:** The City of Portland funds pay for services directed toward County policies, including public safety and reduction of domestic violence, access to mental health services, reduction of homelessness, and building the resiliency of youth affected by gang behavior.
- VII. **Citizen Participation:** Citizens are involved through the Commission on Children, Families and Community and the Housing and Community Development Commission.
- VIII. **Other Government Participation:** This agreement represents a continuing partnership between the City of Portland and Multnomah County to fund and deliver human services.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Contract #: 0110880

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

Amendment #: 1

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-4 DATE 03/15/01 DEB BOGSTAD, BOARD CLERK</p>

Department: Community and Family Services Division: Community Programs and Partnerships Date: February 20, 2001
 Originator: Carol Mason Phone: 22987 Bldg/Rm: 166/5
 Contact: Tom Ochirero Phone: 29832 Bldg/Rm: 166/7

Description of Contract: **This amends the OMNIBUS revenue agreement with the City of Portland as follows: 1) addition of \$25,000 in Housing Investment Trust Fund revenues for homeless family day shelter activities; 2) increase of \$28,323 in PILOT revenues for emergency assistance and homeless prevention activities; and 3) increase of \$152,761 in HOME revenues for development fund activities. This amendment adds total funding of \$206,084.**

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

Contractor City of Portland, Bureau of Housing and Community Development	
Address 421 SW 6th Ave., Suite 1100A	Remittance Address _____
Portland, OR 97204	(If different) _____
Phone 503.823.2375	Payment Schedule / Terms
Employer ID# or SS# _____	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Effective Date July 1, 2000	<input type="checkbox"/> Monthly \$ <u>Invoice</u> <input type="checkbox"/> Net 30
Termination Date June 30, 2001	<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Original Contract Amount \$ 1,746,850	
Total Amt of Previous Amendments \$ 0	<input type="checkbox"/> Requirements \$ _____
Amount of Amendment \$ 206,084	
Total Amount of Agreement \$ 1,952,934	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No

REQUIRED SIGNATURES

Department Manager Lorenzo Boe mas DATE 3/5/01
 Purchasing Manager _____ DATE _____
 County Counsel Katie Gair DATE 3/9/01
 County Chair Bill Farmer Interim Chair DATE 03/15/01
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

SAP CUSTOMER CODE 300043						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01									See Attached Funding Matrix		

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
 CONTRACT APPROVAL FORM SUPPLEMENT
 Contractor: CITY OF PORTLAND, BUREAU OF HOUSING AND COMMUNITY DEVELOPMENT

Customer: 300043

Plant: F010

Fiscal Year: 2000/01

Contract: 0110880

Line	FM Source	WBS Code	Revenue Description	Original Amount	Amend #1	Final Amount
1	20250	DCPPHPWHMYTHPDX	City CDBG Homeless Youth/Night Shelter	\$189,122	\$0	\$189,122
2	27190	DCPPHPWHMYTHPDXGF	City General Funds Homeless Youth/Trans. Housing	\$601,800	\$0	\$601,800
3	21010	BHD AMH HMLS BRGVW PDX	City CDBG Homeless CMI/Trans. Housing	\$237,884	\$0	\$237,884
4	20251	DCPPHPWEMACHVPDXCDBGV	City CDBG Emergency Assistance/Voucher	\$18,101	\$0	\$18,101
5	27950	DCPPHPWEMACHVPDXPILOT	PILOT Emergency Assistance/Rent Assistance	\$319,236	\$28,323	\$347,559
6	20621	DDSD RES CNT NON MCK	McKinney Special Needs/Housing Services	\$39,905	\$0	\$39,905
7	27190	CFSDO DV PDX GF	City General Funds Domestic Violence	\$32,754	\$0	\$32,754
8	20250	DCPPINTSVOTHPDXCDBG	City CDBG Gang Project	\$82,961	\$0	\$82,961
9	27191	DCPPINTSVOTHPDXGF	City General Funds YEEP Coalition	\$200,430	\$0	\$200,430
10	21140	DCPPHPWFBPHOME	HOME Funds Housing Development Program Delivery	\$24,657	\$152,761	\$177,418
11	27190	DCPPHPWEMAOTHPDXGENF	City Housing Investment Trust Fund	\$0	\$25,000	\$25,000
			TOTAL	\$1,746,850	\$206,084	\$1,952,934

AMENDMENT NO. 1

Amend Agreement No. 33278 between the City of Portland (CITY) and Multnomah County, acting through its Department of Community & Family Services (COUNTY) by:

1. Making \$25,000 from the Housing Investment Trust Fund available to Multnomah County for homeless family day shelter activities for fiscal year 00/01.

A. The scope of services shall be:

Providing day shelter and related services such as meals for homeless families.

B. Performance measures and reporting requirements shall be:

The County will track and report on the achievement of the following levels of service (outputs) quarterly within thirty (30) days from the end of each quarter during the period of this agreement.

- 50 families, 150 people will access day shelter services
- 1,400 meals will be provided to those accessing day shelter services

Quarterly reports shall include: 1) expenditures by program areas and subcontractors; 2) client demographics by program areas and subcontractors; and 3) performance assessments by program areas and subcontractors.

2. Increasing PILOT funds for Emergency Assistance and Homeless Prevention from \$319,236 to \$347,559 for fiscal year 00/01 due to an increase of \$28,323 in actual funds over estimated funds from PILOT. The scope of services shall remain the same.

The performance measure shall be:

A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:

- Serve at least 290 households (24 additional) with maximum allocation of \$2000 per family with children and \$1000 per single person household

B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this agreement.

- 50% of families will remain in stable housing six months after receiving rent assistance

- 50% of single individuals will remain in stable housing six months after receiving rent assistance
3. Increasing HOME Program funds allocated to the development fund from \$19,263 to \$172,024 by adding unspent HOME funds in the amount of \$152,761 carried over from FY 1999-00 Omnibus Contract. The scope of services and performance measures shall remain the same.
 4. Increasing the total funds available under this Agreement from \$1,746,850 to \$1,952,934 by adding \$206,084.

All other terms and conditions of Agreement No. 33278 between the City of Portland and Multnomah County Community & Family Services shall remain the same.

Dated this _____ day of _____, 2001.

MULTNOMAH COUNTY, OREGON

CITY OF PORTLAND

BY Lolenzoboe, me 3/5/01
Director, Dept. of Community & Family Svcs. Date

BY _____
Erik Sten Date
Commissioner of Public Works

BY Bill Fower 3-15-01
Interim Multnomah County Chair Date

REVIEWED:
Katie Gelfand County Counsel 3/9/01
for Multnomah County, Oregon Date

APPROVED AS TO FORM:

By _____
Date

By _____
Date

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 -DATE 03/15/01
DEB BOGSTAD, BOARD CLERK

Meeting Date: MAR 15 2001
Agenda No: R-1
Est. Start Time: 9:00

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Continuation of a Hearing before the Board regarding the Hearings Officer's decision on SEC 0-5

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: March 15, 2001
 Amt. of Time Needed: 30 minutes

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Virginia Bowers **TELEPHONE:** 988-3043
 BLDG/ROOM: 455 / 116

PERSON(S) MAKING PRESENTATION: Virginia Bowers

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☐ Approval ☒ Other

SUGGESTED AGENDA TITLE

A Continuation of a Hearing before the Board regarding the appeal of the Hearings Officer's approval of SEC 0-5, a request for a sport court and weight room within an SEC wildlife habitat overlay zone for a property located at 13939 NW Germantown Rd.

SIGNATURES REQUIRED

Reviewed by: KB sm

Elected Official: _____

or

Department Manager: Walt B. ... Maria Rojo de Steffen

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
01 MAR - 7 AM 11:54



MULTNOMAH COUNTY

BOARD HEARING: March 15, 2001

TIME: 9:00 AM

CASE NAME: SPORT COURT/WEIGHT ROOM

NUMBER: SEC 0-5

1. Applicant Name/Address:

LDC Design Group, Inc.
3300 NW 211th Ter.
Hillsboro, OR 97124

Site address: 13939 NW Germantown Road

2. Action Requested By Applicant:

Applicant requested approval for sport court and weight room within an SEC wildlife habitat overlay zone.

3. Planning Staff Recommendation:

Approve with conditions

4. Hearings Officer Decision:

Approve with conditions

5. If Recommendation And Decision Are Different, Why?

N/A

6. Issues:

Applicant and appellant have negotiated an agreement. Property owners agree to purchase land adjacent to their property and place a conservation easement on that new property. Appellant agrees to withdraw appeal. The Hearing's Officer decision will need to be modified to reflect this agreement. Staff will provide revised conditions of approval for approval by the Board of County Commissioners.

7. Do Any Of These Issues Have Policy Implications? Explain.

No

Action Requested Of Board

☐ Affirm Hearings Officer Decision

☒ Hearing/Rehearing

Scope of Review

☐ On the Record

☒ De Novo

☐ New Information Allowed



DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 988-3043 FAX: (503) 988-3389

NOTICE OF REVIEW

1. Name: Rocklin, , Arnold
Last Middle First

2. Address: PO Box 83645, Portland, OR, 97283
Street or PO City State Zip Code

3. Telephone: (503) 289-2657

4. If serving as a representative of other persons, list their names and addresses:

Claire Stack, 14025 NW Germantown Road, 97231
Name Address Zip Code
Portland, OR

(and myself), ,
Name Address Zip Code

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

SEC 0-5 Approval of permit for 35' by 70' sports
court and 35' by 40' weight room

6. The decision was announced by the Hearing Officer on November 8, 2000.

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

We appeared before the Hearings Officer and are
aggrieved by a decision contrary to law and the
evidence in the record.

Continued on back of form

8. Grounds for Reversal of Decision (use additional sheet is necessary)

See Attachment

Signed: Arnold Rocklin

Date: 11/20/00

For State Use Only	
Fee: Notice of Review - \$536.00	
Received by:	Date:
Case Number:	

Attachment to Notice Of Review—(Hearings Officer's Decision)
SEC 0-5, Sports Court & Weight Room

November 20, 2000

Arnold Rochlin
P.O. Box 83645
Portland, OR 97283-0645
289-2657 kayer@teleport.com

8. *Grounds for Reversal of Decision.*

A. Background

The hearings officer did not provide a summary of the facts behind the applications. The following facts are relevant to issues raised in sections B through F.

The subject property is a lot 1,200 to 1,300 feet deep by 200 feet wide, fronting on NW Germantown Road. In 1993 it was partitioned from a similarly sized and shaped lot, most of which is directly north. The rest of that lot is a 15 foot wide flagpole along the west side of the subject lot. The flagpole serves only the purpose of giving the back lot nominal frontage on a public road, so it could be "lawfully created" under a rather liberal former policy.

In SEC 28-97 the county approved the applicants' dwelling and associated driveway. Since 1997, the applicant has developed as follows, without any land use or building permits.

1. Widened and re-graded parts of the driveway without required GEC (Grading and Erosion Control) or SEC (Significant Environmental Concern) permits.
2. Installed a driveway branch in front of the house without an SEC or GEC permit. (The approved driveway branch connects to the garage at the rear of the house and was to have included a hammerhead turnaround required in SEC 28-97 for fire safety.)
3. Installed a motorcycle or moto-cross track well over a mile in length and extending onto the property to the north without an SEC or GEC permit. (Permission of the owner of that property is not known to have been obtained.)
4. Installed a 35' by 70' paved sports court, a small corner of which was built on a neighbor's land, without permission.
5. Built a 35' by 70' weight room, about 20 feet of which was built on a neighbor's land, without permission.

This application is for approval of violations 4 and 5 only. After initially applying for approval of even the development on the neighbor's property (on grounds that they might persuade the neighbors to adjust the property line) staff

convinced the applicants to amend the proposal to include only the part of the court on their property, and to include only the part of the weight room at least 10 feet on the applicants' side of the property line, the minimum Rural Residential (RR) setback.

Staff approved the application with conditions, among which are requirements for removal of the motorcycle track, and the parts of the sports complex on the neighbor's property and within the minimum setback.

The Forest Park Neighborhood Association (FPNA) appealed the decision to the hearings officer on numerous grounds, only a few of which are repeated here.¹

The applicants argued that the hearings officer lacked jurisdiction over the matter because there was no valid appeal. The grounds were (1) the filing of an appeal on behalf of FPNA was not authorized as allegedly required by FPNA bylaws, and (2) recognition of FPNA as a neighborhood association is insufficient, because the county agencies recognizing FPNA expressly, and by a policy granting reciprocal recognition to associations recognized by the City of Portland, do not meet a state standard of recognition by the governing body. If either argument were correct and decisive, there would have been an appeal without an appellant having standing, and there would have been an appeal without payment of a required fee, both of which are arguably jurisdictional defects. The hearings officer denied the jurisdictional challenges which are addressed at pages 2 to 5 of the decision.

The hearings officer largely affirmed the staff approval and this appeal followed. In one respect the hearings officer made a new error which undermines a longstanding interpretation of the county code. If upheld by the Board, it enables types of development in the RR zone (and in the resource zones and other residential zones) that were never contemplated by the Board. That error is addressed in the following paragraphs.

B. MCC 11.15.6404(A) allows an SEC permit only for a use allowed in the RR district. Neither the weight room nor sports court is expressly allowed. There is no dispute that if the proposal complies, it can be only under Subsection (D) of 11.15.2214 "Accessory Uses":

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district"²

The hearings officer adopted a novel and implausible interpretation that was first proposed by the applicant. She says that "customarily" modifies only "accessory", and does not modify "incidental". She says different punctuation

¹ Most of the errors we alleged are carried forward in the hearings officer's decision, and we continue to believe they are errors. They are listed in the Notice of Review Appended to her decision (Exhibit A). The errors are addressed in more detail in the FPNA testimony of September 11th, 20th and 29th, and October 2nd.

² The hearings officer quoted the regulation without the word "use" in the phrase "any use permitted". (Decision, page 8.)

would be required to interpret it as modifying "incidental". Appellant believes she is wrong in general and on the punctuation. For her interpretation to be plausible, it would have to be "Other structures or uses customarily accessory, or incidental, to any use permitted or approved in this district." The obvious purpose of the regulation is to limit unspecified structures and uses to those implied by the uses that the code expressly allows. And the term "in this district" becomes meaningless surplusage if ancillary uses are not limited to those customarily accessory and customarily incidental to uses in the RR district.

"Accessory" and "incidental" are virtually synonymous in this context. That is supported in the record by the definitions appellant supplied from the Webster's Third International Unabridged Dictionary, Random House Unabridged Dictionary, 2nd Ed., and the Oxford English Dictionary 2nd Ed. (Copies are attached.) Even the section heading of 11.15.2214 implies that "accessory" and "incidental" are indistinguishable in this context. If they had different meanings, it could not accurately refer to only "Accessory Uses", as it does. Most plain and conclusive is the definition of "accessory building" in MCC 11.15.0010, as being: "a subordinate building, the use of which is clearly incidental to that of the main building on the same lot." (Underline added.) The code's use of "incidental" to define "accessory" in a perfectly apt context, makes it impossible to reasonably interpret "customary or incidental" as other than virtually synonymous terms, used in succession to emphasize and clarify the limits of what is allowed. That being so, it cannot reasonably be that "customarily" modifies only "accessory", and that anything incidental, whether customary or not, is allowed. Neither the staff nor any other hearings officer has ever taken that extreme and novel position. Consider what inappropriate uses might be allowed if the hearings officer's position, that anything incidental to the main use must be allowed, were actually the law. In this case, the motorcycle track (running over a mile through the forest, and which has been ordered removed) would actually be an allowable use under the hearings officer's interpretation. And commercial uses would be allowable if they are not more than incidental relative to the main residential use. These were not intended uses in the RR district.

Using the plausible interpretation, neither the decision nor the record establishes that the weight room or sports court is a structure or use customarily accessory or incidental to a use allowed in the RR district, as required by MCC 11.15.6404(A) and 2214. And the sports complex they together comprise is unknown in the district. It is significant that the hearings officer cites no evidence of what is customary in the district, and ignores the evidence to the contrary. The following discussion of this criterion is extracted from our October 2nd testimony responding to new evidence from the applicant:

The new evidence is a letter from Sport Court of Oregon with two lists of locations with installed sports courts, and an undated letter from Mr. Babcock. The first list is of 16 sites in the Northwest Portland area that have sports courts, and the dimensions of the courts. The second list is of 51 "court owners with

similar land circumstances as the Jenkins property" (one is the Babcock/Jenkins site itself).

The following table includes from the applicants' first list: owner's name, site address, and court dimensions. Entries are numbered by order on list. The numbers identify locations on accompanying maps. (Attached to October 2nd testimony.) Added, are the area of each court in square feet, the size of the area as a percentage of the size of the applicants' court, order of size (from smallest to largest), geographic location, and median and average court sizes. The subject site is added for comparison.

Order on Appl List	Owner	Street Address	W x L (ft)	Area (sq. ft.)	% of Area Appl Ct Rank	Area (sm to lg)	Location (County, or Neighborhood if in Portland City limits)
1	Baer	2301 NW Birkendene	24 x 29	696	28	3	NW Heights/Ptld
2	Graff	964 NW 170 th Dr	31 x 67	2,077	85	15	Wash. Co.
3	Harper	10569 NW Lost Park Dr	20 x 28	560	22	1	Wash. Co.
4	Leeding	13075 NW Ridgetop St.	24 x 35	840	34	4	Wash. Co.
5	Matson	3584 NW Lorian Dr	29 x 55	1,595	65	9	Wash. Co.
6	Peterson	10620 Walters Ln	29 x 65	1,885	77	12	Wash. Co.
7	Barry	3337 NW 125 th Pl	26 x 31	860	35	5	Wash. Co.
8	Humphrey	11400 NW Melody Ln	29 x 66	1,914	78	13	Wash. Co.
9	Martesich	2816 NW 126 th	29 x 57	1,653	67	11	Wash. Co.
10	Skourtes	3826 NW Skyline Bl	29 x 54	1,566	64	8	FPNA/City
11	Smith	3175 NW 132 nd Pl	28 x 35	980	40	7	Wash. Co.
12	Tidwell	14316 NW Dunbar Ln	29 x 65	1,914	78	13	FPNA/Ptld
13	Wilkins	1915 NW Columbine	32 x 50	1,600	65	10	NW Heights/Ptld
14	Curi	3300 NW 151 st Pl	N/A	N/A			Wash. Co.
15	Farthing	1843 NW Rosefinch Ln	22 x 31	682	28	2	NW Heights/Ptld
16	Willes	2765 NW Bauer Wds Dr	28 x 31	868	35	6	Wash. Co.
	Median			1,566	64		
	Average			1,313	54		
	Subject Site		35 x 70	2,450			Unincorp. Mult. Co

The list does not establish that even the sports court alone is "customarily accessory or incidental" to a dwelling in the county RR district (particularly in the FPNA area). First, not one entry on the list is in the RR district. Eleven of the 16 entries are out of the county. The other 5 are in the City of Portland. Of those 5, only 2 are within the FPNA boundaries. (The other three are in the Northwest Heights Neighborhood, which includes the 2,000 unit Forest Heights PUD.) The entries are not even close to the subject site. The nearest (#12) is 4,000 feet away, in a straight line. It's inside the city limits in a subdivision that hosted a "Street of Dreams" (an event for showing and selling unusual houses). It doesn't constitute a custom. The other sites are from 3 to 5 miles away. The approximate location of every site is marked by its number on the copies of 4 pages from the 2000 Thomas Bros. Portland area map. (Attached to October 2nd testimony). A USGS map is (was) submitted, with red dots and numbers marking the locations of

the 16 list entries. Straight line distances of the closest, second closest, and farthest locations from the subject site (marked by an X) are indicated on the USGS map. The purpose of the maps is to show that the evidence does not establish the requested use is customary in the county's RR district, as required by 2214, or even within a couple of miles of the site, in any zone in any jurisdiction. (Only one example is within a mile.)

If, for argument, the evidence were taken as showing that a sports court is customarily accessory, every one on the list is smaller than the applicants' 2,450 square feet. Of the 15 for which dimensions are given, 7 range from 1/5 to 2/5 the area of the applicants'. Another 4 are 2/3 the area. Three are about 3/4 the area, and the largest one is 85% of the area. The applicants' stands out as the largest, and it would be paradoxical if the most extreme example were to be taken to be the custom. And, again, what must be found customary here, is the combination of the 35' x 70' sports court and the 35' x 40' weight room. There is no evidence at all concerning the weight room.

Excluding the subject property, 44 of the 50 properties on the second list, are obviously not in Multnomah County. Of the remaining 6, two are in the City of Portland (Humphrey, at 11400 NW Melody Ln. and Skourtes, at 3826 NW Skyline Blvd.). A third appears to be in a CFU zone (Schommar, 37573 Gordon Creek Rd.). The remaining three have Gresham addresses: (1) 10630 SE 258th Pl. is in Clackamas County, (2) 29419 SE Chase Rd. is in unincorporated Multnomah County, and (3) 4055 Regner Rd. is in the City of Gresham. (See cited Thomas Bros. map, 659 F2, 629 J5 and 629 B7.) The applicant has not given the zoning of the Chase Rd. location, and appellant doesn't know it. The second list is relevant and significant only as follows: Only one property other than the applicants' is possibly in the Multnomah County RR zone, and the actual zoning isn't known. The list is of properties purported to have circumstances similar to the Jenkins property. But only the Melody Ln. and Skyline Blvd. properties appear on the first list as well. That implies that the other 14 properties on the first list have not been found to be comparable.

Babcock Letter:

Mr. Babcock refers to a "dozen" or "hundreds" of sports courts in the area.³ But those figures are not supported by substantial evidence, and do not at all indicate the size of the courts, or whether any are in the Multnomah County RR district, or whether any were lawfully permitted, and if so, whether in combination with another sport facility comparable to the weight room.

Mr. Babcock says: "There is a house less than a mile down Germantown Road with a large sport court clearly visible from the street." I looked for that sport court on October 1st. I drove slowly from the Babcock driveway, 2.6 miles "down" Germantown (west), and drove slowly back. (The Multnomah/

³ Based on counts made when "leafletting" the whole neighborhood, the total number of households in the FPNA area is under 800, and much fewer are in the County RR district.

Washington County line was at 2.1 miles.) I found only one small court, consisting of a basketball goal on a garage apron. The nearest mailbox to that driveway was numbered 14545. The site is under 3/10 mile from the Babcock driveway and may be out of the RR district. In any case, that small court is not comparable to the applicants' separate 35' by 70' court. And, if the small court represents a custom, it's one of making recreational use of an area paved primarily for access.

The court Mr. Babcock refers to is said to be "less than a mile down Germantown Road". If "less than a mile" implies more than 1/5 mile, then it's notable that county zoning changes from RR to EFU about 1,800 feet from the applicants' property. Note the shift to much larger tracts of land west of the applicants' site on the attached vicinity map (attached to October 2nd testimony) (also submitted with appellant's 9/11/00 testimony to indicate well locations).

C. 11.15.6426(B)(2) and 11.15.6426(C)(1). The new development is far outside the limit of 200 feet from a public road, as provided by 11.15.6426(B)(2):

"Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site."

It has not been disputed that the actual distance is over 650 feet from the road at the closest point, and 800 feet at the farthest. However, the hearings officer found compliance with 11.15.6426(C)(1), which provides an alternative to compliance with .6426(B):

"C. Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

"1. The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use;"⁴
(Underline added.)

But this alternative is not available because there is no evidence in the record that compliance is impossible (or even impracticable) because of physical characteristics of the property, much less, "physical characteristics unique to the property". The only substantial evidence is to the contrary. Petitioner submitted a US Geological Survey topological map that includes the site, and an enlargement of the vicinity the site, which show that the topography of the other properties along Germantown Road, within about a mile in either direction, is much the same. (A copy of the enlargement is attached.) The applicant and hearings officer claim only that it is easier or, that it is somehow environmentally superior to locate exactly where the applicant prefers, without regard to the plain

⁴ No party or decision maker has claimed compliance under 11.15.6426(C)(2) which requires demonstration that the alternate plan actually exceeds the requirements of .6426(B).

language limit. The purported environmental benefit is not supported by any evidence at all, and is not apparent. One excuse is that the selected site must be better because it's near the house. In fact, the new development is over 125 feet from the house at the nearest point. Even if building near the house could justify violation of the 200 feet from street standard, it is not near the house.

In fact, there is ample room right behind the house. The hammerhead turnaround required for fire safety in the 1997 approval was never built. (See attached legal size site plan.) The applicant has said someone from the fire department told him he has enough turnaround space in front, and doesn't have to comply, and he will not comply, with the hammerhead requirement. The space reserved for the hammerhead, which appears on the attached plan, but not the very latest plan, is quite adequate for a weight room. And the driveway behind the house is 31 feet wide! It can accommodate a reasonable sports court, or if the 35' by 70' court is really needed, the driveway can be widened by 4 feet. (If the court must be fenced, it's not hard to imagine rolling gates that could be easily closed when the court's in use, and otherwise left open for a car to access the garage. And if a net were to cross the driveway, there are instant release devices that would enable a car to pass with little delay. And even that inconvenience would only occur on occasions when a car must pass when the court's in use.) The benefit is that human activity will not be extended so far into the protected habitat, and development will consume less habitat area.

Even if 11.15.6426(C)(1) were applicable because of unique physical characteristics of the property making compliance with the 200 foot maximum distance from the road impossible, it could not make this proposal acceptable. It forgives compliance only if there is "the minimum departure from the standards required in order to allow the use." Obviously development close to the house is a feasible lesser departure; both the sports court and weight room could go right behind the house. Even better, there is no reason why a building like the weight room could not be suspended over one of the drainfields in the relatively level area in front of the house.

Perhaps some customarily accessory uses should not be allowed. It's clear that under the SEC regulations, a primary use must be allowed if designed and sited according to SEC standards. But suppose someone wants not just a sports court, but a gym and a barn and a workshop and a storage shed and a swimming pool, and a paved parking area and large lawns, etc., such that acres, if not all of a 5 acre lot are covered with development. Does the code intend that all desired accessory uses be allowed if each one is individually customary? Is there not some point at which the resource required to be protected by the SEC regulations is actually protected? I think the existing regulations already cover it. The SEC design and siting limitations can be applied to control excessive expansiveness of development relative to site conditions. But the staff needs the board's direction before it will move that way.

D. 6426(C)(3)(b). Neither the decision nor the record establishes that the area cleared to include the total (cumulative) development is not more than 1 acre (43,560 sq.ft.) as provided by 6426(C)(3)(b). The regulation provides:

"That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes."

The hearings officer's finding (based on staff's evaluation of less than clear and complete evidence from the applicants) is that the area cleared is about 49,250 sq.ft. (page 26). And that does not include a substantial part of driveway area which is not shown to qualify for exclusion.

The driveway exclusion.

Both staff and the hearings officer excluded the entire driveway area from counting as part of the 1-acre maximum cleared area. (The hearings officer's discussion of this point is at the top of page 26 of the decision.) The language of the regulation is particular in providing that only "the minimum necessary accessway required for fire safety purposes" can be excluded. Instead of applying that standard, and determining how much of the driveway is the minimum necessary for fire safety, the hearings officer, citing no evidence, and offering no relevant reasoning, presumed the whole driveway is exempt. If the code meant that, there would be no point to the very specific language used. Why say "minimum necessary" if all of any driveway were intended?

Appellants' principle testimony to the hearings officer on this point was:

"Staff asserts that the entire driveway is properly not counted toward the 1-acre maximum because it "is considered 'accessway' and is required for fire safety purposes." First, being "accessway" does not itself qualify the driveway for exemption; it must be access required for fire safety purposes. It is obvious that some portion of the driveway is needed for that purpose, and not obvious at all that a driveway of the length, width and location of the existing 1152 foot driveway and the 200 foot extension are required for fire safety purposes. That is a matter that must be established by substantial evidence, and not mere assertion. Staff's assumption that any accessway must be the "minimum necessary", would render that code provision meaningless."
(September 20th testimony, page 10.)

The hearings officer somehow missed the whole substance of the argument and therefore reached an unsupported conclusion:

"The appellants would include the entire driveway within the calculation of "newly cleared area". On this issue, I agree with staff. The driveway is an accessway and is required for fire safety purposes."
(Decision, page 26, underline added.)

In fact, it became obvious at the September 20th hearing that at least that part of the driveway that extends east and west behind the house is not "the minimum necessary accessway required for fire safety purposes." The attached site plan shows that portion of the driveway to be about 125 feet long and generally about 31 feet wide. The plan also shows a hammerhead turnaround that was a fire safety requirement included in the plan approved in the 1997 decision granting an SEC permit for the house. The hammerhead is 50 feet deep and generally 21 feet wide, flaring out at the south end, where it joins the east/west driveway. But at the hearing, a new plan was shown for the first time, without the hammerhead! And Mr. Babcock, owner and applicant, testified that it had never been built, and will not be built. Instead, an alternate turnaround area was provided on a branch from the driveway in front of the house.⁵ Mr. Babcock testified that he obtained undocumented oral approval to abandon the hammerhead from some authority in a fire agency. With the fire access now available in front of the house, all of the rear driveway and the hammerhead area (which has been cleared for other purposes) cannot be considered part of "the minimum necessary accessway required for fire safety purposes." The area of the east/west driveway behind the house is about 3,700 square feet, and the hammerhead area is over 1,000 square feet. At least 4,700 square feet must be added to the 49,250 square feet of new clearing found by the staff and hearings officer, giving a total of 53,950 square feet, more than 10,000 over the maximum.

Forested Areas

The hearings officer's principal discussion of what constitutes a forested area subject to restricted clearing is at pages 24 to 26 of the decision. She correctly concludes that the applicant has not adequately addressed the issue of what cleared areas on the property (if any) were required to be reforested subsequent to the clear-cut of the property and adjoining land in 1993 (or thereabouts). The only evidence in the record is testimony of appellant Claire Stock that the subject property was completely forested before that cut. Ordinarily, a forest cut permit includes a requirement for reforestation according to a filed plan. The hearings officer finds the point significant, and observes that the applicant bears the burden of providing evidence on the point, and has not done so. The significance lies in the county code's definition of forest as including areas subject to a reforestation plan (11.15.6426(A)(a)). Any such land taken up by development is counted as part the land limited to 1 acre of new clearance, even if it was never replanted. The applicant has instead counted only areas having actual forest canopy that they cleared for development.

Even though the hearings officer found non-compliance with 6426(C)(3)(b) based on the 49,250 square feet of development clearing counted by staff, and even though she found the applicant had not carried the burden of showing what areas were "cleared" for development, as defined by the code (including areas planned for reforestation). She does not deny the application for failure to comply. Instead, she only imposes Condition 15 (page 36), which provides:

⁵ The front driveway branch isn't shown on the 1997 SEC plan, and is not known to have ever been permitted. However, it is shown on all the plans submitted for this application, though the request is for approval of the sports court and weight room only.

"Any newly cleared area associated with the development of the house, garage, septic systems, lawns, sport court and weight room, in excess of one acre, must be reforested. The Applicants shall make an appointment with the staff planner Virginia Bowers of Multnomah County to determine which areas may remain cleared and which areas would require reforestation pursuant to this condition."

It is established law, that a condition that in effect requires only that the applicants and the staff will at some unspecified time, see to it that the development complies with a criterion, does not satisfy a criterion. Such generality is allowed only if there will be a public hearing at which it will be determined if any new proposal of compliance with the condition actually satisfies the approval criterion. Rhyne v. Multnomah County, 23 Or LUBA 442 (1992). And, obviously, the condition is utterly meaningless without a deadline. First, it has no deadline for setting an appointment with staff. Second, it has no deadline for an actual meeting with staff. Third, it doesn't have a deadline for implementing any plan staff may approve. In fact it doesn't even address implementation at all. What is staff to do if a year passes, or 5 years pass and the applicant hasn't yet made an appointment? What if the applicants want an appointment later than staff believes is appropriate? What if the applicants and staff don't agree on adequacy of a plan? What if staff believes some of the development conditionally approved by the hearings officer, is inconsistent with meeting the maximum forest clearance limit? The answers are that the hearings officer's decision provides for no consequences for the applicants. Those people who built their sports court and weight room without a permit, could continue to enjoy them without ever having to comply with a condition that imposes no actual constraints. If, for argument, the condition were otherwise adequate, at least there should be a 30-day deadline for compliance with the requirement to submit a plan to staff, and a limit of 90 days to implement whatever plan the staff decides is adequate.

Condition 11 (page 35) is carried over by the hearings officer from the staff decision (where it is Condition 12). It provides:

"The subject property has been cleared of forested area to the maximum extent allowed. No further clearing for residential development of forested area shall be allowed."

Obviously, this condition which does no more than prohibit any addition to the clearing already done in violation of the code, does not provide for correction of the existing violation, and cannot bring the proposal into compliance.

Relatedly, Condition 9 (page 35) requires replanting pursuant to a mitigation plan, but observes that the actual area required to be restored is inaccurately stated in the plan:

"The mitigation plan set forth in Exhibit H-12 is approved. However, the statement contained with the mitigation plan stating an amount of total

cleared area is found to be inaccurate. The Applicants are required to comply with the provisions of that mitigation plan. The Applicants are required to comply with the provisions of the Wildlife Conservation plan. The planting shall occur no later than ninety (90) days after the date this decision becomes final and all appeals pursuant thereto are resolved."

The condition does not provide what is the actual area to be restored. Such a condition cannot assure compliance with the criterion that makes it necessary without specifying what it is that must be done to comply, and Condition 9 does not do so.

E. Other Conditions

Conditions can be imposed only as necessary to comply with the land use laws and regulations. Conditions 5 and 12 (pages 34 and 35) (in addition to #15 discussed above) set no deadlines for implementation. They provide:

"5. The disturbed area on the adjacent Wiseman property will be restored after the building is removed therefrom. Any nuisance plants shall be removed and the disturbed areas shall be revegetated with Douglas fir, set forth at the same planting ratio as specified for the Applicants in their mitigation plan set forth on H-12, provided that the adjacent property owner allows the replanting."

"12. Nuisance plants shall be removed and kept removed from the cleared areas of the property."

As said regarding Condition 15, without an implementation deadline, a condition requiring action is meaningless and it cannot be considered to establish compliance with any regulation.

F. 11.15.9052(B) provides:

"No application for use or development of land shall be approved for a site which is subject to an enforcement action pursuant to the provisions of this section. A permit for the use or development of land may only be issued if it is necessary to correct the land use violation contained in the Notice of Violation.

Condition 13 is intended to implement MCC 11.15.9052(B). It provides:

"Completion of these conditions of approval will resolve zoning violation ZV 99-56. Owner shall call Virginia Bowers, planner, for a final inspection once this project is complete." (Original emphasis.)

Unless this decision, with all of its conditions resolves the outstanding zoning violation, then, under 11.15.9052(B) the decision can only deny the application. Since there are conditions which require actions necessary to resolve the zoning violation, but which set no time limit on the resolution, the decision in fact, does not resolve the violation, and is an unlawful approval under 9052(B).



Main Entry: ¹ac-ces-so-ry
Variant: also ac-ces-sa-ry \k¹ses(ə)rē, ak-, ək-, chiefly substand ə's-\
Function: noun
Inflected Form: -es
Etymology: Middle English *accessorie*, *accessarie*, from Medieval Latin *accessorius*, from Latin *accessus* (past participle of *accedere* to *accede*) + *-orius -ory* — more at ACCEDE

1 a : a thing of secondary or subordinate importance (as in achieving a purpose or an effect) (the pelican's pouch is an *accessory* to catching fish) : an adjunct or accompaniment (some counsel regard the jury as ... impersonal and inanimate *accessories* of the court— E.M.Lustgarten) **b (1) :** an object or device that is not essential in itself but that adds to the beauty, convenience, or effectiveness of something else (spotlights, reflectors, and other auto *accessories*) (household *accessories* such as small tables and lamps) (the *accessories* of the estate include a putting green and a tennis court)(2) : any of several mechanical devices (as pistons or tablets) that assist in operating or controlling the tone resources of an organ(3) : any of various articles of apparel (as a scarf, belt, or piece of jewelry) that accent or otherwise complete one's costume

2 : one that is accessory: as **a :** a person who is not actually or constructively present but contributes as an assistant or instigator to the commission of an offense — called also *accessory before the fact*; compare PRINCIPAL 1d **b :** one who knowing that a crime has been committed aids, assists, or shelters the offender with the intent to defeat justice — called also *accessory after the fact*; compare PRINCIPAL 13c

3 : a mineral that is accessory

Main Entry: ¹*in-ci-den-tal*
Pronunciation: |=*dent*³
Function: *adjective*
Etymology: ¹*incident* + *-al*; probably influenced in meaning by Medieval Latin *incidenter* incidentally, adverb, from Latin *incident-*, *incidens*

1 : subordinate, nonessential, or attendant in position or significance: as **a** : occurring merely by chance or without intention or calculation : occurring as a minor concomitant (allowing a few dollars extra for *incidental* expenses) (the *incidental* gain which such a policy may win— J.A.Hobson) (man may be an *incidental* host of the sheep liver fluke) **b** : being likely to ensue as a chance or minor consequence — usually used with *to* (labor problems *incidental* to rapidly expanding factories— *American Guide Series: Massachusetts*) **c** : lacking effect, force, or consequence : not receiving much consideration or calculation (a cool, purely *incidental*, and passive contempt— Herman Melville) **d** : presented purposefully but as though without consideration or intention; *often* : DIGRESSIVE (an *incidental* allusion, purposely thrown out, to the day of the week— Charles Dickens)
2 : met or encountered casually or by accident : CHANCE (an *incidental* traveling companions) (an *incidental* shipboard acquaintance)
synonyms see ACCIDENTAL

ac·ces·so·ry (ak ses'ə rē) *n.*, *pl.* -ries, *adj.*

— *n.*

1. a subordinate or supplementary part, object, or the like, used mainly for convenience, attractiveness, safety, etc., as a spotlight on an automobile or a lens cover on a camera.
2. an article or set of articles of dress, as gloves, earrings, or a scarf, that adds completeness, convenience, attractiveness, etc., to one's basic outfit.
3. *Law*
 - a. Also called *accessory before the fact* a person who, though not present during the commission of a felony, is guilty of having aided and abetted another, who committed the felony.
 - b. Also called *accessory after the fact* a person who knowingly conceals or assists another who has committed a felony. Cf. *principal* (def. 9b).
4. *Anat.* See *accessory nerve*.

— *adj.*

5. contributing to a general effect, supplementary, subsidiary.
6. *Law* giving aid as an accessory.
7. *Petrog.* noting any mineral whose presence in a rock has no bearing on the classification of the rock, as zircon in granite. [1400-50; late ME *accessorie* (< MF) < ML *accessorius*. See *ACCEDE*, -*TORY*']

— ac·ces·so·ri·ly, *adv.*

— ac·ces·so·ri·ness, *n.*

— *Syn.* 1. See *addition* 3. *accomplice*.

in-ci-den-tal (in'si den'tl) *adj.*

1. happening or likely to happen in an unplanned or subordinate conjunction with something else.
2. incurred casually and in addition to the regular or main amount: *incidental expenses*
3. likely to happen or naturally appertaining (usually fol. by *to*).

— *n.*

4. something incidental, as a circumstance.
 5. incidentals, minor expenses.
- [1610-20; INCIDENT + -AL¹]

— **in-ci-den'tal-ness**, *n.*

- **Syn.** 1. casual, chance, fortuitous; contingent.
- **Ant.** 1. fundamental.

accessory (ˈɛks=3r=, ˈɛks1s3r=), *a. and n.*

[ad. late L. *accessōri-us* adj., f. *accessōr*, agent noun f. *accēd-ēre*; see *accede* v., and *-ory*.]

For the variant pronunciations, of which *ɛaccessory* is historical and etymological (cf. *ɛpromissory*), see *accessary*.

A. adj.

1. *a.* Of things: Coming as an accession; contributing in an additional and hence subordinate degree; additional, extra, adventitious. *spec. accessory (food) factor.*

1618 *Bolton Florus* II. ix. 122 The Iles in that Sea..accessory members of the Atollan Warre.

1726 *Ayliffe Parergon* 21 A Principal obligation extinguishes an Accessory obligation if they do both concur in one and the same Person.

1842 *A. Gray Struct. Bot.* (1880) III. 82. 44 Accessory Buds. These are..multiplications of the regular axillary bud.

1872 *Huxley Physiol.* vi. 139 To distinguish the essential food-stuffs or protoids from the accessory food-stuffs or fats and amyloids.

1875 *Quiseley Mus. Form* v. 38 Accessory passages may be added to either, or both, of the principal themes.

1912 *F. G. Hopkins In Jnl. Physiol.* XLIV. 425 (*title*) Feeding Experiments Illustrating the Importance of Accessory Factors in Normal Diets.

1919 *Lancet* 23 Aug. 338/1 The kind and degree of accessory factors in the common dietary.

Ibid., It would be interesting to discover whether they [*sc.* pickles] fill a gap also by supplying accessory food factors.

b. accessory nerve, the eleventh cranial nerve.

1842 *Dunlison Dict. Med. Sci.* (ed. 3) 15/2 Accessory ligament, muscle, nerve, &c.

1858 *Gray Anatomy* 496 The Spinal Accessory Nerve consists of two parts.

1950 *R.-M. S. Heffner Gen. Phonetics* 41 The velum and uvula are controlled, in part at least, by fibers from the accessory, or eleventh cranial nerve.

c. accessory chromosome = sex chromosome (*sex n.*).

1902 *C. E. McClung In Biol. Bull.* III. 43 (*title*) The Accessory Chromosome & Sex Determinant?

Ibid. 72 My conception of the function exercised by the accessory chromosome is that it is the bearer of..the faculty of producing sex cells.

2. Aiding in a crime, privy; = *accessary* B 1 (the better spelling in this sense).

1607 *Mss. Enforced Marriage* II. In *Hazl. Dodsl.* IX. 506 Thyself a murderer, thy wife accessory.

1751 *Smollett Per. Pickle* (1770) II. xvi. 86 We shall be accessory to the ruin of this enslaved people.

1818 *Scott Rob Roy* 121 He charged me with being accessory to the felony.

B. n.

[The Scotch form *accessor* is adopted directly from Fr. *accessoire*: *L'accessoire suit le principal*. *Littér.*]

1. An accessory thing; something contributing in a subordinate degree to a general result or effect; an adjunct, or accompaniment. *spec. (in pl.)*: the smaller articles of (esp. a woman's) dress, as shoes, gloves, etc.; minor fittings or attachments for a motor-car, etc. *Occas. in sing.*

1549 *Compl. of Scot.* (1872) xiii. 112 Four particular vell is bot ane accessor of four comont vell [= common weal] ande the accessor follouls the natur of the prencipal.

1603 *Holland Plutarch's Mor.* 70 All pleasures else, I Accessories call.

1726 *Ayliffe Parergon* 21 If a Man sells a House, the Glass-Windows thereunto belonging are said to be sold as an Accessory.

1847 *Dickens Haunted Man* (C.D. ed.) 222 Seasoning..ls an accessory dreamily suggesting pork.

1859 *Gullick & Timbs Painting* 129 Accessories are those objects in a picture, auxilliary or accessorial to the general effect, but apart from the principal subject or figure.

1882 *Daily Tel.* 16 May 2 No mansion in Belgravia is better provided in all the accessories of luxurious ease.

1896 *Beerbohm Dandies & Dandies in Wks.* 4 The many little golden chains..would have seemed vulgar to Mr. Brummell. For is it not to his fine scorn of accessories that we may trace that first aim of dandyism, the production of the supreme effect through means the least extravagant?

1902 [see *chicken-brooding* s.v. *chicken* *n.*¹ 7].

1958 *Woman's Own* 5 Nov. 10/1 She was wearing a pastel green suit with white accessories.

1961 *John Of London's* 23 Feb. 212/4 Writing about a woman's accessories (gloves, handbag, umbrella, shoes).

1962 *Observer* 2 Dec. 31/1 Most important accessories..Heater..screen-washers..fog-lights..loose covers..cigar-lighter.

2. Of persons: = accessary A 1 (the more usual and better spelling in this sense).

1602 *Choose a Good Wife* v. iii. In Hazlitt's *Dodsley* IX. 93 For justifiers are all accessories, And accessories have deserv'd to die.

1667 *Milton P.L.* x. 520 Transformed Alike, to serpents all, as accessories To his bold riot.

1726 *Ayliffe Parergon* 21 A man that gives Aid, Counsel, or Assistance unto any Crime, is..an Accessory thereunto.

1855 *Macaulay Hist. Eng.* IV. 288 But that he was an accessory after the fact no human being could doubt.

Incidental (=ns=Ed1nt3l), *a. (n.)*

[*f. Incident n. + -al*¹. Cf. mod.F. *incidentel*.]

A. adj.

1. *a. Occurring or liable to occur in fortuitous or subordinate conjunction with something else of which it forms no essential part; casual.*

1644 Milton *Educ. Wks.* (1847) 98/1 Those incidental discourses which we have wandered into.

1697 W. Dampier *Voy.* I. 161 With an incidental Account of the first Inducements that made the Privateers undertake the passage.

1736 Butler *Anal.* II. Concl. 405 In Scripture, whether in incidental passages or in the general scheme of it.

1790 Paley *Horæ Paul.* Rom. II. 19 A circumstance as incidental, and as unlike design, as any that can be imagined.

1875 Lowett *Plato* (ed. 2) III. 17 The simple and apparently incidental manner in which the last remark is introduced.

1876 E. Mellor *Priesth.* VIII. 371 There is scarcely any practice which is so corrupt as not to produce some incidental good.

b. Of a charge or expense: Such as is incurred (in the execution of some plan or purpose) apart from the primary disbursements.

1739 Cibber *Apol.* (1756) II. 86 In the first six days of acting it, we paid all our constant and incidental expence, and shared each of us a hundred pounds.

1772 *Ann. Reg.* 224 For defraying the expences of the civil establishment of his Majesty's colony of West Florida, and other incidental expences attending the same.

1804 W. Tennant *Ind. Recreat.* (ed. 2) I. 63 The house rent, and the incidental charges of a family.

1868 Peard *Water-Farm.* x. 104 These calls sufficed for the nursery, and incidental expenses.

c. Incidental images, colours: such as are perceived by the eye as a consequence of visual impressions no longer present.

1876 Bernstein *Five Senses* 117 These prolonged impressions of light are called *incidental images*.

Ibid. 120 The incidental colours, which are formed in the eye, are most interesting.

2. *Incidental to: liable to happen to; to which a thing is liable or exposed.*

Incidental upon: following upon as an incident.

1616 Corvat in J. Taylor (Water P.) *Wks.* (1630) II. 83 If I should happen to be destitute; a matter very incidentall to a poore Footman Pilgrim.

1665 T. Mall *Offer F. Help* 96 Those temptations that are incidental to a suffering state.

1732 Berkeley *Alciph.* I. §10, I, who am no great genius, have a weakness incidental to little ones.

1828 Scott *F.M. Perth* vi, The hesitation incidental to the use of a foreign language.

1851 H. Spencer *Social Statics* 70 Others may contend that, with the rightly constituted or moral man, correct conduct to others is merely incidental upon the fulfilment of his own nature.

1888 J. Ingils *Tent Life Tigerland* 148 The dangers incidental to pigsticking.

3. *a. Casually met with or encountered. rare.*

1856 J. Cumming *Script. Read. Deuteron.* VIII. 143 The green moss and incidental flowerets break out from the rifts and rents.

1871 Blackie *Four Phases* I. 122 The braying of an incidental ass.

Incidental.(n.)

1876 Geo. Elliot *Dan. Der.* v. xxxviii, A store of magical articulation with which he..promised himself to frighten any Incidental Christian of his own years.

b. Given to relating casual incidents. *nonce-use.*

1843 Carlyle *Past & Pr.* II. v, Says the Incidental Jocelin.

0 4. = Incident a.¹ 7. *Obs. rare.*

1813 T. Busby *Lucretius* IV. Comment. xv, The angle contained by the Incidental ray.

5. Special collocations: *Incidental advertisement* (see quot.); *Incidental music*, music played as an accompaniment or background to a play or film, or to a radio or other performance or entertainment; *Incidental number*, a piece of Incidental music; also *transf.*

1931 *Times Lit. Suppl.* 20 Aug. 636/3 *Incidental* advertisements, advertisements..which are printed in a separate gathering from the body of the book and sewn in at either the end or the beginning.

1864 In H. J. Byron *Orpheus & Eurydice* 2 (*heading*) The Incidental music selected and arranged by Mr. Frank Musgrave.

1928 *Melody Maker* Feb. 214 (Advt.), Liber's Incidental music.

1938 *Oxf. Compan. Music* 464/1 Incidental music to plays has always been an important side-line of the art and business of the composer.

1904 W. D. Adams *Dict. Drama* I. p. vi, Musical Composers, the latter ranging from the writers of operas and operettas to the providers of *Incidental numbers* for plays.

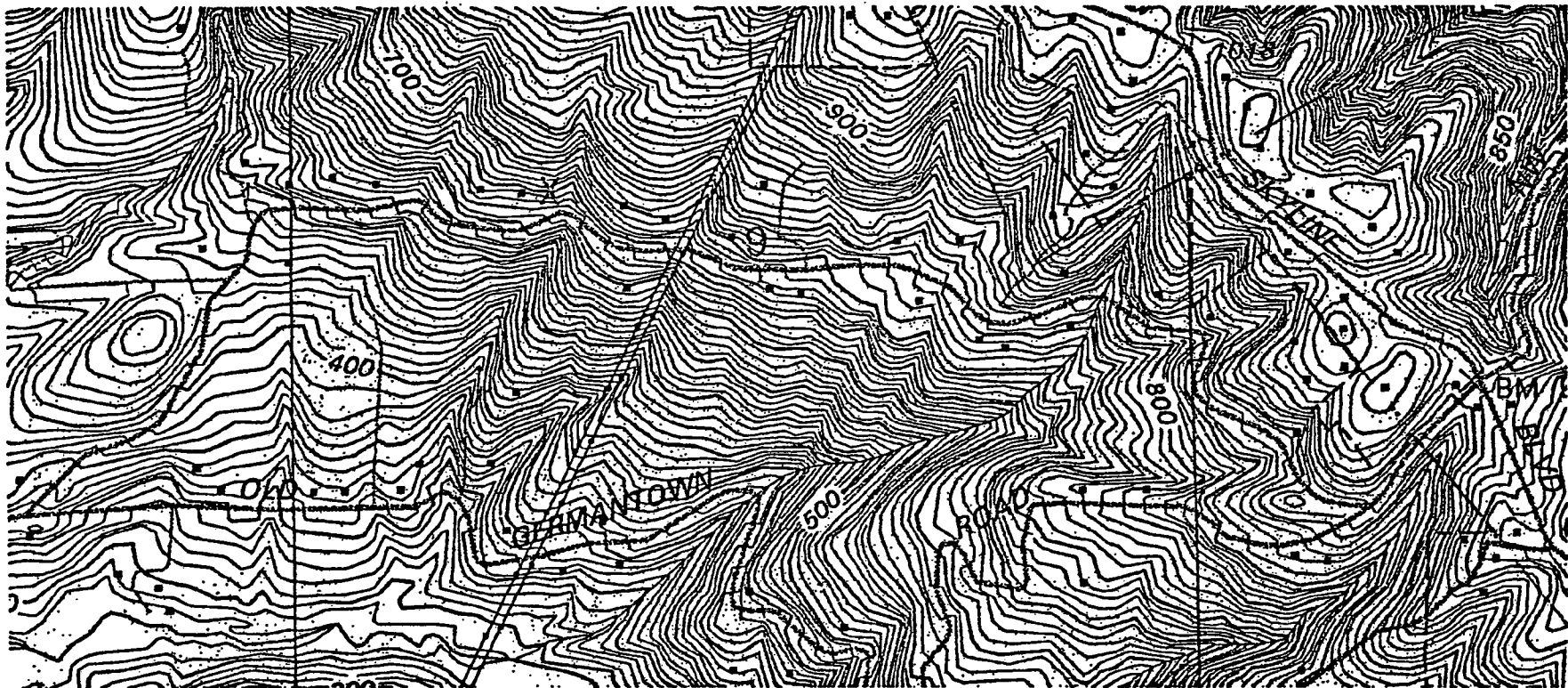
1912 E. Wylie (*title*) Incidental numbers.

B. *n.* An Incidental circumstance, event, charge, expense, etc.

1707 *Modest Enquiry* In *Sewall's Diary* (1879) II. 73 The accidental occasions of hiring Transport Ships, together with the other Incidentals that must necessarily accrue.

1726 Pope *Let. to Bethel* 9 Aug., Almost every body and every thing is a cause or object for humanity, even prosperity itself, and health itself; so many weak pitiful Incidentals attend on them.

1866 Rogers *Agric. & Prices* I. xxviii. 673 We should find in others a large bill for Incidentals.

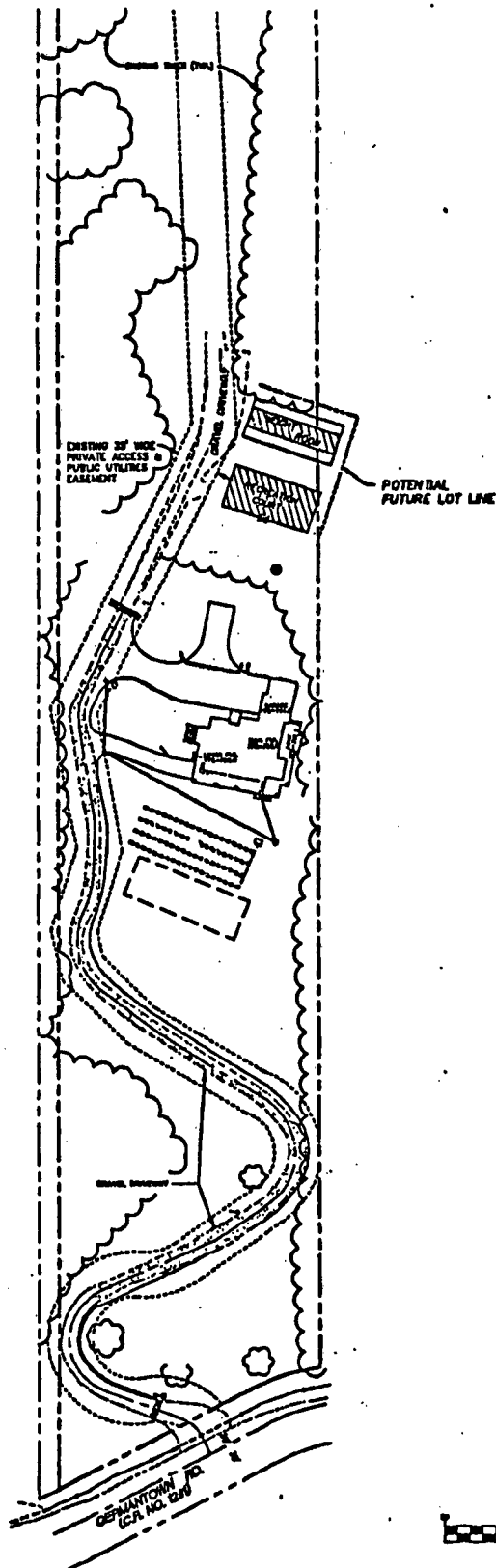


Enlargement of Site Vicinity from USGS Topological Map

(Red X is at approximate location of subject site on Germantown Road)

Scale = 100' per Inch

Site Plan From 3/3/00
Applicant's Statement
Exh.1 (Note added, AR)



1
2241

Design Group
Engineers
Architects
Interior Designers
Landscape Architects
Urban Planners
Environmental Scientists
Historic Preservationists
Traffic Engineers
Construction Managers

DATE: 10/10/00
BY: [Signature]

PRELIMINARY SITE PLAN

SEC-H PERMIT FOR
ACCESSORY STRUCTURES
TAX LOT 1200
TAX MAP 9-1W-1W
MULTNOMAH COUNTY, OREGON

WILLIAM BY
0211 NW 1
PORTLAND

RECEIVED

00 DEC 11 AM 10:16

CLATSOP COUNTY
PLANNING SECTION

Arnold Rochlin
P.O. Box 83645
Portland, OR 97283-0645

Testimony Re. SEC 0-5—Hearing 12/21/00

Every issue raised justifies denial or substantial change of the decision. But the first two present the gravest policy questions:

1. Shall developers gain an advantage by building before obtaining permits?
2. Shall any uses be allowed in the RR (and CFU) districts, providing only that they are subordinate to an otherwise allowed use?

I. No Advantage May Obtain from Unlawful Development.

Staff found the unlawful development had already damaged the wildlife habitat, and therefore staff did not fully consider more code compliant locations and designs. The hearings officer clearly implies the same attitude by remarks of her own and agreement with staff findings. Unlawful development cannot justify itself. Decisions to that effect were cited in our September 11th testimony. Nevertheless, the hearings officer made findings for the applicant, at least partly because the development was already done (pages 12, 15, 16, 18, 21 and 22). One example is at page 22, "Hearings Officer's Analysis" concerning the requirement to minimize impact to forest:

"Again, I concur with staff ...

"Again, this is a problem with the Applicants doing the work before they obtained approval. Staff did not have the opportunity to inspect the proposed location before the improvements were constructed.

"... The Applicants stated that they did not remove any trees."

Normally, when a party destroys the crucial and only objective evidence essential to a determination, that party's unsupported self-serving assertion of what that evidence would have shown, merits no credence. But not so in this case, where it's counted as evidence sufficient to carry the burden of proof. And the same issue of forest clearance arises under the 1-acre maximum clearance limit.

On the issue of the 200 foot maximum depth of development, the hearings officer says, "Again, I concur with staff." And "Because the structure was already in place staff gave limited consideration to the location of the structure at alternate sites" (p. 21).

This decision tells every property owner that building before applying for permits is preferred, because regulations will then be applied loosely or not at all.

II. Customarily Accessory or Incidental to a Use Allowed In the District.

11.15.2214 "Accessory Uses":

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district"

A. Interpretation.

The hearings officer adopted a novel and incorrect interpretation, i.e., that "customarily" defines only "accessory" and that all incidental uses must be allowed no matter how little evidence that they are customary. There are seven indications that it's wrong:

1. The county has always interpreted "customarily" as modifying the whole phrase, "accessory or incidental"
2. All cited dictionaries indicate no relevant different meaning of "accessory" and "incidental", and neither the hearings officer nor anyone else has proposed one. Why would the code distinguish between terms having no distinction? When would the restriction of "customarily accessory" apply if anything incidental were never restricted?
3. The dictionaries are affirmed by the Zoning Code's own definition of "accessory building" in MCC 11.15.0010 as: "a subordinate building, the use of which is clearly incidental to that of the main building on the same lot."
4. The punctuation indicates no difference. Though the lack of commas between "accessory" and "or", and after "incidental", is not conclusive, an intentional indication that customarily modifies only the first of two synonymous terms, requires some linguistic device to distinguish their treatment. There is none.
5. The regulation ends with "any use permitted or approved in this district." The hearings officer's interpretation must mean that whether a sport court is incidental to a dwelling depends on what district the dwelling is in. But the incidental relationship of a sports court to a dwelling doesn't change with the zoning. Whether or not a relationship is incidental is a matter of fact not law. Therefore, the concluding phrase "in this district" can only relate back to "customarily", which does vary by zoning district, and which then necessarily modifies the whole phrase "accessory or incidental".
6. As interpreted by the hearings officer, any use could be allowed if it's not the primary use. Even the applicant's mile-long motocross track would be an allowed use in the RR district. But every party and decision maker knows that use is not allowed in the RR district (with or without an SEC overlay) because it is not "customarily accessory or incidental" in that district".

7. If you affirm the hearings officer's interpretation of the RR language, you must give the same meaning to the identical language in the CFU regulations. That would conflict with state law and administrative rules, which don't allow every use in a forest zone, that can be called incidental. In a recent CFU zone case (Bowen, SEC 39-98) the owners put in a 120 by 60 foot parking lot (originally accessed by a 700 foot long separate servant's driveway). It was denied by different staff and a different hearings officer, in part because the incidental uses were not proven to be customary in the CFU zone. (An appeal to the Board was withdrawn on the morning of the scheduled hearing.)

B. It is not proven that the sports complex consisting of a 30' by 40' weight room and a 35' by 70' sport court is customarily accessory or incidental to a dwelling in the RR district, or that even either alone is customary.

The applicant's evidence before the hearings officer consisted of:

1. A list of 16 sport courts purported to be nearby: But none are in the RR zone. In fact, all but 5 are out of the county, and those 5 are in the city of Portland. The nearest is nearly a mile away (straight line) and the next nearest is 3 miles away, and the rest are up to 5 miles away. And every one of the courts is smaller than the applicant's, averaging 1/2 the area. Even if a smaller example of the use were customary, one of extraordinary size in its context, cannot be.
2. A list of 50 sport courts purported to be on land similar to the applicant's: In fact, 45 are out of the county, 2 are in Portland, 1 is in Gresham, 1 is in the CFU zone, and the zoning of 1 (near Gresham) was not given.
3. The owner's unsupported claim of dozens or hundreds of sport courts in the area, one said to be "less than a mile down Germantown": There are not more than a few dozen dwellings in the whole RR zone in the area, much less dozens or hundreds with sport courts. And the only sport court I found within 2 miles "down Germantown" is a basketball goal at the side of a garage apron.
4. A development consultant's testimony that sport courts are a new trend in upscale development: A "new trend" does not equate to "customarily accessory or incidental ... in this district". The point of limiting uses to those that are customary, can be only to support the character and stability in each district. The Bowen parking lot was also said to be an upscale trend, but that didn't make it customary and thereby allowable.

The only substantial evidence in the record is the testimony by me and others in the neighborhood that stand-alone sport courts are rare in the neighborhood, and none the size of the applicant's is known. And we know of no stand-alone weight room or any sport complex consisting of two or more stand-alone sport facilities. Even the applicant has made no contrary claim.

Without proof that the total request is for what is customary in this district, it cannot be approved. Nor can it be approved even in part without corresponding proof for each facility.

III. 200 Foot Setback.

11.15.6426(B)(2) and 11.15.6426(C)(1). The new development extends up to 800 feet from a public road. 11.15.6426(B)(2) provides:

"Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site."

No one claims this criterion is met. Instead, the applicant claimed to satisfy an alternative Conservation Plan standard.

"11.15.6426 (C). Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

"1. The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use;"
(Underline added.)

This criterion is not met for each of three reasons.

1. There is no substantial evidence of impossibility of siting the new development within 200 feet of the road due to physical characteristics of the site. At most, inconvenience due to slopes was alleged.
2. The slopes are not "physical characteristics unique to the property." In fact, all the evidence in the record is that the land on all sides of the property, for some distance, is similarly configured and featured. (See the topo map attached to the appeal.) The subject lot, and the neighboring lots, which are virtually the same size and shape, have the same physical characteristics. Even if there were serious physical impediments, without being unique to the property, they cannot excuse non-compliance.
3. Even if points 1 and 2 were untrue, the 800 foot depth of the development is not proven to be "the minimum departure from the standard required in order to allow the use". Why not locate the most distant development, the weight room, right behind the house, where the hammerhead turnaround was required to go, which the applicant now declares will never be built? Why not also put the sport court behind the house, on the 31 foot wide east/west driveway branch? The driveway could be widened by 4 feet (if 35 feet is really necessary). Rolling gates (electric, like the existing driveway gate) could be used to allow vehicle access to

the garage when the court's in use. Quick release levers can be used if a net crosses the driveway. Suitability of the hammerhead site cannot be denied; it has already been approved for development under the 1997 SEC permit for the house. If the proposal is not proven to be the minimum departure from the standard, it cannot be approved.

Staff said: "Because the structures were already in place, there was limited review of other locations." (Supp. Staff Report, p. 8.) And, as reported above, the hearings officer said: "I concur with Staff." (P. 21.) You must disregard that rationale, wherever you find it. The hearings officer also said "It would not be reasonable to require the Applicants to locate a sport court over a driveway". I wouldn't require them to locate a sport court anywhere. It's optional. (accessory or incidental). But if requested, and otherwise allowed, the code requires it to be within 200 feet of the road, or, if it could be sited as part of a wildlife conservation plan because of unique physical characteristics, it must be as close to the road as possible. The proposal does not comply

IV. One-Acre Development Clearance Limit.

6426(C)(3)(b):

"That any newly cleared area associated with the development is not greater than one acre [43, 560 sq.ft.], excluding from this total the area of the minimum necessary accessway required for fire safety purposes."

The hearings officer examined the law and examined the facts, and concluded that the facts are inconsistent with the law. She said the evidence in the record indicates roughly 49,250 square feet of land cleared for the development. That's about 12% beyond the maximum. And, she agreed that the figure may be larger, if some of the area not in forest is subject to a reforestation plan pursuant to the 1993 timber harvest. (For this regulation, such land is treated as forest.) She plainly says the applicant did not carry its burden of showing whether or not there was a reforesting plan (p. 25).

An additional dispute concerns exclusion of the entire area of more than 1,150 feet of driveway pavement. The regulation clearly says that only "the minimum necessary accessway required for fire safety" is excluded from the 1-acre limit. But the hearings officer excluded all driveway pavement, which is close to 20,000 square feet (1/2 of the limit), without any finding whatever of what part of it is "the minimum necessary accessway required for fire safety" and what part is for convenience or other purpose. At the very least, it must be obvious that the east/west driveway behind the house, about 3,700 square feet (125' by 31') is not needed for fire access, because the applicant put a second east/west driveway branch in front of the house, to be used for the required emergency turn-around (instead of the hammerhead behind the house in the 1997 approved plan). In

addition, to the rear driveway branch, the hammerhead area itself was also excluded from the 1-acre clearance limit, though it will not be built. But it has been cleared, and that adds another 1,000 sq.ft. to the 3,700, bringing it to 4,700. Added to the 49,250 sq.ft. found by the hearings officer, the cleared area is at least 53,950 sq.ft., 25% over the maximum, not counting cleared areas that may be subject to a reforestation plan, or any other parts of the 20,000 sq.ft. driveway not shown by any evidence to be the minimum required for fire safety.

Considering only the hearings officer's findings and conclusions, one of two actions is required. First, if it appears the applicant cannot, or will not comply with the 1-acre clearance limit, the application must be denied, with removal and restoration to follow. Alternatively, there can be a condition that will not allow the development unless changes are made that will bring the proposal into compliance. The hearings officer attempted the latter with Condition 15 (page 36), which provides:

"Any newly cleared area associated with the development of the house, garage, septic systems, lawns, sport court and weight room, in excess of one acre, must be reforested. The Applicants shall make an appointment with the staff planner Virginia Bowers of Multnomah County to determine which areas may remain cleared and which areas would require reforestation pursuant to this condition."

This oddly personal condition does not meet the legal standard for a finding of compliance by a condition. It does not identify what areas need to be reforested, because they are disputed, and the dispute has not been resolved. It provides that the dispute, which concerns issues of law, judgment and discretion, can be settled without public participation, by the applicant and staff. It makes no provision for the possibility that staff will make findings requiring removal of some development, which removal cannot be effected because it has already been approved by the hearings officer. It provides no deadline, meaning that there is no way the condition can be held to be violated, no matter what time may pass. If no appointment with Virginia is made, or the appointment is not kept, or no agreement is reached pursuant to a meeting, then the condition requires nothing. The condition doesn't provide for staff to reach any conclusion, except by joint determination with the applicants, who have plainly shown that compliance with regulations and protection of habitat are not high on their list.

The decision recognizes the criterion is not met, and there is no certain and mandatory remedy. The approval is improper, even without considering any reforesting plan or exclusion of areas not shown by any evidence to be the minimum required for fire safety access. In these circumstances, the 1-acre clearance issue cannot be resolved by a condition, without provision for another public hearing.

V. Other Conditions

Conditions can be imposed only as necessary to comply with the laws and regulations. In addition to Condition 15, Conditions 5, 12 and 13 (pages 35 and 36) set no deadlines for implementation. Without deadlines they are suggestions, not requirements. They cannot establish compliance with the criteria they are purported to satisfy:

"5. The disturbed area on the adjacent Wiseman property will be restored after the building is removed therefrom. Any nuisance plants shall be removed and the disturbed areas shall be revegetated with Douglas fir, set forth at the same planting ratio as specified for the Applicants in their mitigation plan set forth on H-12, provided that the adjacent property owner allows the replanting."

"12. Nuisance plants shall be removed and kept removed from the cleared areas of the property."

"13. Completion of these conditions of approval will resolve zoning violation ZV 99-56. Owner shall call Virginia Bowers, planner, for a final inspection once this project is complete." (Original emphasis.)

Without a deadline in Condition 13 cannot satisfy 11.15.9052(D)(5)(b) which concerns conditions needed when a permit must clear a violation:

"Timelines for compliance with the land use permit shall be included as a condition of approval of the land use permit and, if possible, shall not extend past a single construction season."

Without the required "timelines", the conditions are, by the express language of the regulation, an insufficient remedy for the violations. And under 11.15.9052(B), the application cannot be approved unless it actually does resolve the outstanding violations:

"No application for use or development of land shall be approved for a site which is subject to an enforcement action pursuant to the provisions of this section. A permit for the use or development of land may only be issued if it is necessary to correct the land use violation contained in the Notice of Violation."

If you would amend the conditions by adding deadlines to all that lack them, they would still be toothless unless you say what will happen if the conditions are not satisfied in the reasonable time to be allowed. Conditions often do little but betray the public unless a failure of timely compliance will expressly result in cancellation of the permit. It cannot legitimately be otherwise, since the permit could not have issued without the conditions.



**BEFORE THE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON
FINAL ORDER**

This Decision consists of Conditions, Findings of Fact and Conclusions.

November 6, 2000

SEC 0-5

Appeal of an Administrative Decision which approved an application for an SEC permit to allow placement of a sport court and weight room in the SEC-h zone. Use is to be associated with an existing residence.

Location:

13939 NW Germantown Road, Portland, OR

Map Description:

1N1W Sec. 9B, Tax Lot 1200

Site Size:

5.86 acres

Zoning Designation:

Rural Residential (RR) and Significant Environmental Concern (SEC-h)

Applicants/

Property Owner:

William Babcock and Diane Jenkins
PMB 377 4888 NW Bethany Blvd., Suite K-5
Portland, OR 97229

Appellant:

Forest Park Neighborhood Association
P.O. Box 83645
Portland, OR 97283

PROCEDURAL ISSUES

1. Impartiality of the Hearings Officer

- A. No ex parte contacts. I did not have any ex parte contacts prior to the hearing of this matter. I did not make a site visit.
- B. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

2. Jurisdictional Issues

At the commencement of the hearing I asked the participants to indicate if they had any procedural objections regarding the conduct of the hearing. The participants did not allege any procedural violations regarding the conduct of the hearing. The Applicants did, however, contend that the Hearings Officer did not have jurisdiction to review the appeal. The Applicants filed a Motion to Dismiss for lack of jurisdiction. The Applicants contend that the Forest Park Neighborhood Association is not recognized by Multnomah County as a neighborhood association and that the appeal fee waiver was therefore invalid. The Applicants further contend that since the required appeal fee was not paid, the Hearings Officer does not have jurisdiction to review the appeal. The Applicants also contend that the neighborhood association did not authorize the decision to file the appeal.

Did the Forest Park Neighborhood Association Authorize the Filing of the Appeal?

The Applicants contend that Arnold Rochlin did not have authority to file an appeal on behalf of the Forest Park Neighborhood Association (FPNA). The Applicants cite the Forest Park Neighborhood Association bylaws contending that proper procedures for committee action were not followed. However, the president of the FPNA appeared at the hearing in support of the appeal. The president of the Association also signed a statement indicating that the FPNA land use committee had authorized the appeal. Arnold Rochlin filed an appeal on behalf of the FPNA. The president of the FPNA says the appeal was authorized and appeared at the hearing in support of the appeal. If the FPNA did not follow all of their procedural rules in filing the appeal, that is an internal matter the Board of the FPNA needs to resolve. Until the FPNA takes action to void the committee action or Arnold Rochlin's action in filing the appeal and ask that the appeal be dismissed, the appeal will be deemed filed by the FPNA.

Has the Multnomah County Board of Commissioners "recognized" the FPNA?

ORS 215.416(b) provides that in order to be eligible for a fee waiver, the neighborhood association must be "recognized by the governing body". The Applicants argue that only the County Board can recognize the FPNA. The Applicants contend that Multnomah County Ordinance 449, which established the County's citizens involvement program, does not delegate to the CIC the authority to recognize neighborhood associations. The ordinance does grant the CIC the authority to develop and maintain citizen involvement programs and procedures designed for the purpose of facilitating direct communication between the citizens and the Board of County Commissioners. Ordinance 449, Section 1.1.

The ordinance also provides that the CIC will submit written reports to the Board of County Commissioners. The CIC adopted By-Laws which specify the process for Recognition of Neighborhood Associations. The Forest Park Neighborhood Association has been recognized by the CIC. The Applicants contend that because the County Board did not "adopt" the CIC bylaws, the bylaws do not establish the County's delegation of the power to recognize organizations to the CIC. The Applicants further argue that the bylaws simply demonstrate that the CIC acted ultra vires in enacting Article 8.

The appellant asserts that both the County's Office of Citizen Involvement (OCI) and the County's Citizens Involvement Committee (CCI) "recognizes" the Forest Park Neighborhood Association as a neighborhood association and that recognition by the CIC is recognition under ORS 215.416(b).

It is apparent that the County staff thought that the Forest Park Neighborhood Association was a "recognized" neighborhood association, since the staff mailed notice of the Planning Director decision to the FNPA and the staff waived the appeal fee for the FPNA. The County, acting through staff has also waived appeal fees in other cases for the FPNA. It appears that the County staff believes that recognition of a neighborhood association by the County CCI and OCI is recognition by the "governing body" of the County because the County Board of Commissioners has delegated this function to the CCI.

In another hearings officer decision, the Forest Park Neighborhood Association was found to be a "neighborhood group that is recognized by the County as entitled to receive notice of use decisions for a geographic area". (Decision of the Hearings Officer in SEC 39-98, p. 3.) That decision was affirmed by the Board on December 7, 1999. It appears that the County Board, County Hearings Officers and County Staff have all acted as if the CIC did have authority to "recognize" neighborhood associations.

In this instance, it appears that the staff decision that the CIC has the authority to recognize neighborhood associations, is a decision/interpretation that is imputable to the Multnomah County governing body.

In the case of Johns v. City of Lincoln City, 146 Or App 594 (1997), a decision of the City Council was appealed to LUBA and subsequently to the Court of Appeals. The Court of Appeals stated:

"...an interpretation of local land use legislation by a entity inferior to the governing body is not entitled to deference on review, Gage; but a lower entity's interpretation is imputable to the local governing body, and therefor is reviewed deferentially, if the latter either expressly endorses the interpretation or affirms the lower body's decision without expressly negating its interpretation." Johns, at 982.

The recognition of the FPNA as a neighborhood association in case number SEC 39-98 and the subsequent approval of that decision by the Board, would constitute "recognition" of the FPNA imputable to the Board, but does not answer the larger question of whether the Board has delegated the authority to recognize neighborhood associations to the CIC.

In the case of Mcky v. Josephine County, LUBA No. 99-100, LUBA discussed the process whereby local governments recognize neighborhood associations. In Mcky, LUBA recognized that ORS 197.763(2)(b) does not indicate how local governments recognize neighborhood associations for purposes of that statute. The parties in Mcky did not identify any other applicable standards governing the relationship between local governments and neighborhood associations.

In Mcky, the County planning staff thought that the CAC certification process was the means by which the County had chosen to recognize neighborhood associations for purposes of ORS 197.763(2)(b). However, the challenged decision in the Mcky did not take that position, or adopt an express or implicit interpretation of its local legislation to that effect. Accordingly, LUBA remanded the decision to allow the County to adopt any essential interpretations.

In order to present this issue to the Board for interpretation, I will make the finding that the Multnomah County Board of Commissioners has delegated the function of "recognizing" neighborhood associations to the CIC.

In addition, I will make the specific finding in this instance that the Board's prior affirmation of a hearings officer decision recognizing the Forest Park Neighborhood Association as a neighborhood association constitutes specific recognition of the

Forest Park Neighborhood Association, Irregardless of whether the Board has delegated the authority to recognize neighborhood associations to the CIC.

If the Forest Park Neighborhood Association is Not Entitled to a Fee Waiver, Does its Failure to Pay an Appeal Fee Require Dismissal of its Appeal?

If the Multnomah County Board of Commissioners were to find that the CIC does not have authority to recognize neighborhood associations, and that the Forest Park Neighborhood Association is not in fact a recognized neighborhood association, that ruling would not necessarily be dispositive of the jurisdictional issue in this case. It appears that the neighborhood association asked for a fee waiver in good faith, and the County staff granted that fee waiver, also in good faith in the reasonable belief that the FPNA was a recognized neighborhood association. The appellant contends that the failure to pay a correct filing fee does not impact jurisdiction when the appellant pays what is required by the Planning Director (in this case nothing). I concur.

This issue was specifically discussed in McKenzie v. Multnomah County, 27 Or LUBA 523 (1994). In McKenzie, the Planning Director did not charge the correct appeal fee. In McKenzie, LUBA stated:

"Even assuming the planning director made a mistake in calculating the amount of the appeal fee and that he could have charge more, the MCC requires only payment of the fee specified by the planning director. The local appellant paid the amount specified by the planning director and, therefore, complied with MCC 11.15.8260(C)."

McKenzie, at 532.

That case is directly on point and it interprets the Multnomah County Code provision in question herein. The failure to pay the full appeal fee does not invalidate the appeal, where the appellant pays the fee requested or the County Planning Director waives the fee.

THE MOTION TO DISMISS THE APPEAL IS DENIED.

BURDEN OF PROOF

In this proceeding, the burden of proof is upon the Owners/Applicants.

SCOPE OF APPEAL

A hearing before the Hearings Officer on a matter appealed under MCC .8290 shall be limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal. The appellant's attachment to the Notice of Appeal stating the grounds for the appeal of the administrative decision is attached hereto as Exhibit "A" and is incorporated by this reference herein.

APPLICATION TIME LINE

The County determined that this application was complete on July 6, 2000, thus starting the 150-day time line. The property is not in an Urban Growth Boundary, therefore the 150 day time line applies to this decision. The decision of the planning director was issued July 17, 2000, and an appeal was filed on July 31, 2000. A public hearing before the hearings officer was held on September 20, 2000, which was the 76th day of the time line.

At the hearing the Applicants requested that the record be kept open in order that they could submit additional written evidence in response to arguments and testimony produced at the hearing. The hearing was closed, but the record was kept open until September 29, 2000 at 4:30 p.m. for the parties to submit additional written testimony. Since this request was made by the Applicants, the extension to keep the record open was not subject to the limitations of ORS 215.427 or ORS 215.429, and the clock did not run during the period of time between September 20, 2000 and September 29, 2000.

Pursuant to ORS 197.763 (6)(e), unless waived by the Applicants, the local government must allow the Applicants at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The seven day period started to run on September 29th and is not subject to ORS 215.427 or ORS 215.429. On October 2, 2000, Arnold Rochlin, acting on behalf of the Forest Park Neighborhood Association, submitted a request to respond to new evidence submitted by the Applicants during the period that the record was kept open. I allowed the record to be reopened on October 2, 2000. The record was closed on October 4, 2000. On October 4, 2000 the Applicants verbally notified County staff that the closing argument it submitted on October 4, 2000 was the final argument it would submit. At that time I ruled that no additional argument or evidence would be allowed. Accordingly, I find that the applicants waived a portion of the seven day period to submit argument and that the clock started to run again on October 5, 2000. Today, November 6, 2000, is the 110th day on the 150-day clock.

TESTIMONY AND EVIDENCE PRESENTED

1. At the hearing on September 20, 2000, Virginia Bowers testified for the County, summarized the history of the application and the administrative decision, and stated staff's position on the issues raised by the appellant in the appeal.
2. Arnold Rochlin testified on behalf of the Forest Park Neighborhood Association and stated the appellant's points on appeal.
3. Leslie Blaize, president of the Forest Park Neighborhood Association, spoke in support of the appeal.
4. Wes H. Wiseman, the owner of adjacent property, spoke regarding the encroachment by Applicants onto his property.
5. Claire Stock read testimony submitted on behalf of Burton Lazar, and testified in person at the hearing.
6. Applicant Bill Babcock spoke at the hearing.
7. Dana Krawczuk, the Applicants' attorney, spoke at the hearing.
8. At the hearing, the exhibits listed in the attached Exhibit "B", as A-1 through A-8, B-1 and H-1 through H-12, were received by the hearings officer. Subsequently, exhibits H-13 through H-24 were received by the Hearings Officer.
9. On October 4, 2000, the Hearings Officer Order regarding reopening of record was signed and faxed to the County.

APPEAL ISSUES, ANALYSIS AND FINDINGS OF FACT

1. 11.15.8295 Procedure on Appeal

Except as otherwise provided in this Section, proceedings before the Hearings Officer on matters appealed under MCC .8290(A) and appeals therefrom to the Board of County Commissioners shall be conducted according to the provisions of MCC .8230 through .8290.

- (A) A hearing before the Hearings Officer on a matter appealed under MCC .8290(A) shall be limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal.**

- (B) The provisions of subsection MCC .8230(D) and (E) shall not apply to hearings on appeals filed under MCC .8290(A).
- (C) The findings adopted by the Hearings Officer shall specifically address the relationships between the grounds for reversal or modification of the decision as stated in the Notice of Appeal and the criteria on which the Planning Director's decision was required to be based under this Chapter.

2. Issues on Appeal

The specific grounds relied on for reversal or modification of the decision stated by the appellant are as follows:

- A. *Neither the decision nor the record establishes that the weight room or sport court is a structure or use customarily accessory or incidental to a use allowed in the Rural Residential (RR) district, as required by MCC 11.15.6404(A) and .2214.*

11.15.6404 Uses – SEC Permit Required

- (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC .6406, shall be subject to an SEC permit.

11.15.2214 Accessory Uses

- (D) Other structures or uses customarily accessory or incidental to any permitted or approved in this district

Appellant's Argument: The Appellant contends that the sport court and weight room together are a sports complex, having more impact on the property site than a single component. The Appellant further contends that both detached weight rooms and sport courts are uncommon and not customary. The Appellant further contends that to prove the uses are customary, the Applicants must show that each individually and the complex they comprise, are common in the RR district of the subject neighborhood. The Appellant also cites the personal knowledge and experience of the residents of the Forest Park neighborhood for its assertion that the weight room and sport court are not customarily accessory uses allowed in the residential zone.

Staff Response: The Multnomah County Code defines accessory building as follows:

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

In the Decision, accessory uses are listed under .2214 and include "other structures or uses customarily accessory or incidental to any use permitted or approved in this district." Unless there is a question that the use is accessory, staff does not usually go into great detail as to whether or how the proposed use is "accessory" to the main building or use.

In this case, the primary building is a single family home, the primary use is residential. Many types of uses and their associated buildings are "incidental" or "subordinate" to a residential use. Typically, if there is any hint of a commercial type use on a residential lot proposed for an accessory building, staff will review how a building will be used and its size in relation to the primary structure. However, the proposed uses and structures wouldn't in and of themselves indicate that they would be used by anyone other than the property owners for their own personal enjoyment in conjunction with living in their house. Sports facilities, such as tennis courts, basketball courts, and pools are often found on private residential properties. Outbuildings are frequently constructed on rural residential properties and are used for a wide variety of purposes. Typical detached accessory buildings are garages, storage, shops, studios, and other workspaces. The two rooms in the weight room building are labeled on the building plan as "exercise" and "shop". One of the covered porches is labeled "covered wood storage", another as simply "covered porch". The sport court is a tennis court with basketball hoop located along one side of the court. None of the facilities are large enough to warrant concern that they will be used commercially. Staff reiterates that the structures are accessory structures.

Applicants' Argument: The Applicants contend that the sport court and weight room are both customarily accessory to, and incidental to, the primary residential use of the property as a single family home. The Applicants correctly point out that "accessory uses", "customarily accessory", and "incidental" are not defined in the Multnomah County Code. "Accessory buildings" are defined as:

"a subordinate building, the use of which is clearly incidental to that of the main building on the same lot."

The Applicants also contend that whether or not the Appellant knows of any other sport courts or weight rooms in the neighborhood, is inconsequential. The Applicants submitted lists provided by Sport Court of Oregon, the installer of the subject sport court, contending that the existence of sport courts installed on properties with similar land uses within northwest Portland, demonstrates that the use is customarily accessory to single family residential homes.

Hearings Officer Analysis: I concur with Applicants' assertion that the number of sport courts and/or weight room facilities accessory to a residential structure in the Forest Park neighborhood is not relevant to the issue in question.

I further find that the intent of the ordinance is to describe and allow uses that are customarily accessory to residential uses, as opposed to uses that would be primary in nature. Similarly, the code reference to the uses as incidental is separated from the phrase "customarily accessory", by the word "or". The word "or" is an alternative. I also find that the adverb "customarily" only modifies the word "accessory". The code provision in question does not use punctuation that would apply the adverb "customarily" to both the words "accessory" and "incidental".

I find that the sport court and weight room are in fact subordinate uses to the residential use allowed in the zone. Section 11.15.6404(A) of the Code allows all uses permitted under the provisions of the underlying RR district, on lands designated SEC. Because of the size of the sport court and weight room facility, it is more likely that such a facility would be found in the larger parcels of the RR zone, than smaller residential properties.

I find that the sport court and weight room are "other structures or uses customarily accessory or incidental to any use permitted or approved in the district".

B. Neither the decision nor the record establishes that the sport court as approved complies with the RR district 10-foot minimum side yard standard, which is defined by .0005 (Yard) as including "space... unobstructed 30 inches above the ground upward", and which is required to be met by .2218(C). In particular, fencing around the sport court is not shown to be limited to 30 inches above the ground within the yard setback.

Appellant's Argument: The Appellant asserts that the sport court is subject to a ten-foot minimum side yard standard. The Appellant cites both the definition of structure, and of building. The Appellant contends that a sport court is a building because it is a structured use, or supporting, a use. If a sport court was a "building", it would be subject to a ten-foot side yard requirement. The proposal does not provide for a ten-foot side yard.

Staff Response: Under the definition section of the code yard and building are defined as follows:

"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."

"Building – Any structure used or intended for supporting or sheltering any use or occupancy."

The key phrase here is "bounded on one or more sides by such building." County staff has concluded that a fence is not a building, per the above definition. Therefore, fences do not need to meet yard requirements. Fences can be built on or very near property lines to define property boundaries. The reason this can be done is because fences do not need to meet setbacks.

Hearings Officer Analysis: The term "yard" refers to a open space, unobstructed from 30 inches above the ground upward. The sport court itself is unobstructed 30 inches above the ground. Fences are not prohibited in yards. Accordingly, a fence around the sport court would not be considered an obstruction from 30 inches above the ground for purposes of the yard definition. Accordingly, I find that the placement of the sport court within the ten-foot minimum side yard setback does not violate the side yard standards.

- C. *Neither the decision nor the record establishes that the building, structures and uses are located in a way that balances functional and cost considerations with the need to protect the habitat resource as required by .6420(C). The findings are conclusory opinion only. References to other findings point to no evidence or analysis capable of establishing compliance with .6420(C).*

Appellant's Argument: The Appellant asserts that the applicants have not balanced the environmental considerations with costs, as required by .6420(C). The Appellant further contends that the findings are conclusory opinions only. The Appellant also contends that areas closer to the house serve with less resulting deleterious impact on habitat, as the site for the development.

Staff Response: In the Decision of the Planning Director the Applicants submitted the following information to address .6420(C):

"As discussed in subsections .6426(C)(1) and (2) below, the proposed development locations exceeds the intent of the development standards for areas designated wildlife habitat [Subsection .6426(B)], and results in the proposed development having a less detrimental impact on forested wildlife habitat than another location on the site. The proposed development is located in a manner that balances the functional considerations and costs with the need to preserve and protect areas of environmental significance, thereby conserving the wildlife habitat on the subject site and adjacent properties."

The burden of proof is upon the Applicants. This criterion suggests that there may be monetary costs and other issues to consider when siting a building or use, which should

be balanced with the other environmental protection criteria. Typically, this criterion is used by Applicants to justify placing a structure farther away from the road or existing structures, potentially altering existing wildlife habitat. In this case the Applicants state that the building location has the least detrimental impact on forested wildlife habitat than another location. The Applicants fail to demonstrate costs or functional considerations for siting the building where it is located. In reviewing the site plan, staff found that the Applicants' statement was reasonable and, since nothing stood out regarding costs or functionality, did not make any additional statements. Upon additional reflection, staff suggests that one point that could be made is, that functionally, the weight room and sport court should be close to the house for ease of access.

Applicant's Argument: The Applicants contend that the house was built prior to the weight room and sport court and was located on a relatively cleared area of the lot, that was not as steeply sloped as other areas of the lot. The Applicants further contend that the weight room and sport court, which need to be near the house for ease of access, were located near the house for the same reasons. The sport court and exercise building locations were chosen to cause the least impact on the native area. There was a flat area with no trees in the way, and appeared to be the best location for the sport court. Moving the sport court closer to the house would have meant several trees would have needed to have been removed, as well as significant grade changes because of the sloping ground. The existing vegetation and steep slopes near the front (south) of the lot, the location of the drain field and adjacent property lines, dictated the placement of the weight room and sport court.

Hearings Officer Analysis: The Applicants have presented evidence indicating that more vegetation removal and tree removal would have been necessary to locate the sport court and weight room in an alternative location. In addition, the location of existing improvements, such as the drain field, and the location of property lines, also were significant considerations in determining the appropriate placement of the sport court. Functionally, the weight room and sport court should be close to the house for ease of access. The weight room and sport court have been constructed. Requiring the relocation of the sport court and weight room to an alternative location would necessitate further disturbance of existing vegetation, or conflict with existing improvements.

I find that the placement of the sport court and weight room are sited in the manner that will balance functional consideration and costs with the need to preserve and protect areas of environmental significance.

- D. *Condition 4 does not assure that the weight room (now in violation of the side yard setback, and partly across the property line) will comply with the minimum side yard size because the condition allows unlimited extension of time upon a staff conclusion that there are extenuating circumstances beyond the owner's control. The condition is inadequate. It does not prescribe a procedure or criteria for*

determining that there are extenuating circumstances. As the condition is written, even an investment loss could warrant delay. An unconditional requirement of compliance by a specified time is required to assure compliance.

Appellant's Argument: The Appellant contends that condition 4 provides unlimited discretion to staff to get extensions, and that the condition does not provide adequate assurance that the setback requirement for the weight room will be timely met. Appellant further contends that the condition is inadequate to satisfy the provisions of .9052(D)(5)(b), relating to the time for correction of a violation.

Staff Response: Condition 4 states:

4. The east half of the weight room shall be removed in order to meet the 10 foot setback to the side property boundary per the site plan submitted on May 4, 2000. The back half of the building shall be removed no later than October 1, 2000. The County may grant an extension of time if there are extenuating circumstances beyond the owner's control. The request shall be in writing.

The Decision approved a modified weight room and sport court. The condition of approval set a deadline for compliance with the decision. October 1, 2000, seemed like a reasonable amount of time to obtain a building permit and remove the back half of the building. However, in case there was a problem obtaining the necessary building permit, staff provided an opportunity for a time extension. The appellant is concerned that staff would allow an extension for any problem or issue raised by the Applicants. That is certainly not staff's intent. However, this condition of approval could be more clearly written to state that the only extenuating circumstance is the timely issuance of the building permit.

Applicants' Argument: The Applicants contend that condition 4 is adequate. However, in the alternative the owners did suggest that condition 4 be revised so that it required that the weight room be removed in order to meet the ten-yard setback to the side property boundary per the site plan submitted on May 4, 2000. The back half of the building shall be removed no later than December 15, 2000. The County may grant an extension of time if there is an extenuating circumstance beyond the owners' control and the timely issuance of the building, grading and erosion control permits.

Hearings Officer Analysis: This condition obviously needs to be revised since the condition required removal of the weight room by October 1, 2000. The record in this matter was not even closed until October 4, 2000. The original requirement for removal by October 1, 2000 seemed to contain an implicit assumption by staff that the owners could obtain a building permit and remove the back half of the building under a 75-day

time line. Since any time line that imposes a condition that may be subject to revision because of further appeals, I will revise the condition to read as follows:

The east half of the weight room shall be removed in order to meet the ten-foot setback to the side property boundary, per the site plan submitted on May 4, 2000. The owners/applicants shall submit an application to the County for a building permit to remove the weight room within thirty (30) days after the date that this decision becomes final and any appeals related thereto are resolved. The owners/applicants will remove the east half of the weight room within 45 days after the date the County issues a building permit authorizing the work.

- E. *Neither the decision nor the record establishes that areas of erosion or potential erosion are protected from the consequences of storm run-off from the weight room and sport court as required by .6420(J). A requirement of future demonstration of ability and intent to comply does not establish compliance now.*

Appellant's Argument: Appellant contends there is no proposal to control any runoff and erosion based on "best management practices" as required by .6420(J).

Staff Response: Below are the criterion, Applicants' response and staff response:

- (J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

Applicant: The subject property is located within the Tualatin River Drainage Basin. A preliminary grading and erosion control plan is attached to this report as Exhibit 2. An application for a Grading and Erosion Control (GEC) permit will be submitted if deemed necessary.

Staff: This site is located within the Tualatin River Drainage Basin. Grading has already occurred. No preliminary grading and erosion control plan was attached. Demolition of part of the weight room may involve some grading to remove the foundation of that portion of the building. A silt fence shall be installed downslope of the building to ensure that no sediment leaves the area. All disturbed areas shall be revegetated as soon as the demolition is complete. Runoff from the weight room and sport court has not been addressed. The Applicants shall provide a drainage plan as part of the building permit sign-off.

The Land Use Planning Division's policy is to require a grading and erosion control (GEC) if the project exceeds certain thresholds, even if the work has already been completed.

In this case, the site is within the Tualatin River Drainage Basin which requires that any grading, regardless of amount, obtain a GEC permit. This was an oversight on staff's part. Staff recommends that a condition of approval require a GEC permit be obtained for all grading work, both completed and to resolve the violation, associated with the weight room, sport court and motorcycle track. The drainage plan can and should be reviewed under the required GEC application.

Staff is required to approve an application if all criteria are met or the criteria can be met by attaching reasonable conditions. Requiring a drainage plan or a GEC permit is a reasonable condition of approval to meet the criteria.

Applicants' Argument: The applicants/owners agree with staff and suggest that condition 3 be revised so that it reads: "Applicant shall obtain a GEC permit for all grading work, both completed and to resolve a violation associated with the weight room, sport court and motorcycle track." Applicants also contend that because a GEC permit will be obtained, condition 9, which currently requires the installation of a silt fence, should be deleted.

Hearings Officer Analysis: I agree with staff that a GEC permit should be required. Accordingly, I will be making changes to both condition 3 and condition 9 in the conditions of approval. Condition 3 will be revised to read:

Prior to commencing any additional work necessary to resolve the pending violations, and other work approved pursuant to this order, the Applicants/Owners shall submit a drainage plan and apply for a GEC permit. The GEC permit shall be obtained for all completed work that is consistent with this order, and for any additional work necessary to resolve the pending violations and restore the disturbed areas associated with the weight room, sport court, and motorcycle track.

Condition 9 will be eliminated and the Applicants/Owners will be required to comply with all conditions of the GEC permit.

- F. Neither the decision nor the record establishes that the development preserves areas of fragile or endangered plant habitat or valued specific vegetative features, in their natural state, to the maximum extent possible, as required by .6420(M). The Applicants have an affirmative duty of establishing by substantial evidence either that there is no such resource impacted, or that the impact is as little as possible. The findings indicate only lack of knowledge by staff of the existence of such resource. The fact that the land is designated SEC(h) indicates general existence of habitat resource of sufficient value and vulnerability to warrant protection. A purpose of the SEC(h) designation is to respond to "an identified need for protection".*

Appellant's Argument: The appellant contends that staff's comment that it is unaware of fragile or endangered plant life on the site is not decisive on this issue. Appellant argues that the applicants have the burden of proof by competent survey of the site that there are not such resources. Secondly, the appellant argues that staff ignores the provision of .6420(M), making it applicable to any area "which has an identified need for protection of the natural vegetation". The appellant contends that the most essential feature of native wildlife habitat is the natural vegetation. By application of the SEC-h overlay to the site, the Board of County Commissioners implicitly identified the vegetation as worthy and in need of protection.

Staff Response: Plants were cleared prior to any staff inspection of the site. The County does not have an inventory of rare or endangered plants, so there is no map that shows if such species are located in the area. In the West Hill Rural Area Plan, the basis for the Significant Environmental Concern overlay, wildlife habitat is inventoried, but not specific plant species.

Applicants' Argument: Applicants contend that the development preserves the natural vegetation to the maximum extent possible, as required by MCC .6420(M). Applicants further contend that .6420(M) is not an absolute ban on the removal of vegetation. Rather, by requiring that vegetation shall be retained in a natural state "to the maximum extent possible", the standard recognizes that development requires some removal of vegetation.

Hearings Officer Analysis: The code provision provides that in order for vegetation to be protected, it must be generally recognized as fragile or endangered habitat, or must have been identified as needing protection. Neither element of this code provision appears to be present. Staff indicates that the County does not have an inventory of rare or endangered plants. Accordingly, there appears to be no general recognition on the part of the County and no specific identification indicating that there are any species of vegetation or areas of vegetation that need protection on the subject site.

The staff is correct in stating that plants and vegetation were cleared prior to staff inspection of the site, and prior to construction of the sport court and weight room. Accordingly, if any unidentified fragile or endangered plant habitat existed, it has already been destroyed.

The applicants contend that the area adjacent to the weight room and sport court prior to the development was area predominantly vegetated with blackberry bushes and underbrush. That representation is consistent with the other evidence.

The imposition of a condition for revegetation will help assure that the natural state of the vegetation will be retained to the maximum extent possible.

- G.** *Neither the decision nor the record establishes that the development occurs only in cleared areas, except as necessary to provide access and to meet minimum clearance standards for fire safety, as provided by .6426(B)(1). Staff finds the standard is not met, but seems to wrongly excuse non-compliance on grounds of policy stated Comprehensive Plan Policy 14 (Policy 14).*

Appellant's Argument: The Appellant argues that the Applicants' comments and submittals are not responsive to the standards set forth in .6426(B)(1). The Appellant further contends that the alternative to compliance with .6426(B)(1) is not a toleration of a violation, but denial or compliance under the provisions of .6426(C). The Appellant further contends that the sport court could overlay the driveway and hammerhead behind the house, and the weight room could displace a deck or cultivated garden area. The Appellant also points out that alternate locations would require less clearance of vegetation.

Staff Response: Under Section .6426(C) - Wildlife Conservation Plan, it says that if the Applicants cannot meet the development standards of Section (B) because of physical characteristics unique to the property, the Applicants can show that a wildlife conservation plan results in the minimum departure from the standards required in order to allow the use. Based on aerial photos, staff found that some forest clearing occurred to place the weight room and sport court. Thus, the Applicants did not meet .6426(B)(1). However, if the reason for not meeting the criteria is because of a physical characteristic of a site, the Applicants can mitigate by meeting the standards under the Wildlife Conservation Plan.

The physical characteristic of much of this lot is steep slopes. The existing house was approved, under SEC 28-97, in its present location because the area closer to the road contains steep slopes (See Exhibit A3). Other cleared areas near the house, which might have been alternative locations for the sport court and weight room, already contained improvements (drainfields, driveway) or were steeply sloped. Thus, staff concluded that the location of the structures in a forested area could be mitigated with a Wildlife Conservation Plan. A Wildlife Conservation Plan was submitted.

Comprehensive Plan Policy 14 reinforces that development be directed away from lands with steep slopes (over 20%). The subject property contains slopes over 25% in grade. Section .6426(N) requires that the applicable policies of the Comprehensive Plan be satisfied.

Applicants' Argument: The Applicants contend that they preserved as much natural vegetation as possible. One of the Applicants, Bill Babcock, testified at the hearing, and stated that no trees were removed for purposes of construction of the sport court and weight room. Mr. Babcock described the area where the improvements were situated as a flat area containing a lot of blackberries. He also stated that the owners had sited the improvements to preserve existing trees between the sport court and weight room.

William Ray, who spoke on behalf of the application, also contended that there was no significant clearing done for purposes of siting the sport court or weight room facility, as the improvements were located in already cleared areas.

Hearings Officer Analysis: It is clear that the Applicants/Owners have already constructed a sport court and a weight room facility, without any permit authority to do so. In constructing those improvements, they encroached and trespassed onto the property of Wes Wiseman. Mr. Wiseman spoke during the course of the hearing. Mr. Wiseman testified that he was not sure if the Applicants cut trees on the Wiseman property. Mr. Wiseman did state that the Owners/Applicants have Wiseman's authority to go on his property to remove the encroachment and revegetate the Wiseman property.

Although the Applicants contend that they sited the sport court and weight room in a "cleared area", it is impossible for staff to confirm this because the Owners did the work prior to submitting an application. Staff has reviewed aerial photos. Based on the photos, it appeared to staff that some forest clearing occurred to place the weight room and sport court. There is some conflicting testimony regarding whether or not clearing occurred. However, even if clearing did occur, I concur with staff that the Applicants can mitigate by meeting the standards under the wildlife conservation plan. A wildlife conservation plan was submitted.

H. The development is far outside the limit of 200 feet from a public road, as provided by .6426(B)(2). Again, finding the standard is not met, staff wrongly justifies non-compliance on grounds of Policy 14.

Appellant's Argument: The Appellant argues that the Applicants' materials are not responsive to the criterion of LD 33-93 of the underlying home site, which is not at issue, and which in any case was relocated on the Applicants' request, in SEC 28-97.

Staff Response: As discussed above, the best location for the accessory structures, based on the steep slopes of the site, is north of the house. This location is more than 200 feet from the public road and therefore this criterion is not met. Again, the physical limitations of the property may dictate that the criterion cannot be met, thus requiring a Wildlife Conservation Plan.

A topographic map and soil map show that the steepest portion of the property is the first 500 feet. Locating the structures on the most level ground on the site minimized potential slope and erosion hazards, by reducing the amount of grading required. Reducing the amount of grading necessary will also serve to minimize impacts to wildlife habitat. Again, Policy 14 reinforces this issue by directing development away from areas with steep slopes. This is consistent with the findings in SEC 28-97 which approved the existing

house more than 200 feet from the road because of the steepness of the slopes near the road (See Decision in Exhibit A2).

Hearings Officer Analysis: I would concur with staff that the physical limitations of the property, steep slopes, and the relatively flat terrain where the sport court and weight room are proposed, indicates that the best location for the accessory structure is a location more than 200 feet from the public road. One of the purposes for this requirement is to minimize the amount of grading required to construct access roads. The access road is an existing easement road that continues beyond the development site, to serve adjacent property. Accordingly, the approval of the sport court and weight room will not result in additional grading for purposes of construction of an access road. The physical limitations of the property indicate that .6426(B)(2) cannot be met and that a wildlife conservation plan is therefore required. A condition will be added to the Final Order requiring the Applicants/Owners to comply with the provisions of the wildlife conservation plan.

- I. *Neither the decision nor the record establishes that the driveway does not exceed 500 feet in length as provided by .6426(B)(3). The finding that the standard is not relevant because the driveway is "existing" is wrong. For existing development to be allowed without satisfying current standards, it must qualify as a non-conforming use. It must have been lawfully established for the use which is now intended, and that use must have been maintained without interruption or discontinuance, as provided by .8505(B) and ORS 215.130. The record does not demonstrate lawful establishment or continuous use of a single residence driveway connecting the house and new facilities. And, if there were evidence that could establish a non-conforming use, improvements would have to meet the ORS and MCC criteria for alteration of a non-conforming use.*

Appellant's Argument: The Appellant contends that the staff wrongly finds Code section .6426 (B)(3) to be inapplicable because the driveway is existing. The Appellant contends that the driveway that was approved in SEC 28-97 was to be 1,052 feet long (856 feet north from NW Germantown Road to the house, and then 196 feet west to the garage). Appellant further contends that the proposal would extend the 856-foot north/south run by 200 feet. Appellant argues that the existence of the driveway easement for the benefit of the parcel to the north does not give the Applicants herein the authority to improve that portion of the access road which benefits the neighbor's property.

Staff Response: Case file LD 33-93 approved the partition of land that created Tax Lots 1200 (subject property) and 400 (property to the north of the subject lot) (see Decision in Exhibit A1). The approved partition plat shows a 35 foot easement for emergency vehicles, utilities and the common use of both Parcels 1 and 2 (1200 and 400). LD 33-93 also required the private access road be improved to meet fire district standards. The access road is situated and was constructed in accordance with the design and location specified by case file LD 33-93, Partition Plan 1994-142 and Case File HDP 37-94. A

letter, dated September 16, 1994, from Doug Gilbertson, PE certifies that the access road was built pursuant to the plans (See Exhibit A8).

Thus, the access road provides access for both the subject lot and the lot to the north, which is currently undeveloped. The road is not a use in this case. The road provides access to the use (residential) which was approved and legally created. Neither the use, nor the zone has changed since the land division was approved. The SEC application is for a weight room and sport court. Their location is subject to review under this permit. Access to the structures already exists thus there is no need to re-review the access. The access is not a non-conforming use.

Hearings Officer Analysis: I concur with staff that access to the structure already exists, thus there is no need to review the access. In addition, .6426(C) allows a wildlife conservation plan where all of the conditions of section .6426(B) cannot be met. Staff has already indicated that a wildlife conservation plan has been submitted.

J. *Neither the decision nor the record establishes that the excess driveway length is the minimum departure from the 500 foot standard as required by .6426(C)(1). There is no evidence of a need for anything more than a footpath from the house area to the new development. Even if a driveway were necessary to get to the exercise areas, it is not shown by substantial evidence that the exercise areas could not be located elsewhere, e.g. 150 feet closer to the back of the house, or on the street side of the house, even if that ground is steeper (points in paragraph K apply to this issue.)*

Appellant's Argument: Appellant contends that compliance with this standard is required as a prerequisite to the approval of a weight room and sport court. Appellant further contends that staff's observation that the driveway is existing is irrelevant.

Staff Response: As discussed above under point I, the driveway exists. No new access is proposed. The property owners can get to the structures by walking along an existing footpath that winds from the house to the sport court or by walking or driving along the road. The location of the structures has already been discussed under H, I and K.

Hearings Officer Analysis: The issues raised in the Appellant's appeal issues H, I and J, are all related. The current existence of the driveway is relevant. No new access is proposed. These sections are based on the premise that a specific driveway is being approved for access to the proposed use. That is not the case in the instant proceeding. The driveway exists and extends all the way to the property boundaries at the north.

K. *Neither the decision nor the record establishes that location of the new development hundreds of feet beyond the .6426(B)(2) limit of 200 feet from the road, is the minimum necessary departure from that standard, as required by .6426(C)(1).*

Nothing establishes that the weight room and sport court cannot be located in the 150 feet between the house and the sport court, or on the street side of the house. It is not shown that, minus some fencing, the sport court could not also serve as the hammerhead of the driveway, or even as part of the driveway itself. It is also not shown that, minus some fencing, the sport court could not overlay the driveway, and serve as part of it (Points in paragraph J apply to this issue).

Appellant's Argument: The Appellant contends the Applicants' statement is not responsive to the requirement and that the Applicants have not demonstrated the location of the improvements is the minimum deviation from the standard. The Appellant also asserts that the Appellant's discussion under appeal issue J, above, applies here as well.

Staff Response: Because the structures were already in place, there was limited review of other locations. Staff considered moving the structures closer to the house on the north side, but eliminated that option because of the steepness of the ground and the additional grading that would have to occur. Staff also looked at placing the structures just south of the house, but eliminated that option because of the drainfield location. Clustering the structures is encouraged under the SEC criteria and staff preferred a location near the existing house. Neither the staff nor the Applicants looked at combining the driveway and sport court. While a basketball hoop might be used in conjunction with a driveway, tennis courts have different needs and would be incompatible with a driveway.

Hearings Officer Analysis: Again I concur with staff. No new access is proposed. The property owners can get to the structures by walking along an existing footpath. The Appellant contended during the hearing that a footpath in itself would require approval. I do not agree that approval would be required for an unimproved footpath on residential property in the RR zone, even if the property is subject to the SEC-h overlay standards. Because the structure was already in place, staff gave limited consideration to the location of the structure at alternate sites. Moving the structure closer to the house on the north side would be difficult because of the steepness of the ground. Additional grading would also be necessitated and additional restoration work of previously graded areas where the sport court and weight room facility are now located would be necessary. Sport courts do have different needs that would be incompatible with the driveway. It would not be reasonable to require the Applicants to locate a sport court over a driveway.

- L** *Neither the decision nor the record establishes that the wildlife conservation plan demonstrates that impacts to forested areas are the minimum necessary for the development, by restricting clearance and disturbance to the least amount of forest, as required by .6426(C)(3)(a). The decision seems to find that clearance and disturbance are excessive, but that improvement of vegetation in other parts of the property will do as an offset. That does not satisfy the requirement that the development meet the standard, as opposed to requiring compensation for non-compliance.*

Appellant's Argument: The Appellant argues that rather than requiring correction of a violation, staff is acceding to Applicants' preference to mitigate by planting elsewhere on the property. The Appellant contends that Applicants should be required to resite the development, reduce it in size, and restore the disturbed areas.

Staff Response: The .6426(C)(3)(a) states "That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover." The standard requires restricting clearance and disturbance. It does not say no clearance is allowed. Staff determined that some clearing occurred in order to construct these structures. However, the only trees removed appear to be those in the footprint of the structures. Trees are left standing between the court and the weight room, and around each of the structures. The Applicants did not clear the area excessively. In addition, reducing the size of the weight room will reduce the size of the disturbance, as long as that previously disturbed area is replanted, as required. Clearance of an area can be offset by revegetating other areas on the site.

Hearings Officer Analysis: Again, I concur with staff, this standard requires restricting clearance and disturbance. It does not say no clearance is allowed. As stated previously, the Applicants testified that no trees were removed to site the sport court and weight room. Photos submitted at the hearing indicate that the sport court and weight room are nestled among trees. William Ray also testified that trees were not removed, rather the existing canopy of trees that were left made it appear as if the forested areas had been disturbed. Again, this is a problem with the Applicants doing the work before they obtained approval. Staff did not have the opportunity to inspect the proposed location before the improvements were constructed.

Claire Stock stated in a written letter submitted at the hearing, Exhibit H-8, that the property to the west of her ownership had been sold previously to a lumber company, and logged. That property was then divided and the lower part was sold to William Babcock and Diane Jenkins. I concur with staff that the Applicants did not clear the area excessively within the context of this Code section. The Applicants stated that they did not remove any trees. Compliance with the mitigation measures that are proposed will reduce impacts to forested areas to the minimum necessary to serve the proposed development, and will restrict the amount of clearing and disturb the least amount of forest canopy cover.

M. Neither the decision nor the record establishes that the area cleared to include the total residential development is not more than 1 acre (43,560 sq. ft.) as provided by .6426(C)(3)(b). Staff's finding is that the area cleared is 48,000 square feet., (and that does not include the driveway area, which should be included). Even so, staff wrongly finds compliance because 48,000 square feet is "approximately equivalent to an acre".

Appellant's Argument: The Appellant contends that staff's exclusion of the driveway and the calculation of the cleared area is inappropriate. The Appellant contends that the cleared area exceeds the one acre limit by a half acre. The Appellant also argues that staff has no authority for its act of forgiveness of noncompliance with this standard. The Appellant contends that the driveway's status as an "accessway" does not qualify the driveway for exemption. Only accesses required for fire or safety purposes are so excluded.

The appellant also argues that the term "forested area" includes an area that is cleared but subject to reforestation pursuant to a forest management plan. The appellant presumes that there was such a forest management plan when the property was logged just before the 1993 partition.

Staff Response: Section .6426(C)(3)(b) reads "That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes." The driveway is considered an "accessway" and is required for fire safety purposes. Thus it is not included in the calculations as it is specifically exempted from the standard.

The appellant is correct in the assessment of staff's findings. The cleared area exceeds one acre by staff's calculations. Because the cleared area was calculated based on a plan at a scale of 1 inch to 100 feet and showed only approximate areas of trees, there was likely to be some error in the total. Staff gave the benefit of the 4,500 square feet difference to the Applicants. See Exhibit A8, site plan for illustration of staff's calculations. Staff suggests that a new total be calculated based on more accurate information and, perhaps, a computer generated plan. It is possible that some additional cleared areas may need to be reforested.

Note that staff in Condition 12 required that "The subject property has been cleared of forested area to the maximum extent allowed. No further clearing for residential development of forested area shall be allowed."

Staff did not use the Applicants' calculations, because staff they did not include all the lawn area. Lawn and landscaped areas without trees are considered "cleared" because they do not meet the definition of "forested" under .6426(A)(1). Moreover, staff did not include the motorcycle track in the cleared area calculation because that area is required to be replanted.

Applicants' Argument: The Applicants argue that the area newly cleared for development does not exceed one acre. Applicants argue that .6426(C)(3)(b) limits the amount of newly "cleared" areas for the development. MCC .6426(A)(1) explains that "forested" areas and non-forested "cleared" areas are distinctly defined terms. Applicants contend that portions of the property that are not forested now were not forested prior to any development, and

should not be considered "newly cleared". On behalf of Applicants, LDC has submitted a computer-generated plan that indicates that approximately 22,000 sq. feet of "forested" land has been "cleared".

The applicant does not discuss whether the property was subject to a forest management plan that required the "cleared" area to be reforested.

Hearings Officer Analysis: MCC 11.15.6426(C)(3)(b) provides that a wildlife conservation plan must demonstrate:

"(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes."

This subsection does not use either the term "forested" or "non-forested" in reference to the term "newly cleared area", although it is clear from the context of the subsection that the subsection is referring to a newly cleared area that was previously forested. Both the applicant and the appellant discuss this provision in that context, as does staff. I concur. This section does not refer to all types of clearing (as in clearing of brush from unforested areas). It refers to clearing of forested areas.

The appellants and applicants differ significantly in their calculation of "newly cleared area"

MCC 11.15.6426(A)(1) provides:

(A) In addition to the information required by MCC .6408(C), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;

For the purposes of this section, a *forested area* is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A *non-forested "cleared" area* is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

The appellant accurately points out that a previously cleared forested area, (i.e. an area that was logged five or six years ago) which is subject to a reforestation requirement pursuant to a forest management plan is not considered a non-forested cleared area. A logged area, which had not been reforested as required, would still be considered a forested area, and the fact that it is now cleared would subject it to the area calculation set forth in .6426(C)(3)(b) as a newly cleared area.

I found no evidence in the record indicating whether the subject area that has been cleared is subject to a reforestation plan. If it were not, I would accept the applicants' calculation as to the amount of newly cleared area.

The appellant stated: "Presumably, there was a forest management plan when the property was logged just before the 1993 partition." A hearings officer can not presume facts not in evidence, however, it is not necessary to presume facts in order to concur with the appellant on this point. The applicants have the burden of proof.

In order to support their calculation of cleared area the applicants must demonstrate that the previously cleared area was not forested and that it was not subject to a reforestation requirement pursuant to a forest management plan.

Since section .6426(A) requires information in the application sufficient to show the "location of all existing forested areas (including areas cleared pursuant to an approved forest management plan)" and there was no evidence relating to a forest management plan there may even be some question regarding the completeness of the application.

The property is zoned rural residential. In SEC 28-97, the permit approval to construct the house and garage, the applicants indicated that the property did not currently contain forestry uses, but that forest uses have occurred on the property in the past. The original proposed development was situated within an area that was clear of large diameter fir trees. The only vegetation removal necessary for the original proposed construction was the removal of brush and two large diameter ash trees. Again there was no discussion of whether the property was subject to a forest management plan, but the applicants (in SEC 28-97) did assert that the proposed development was being located in a non-forested "cleared" area.

The appellants assert that although the site is not zoned as forestland it is still subject to the Forest Practices Act. ORS 527.620 defines "Forestland" as land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.

The applicants' calculations regarding "newly cleared area" cannot be accepted absent some evidence that the property is not subject to a reforestation requirement.

Since there is insufficient evidence to support the applicants' calculation of "newly cleared area", the question of what the amount of the "newly cleared area" is must still be resolved.

The appellants would include the entire driveway within the calculation of "newly cleared area". On this issue, I agree with staff. The driveway is an accessway and is required for fire safety purposes. It would be specifically exempt from the calculation. In addition, as a driveway serving adjacent property, it also would not be subject to a reforestation requirement even if the property was subject to reforestation under a forest management plan.

The review of this application is complicated by the apparent zoning ordinance violation. In determining the extent of the "newly cleared area", it is important to distinguish the permit approval process from the zoning ordinance violation enforcement process. In determining the extent of the "newly cleared area" it is necessary to look at the specific areas for which a SEC permit is sought. We are looking at the total area that the applicants are seeking to develop and leave in a cleared state. Portions of the property, (I will refer to those as disturbed areas) have been cleared without a permit. Those disturbed areas that were cleared without a permit and for which a permit is not sought herein should be reforested. (i.e., the motorcycle track) But that aspect of the final order is in the nature of remedial enforcement action.

When the code specifies that any newly cleared area not be more than one acre, the code is referring to the area proposed for development pursuant to permit authority, (the area that is being approved for clearing). The disturbed areas and the portions of the property which were logged years ago and are outside the development envelope would not be included in the calculation of "newly cleared area". They may be subject to reforestation pursuant to a forest management plan, but they would not be included in the calculation of newly cleared area, since no development is proposed for those areas.

Staff's calculation of approximately 49,250 square feet of "newly cleared area" seemed a little high, but I will accept it. I am approving development of not more than one acre of newly cleared area. The Applicants have met the standard set forth in MCC .6426(C)(3)(b). Any "newly cleared area" associated with the development in excess of one acre must be reforested.

I will also uphold the condition imposed by staff that "The subject property has been cleared of forested area to the maximum extent allowed. No further clearing for residential development of forested area shall be allowed."

N. *Requirements for revegetation of .6426(C)(3)(d) are not met by a finding that the Applicants should do some revegetation, and are not satisfied by the conditions of approval. They do not assure adequate plantings of appropriate vegetation, and*

there is no requirement of management to assure long term survival of required vegetation at adequate density.

Appellant's Argument: The appellant argues that the originally proposed revegetation plan is inadequate for a number of reasons.

Staff Response: The criterion .6426(C)(3)(d) reads "That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property." Staff interprets that the 2:1 ratio means for every one newly cleared square foot, that two existing cleared square feet be planted. The standard does not give clear guidance as to appropriate vegetation, plant size, or long term survival.

The Applicants calculated the sports area to be 6250 square feet. That means that 12,500 square feet need to be revegetated. Staff reviewed the Applicants' mitigation proposal, which recommended planting Douglas Fir seedlings on 30,028 square feet (See Exhibit A7, mitigation plan). The plan indicated that seedlings be planted 15 feet on center, which translates to about 223 seedlings per acre. Using the Forest Practices Act as a guide, the minimum tree stocking standards are 200 free to grow seedlings per acre to achieve the 80 square feet of basal area per acre (definition of a "forested" area in .6426(A)(1)).

Staff found that this plan met the intent of the criterion in terms of density of seedlings planted. However, staff was concerned about planting seedlings too near the new structures which could result in fire and hazard safety issues. In addition, planting in already forested areas did not meet the requirement of revegetating "cleared" areas. Thus, staff required "1) The mitigation plan shall be revised to show: a) Native shrubs and ground cover to be planted within 10 feet of the north and east sides of the building; b) Existing forested areas and appropriate seedling planting locations; c) Areas where nuisance plants will be removed; d) Proposed time of plantings; and 2) The seedlings shall be planted between October 1 and October 30, 2000. Planting in October will ensure that the seedlings have adequate water for their first 6 months of growth. All other disturbed areas shall be revegetated and nuisance plants removed as soon as the demolition of the weight room is complete.

Staff feels that the condition of approval gives guidance as to appropriate vegetation, plant size, and locations, but nothing is stated regarding long-term survival. Therefore staff recommends that a condition be added requiring the property owner to properly maintain the seedlings and other required plants to ensure their long-term survival.

Applicants' Argument: The applicants have presented a revised revegetation plan which address some of the appellants' concerns.

Hearings Officer Analysis: MCC .6426(C)(3)(d) applies if there are existing cleared areas on the property. As discussed under appeal issue M above, a previously cleared

area subject to a reforestation requirement is still considered a forested area. This criteria applies to the extent that there is cleared area available for revegetation.

The applicants have responded to staff by submitting a revised revegetation plan which addresses the concerns of staff. That plan is shown on Exhibit H-12. That plan is an acceptable mitigation plan. The condition recommended by staff will be revised to require planting within 45 days after this decision and any appeals therefrom becomes final. An additional condition will also be imposed which requires the applicants to properly maintain the seedlings and other required plants to ensure their long-term survival.

- O. *Neither the decision nor the record establishes compliance with Policy 14. There is not substantial evidence that there is no seasonal water table within 24 inches of the surface in the area of development, nor is there evidence that the development is appropriately designed to endure satisfactorily, if there is such a high water table.*

There is not substantial evidence that there is no fragipan within 30 inches of the surface in the area of development, nor is there evidence that the development is appropriately designed to endure satisfactorily, if there is such fragipan. A bare statement that certain types soils are typically associated with a slightly deeper fragipan are not evidence of actual conditions at this specific development site.

Staff's opinion that "good engineered designs ... can reduce problems associated with these types of soils" is useless dicta in the absence of such designs and the opinion of a geotechnical engineer that the designs are adequate for the specific conditions found upon adequate inspection of the site.

Appellant's Argument: The appellants argue that the applicants have not demonstrated compliance with this requirement and that the findings in the decision in LD 33-93 should not be relied on for a determination of compliance with Policy 14 in this application.

Staff Response: Because the house and drainfield were previously approved under SEC 27-98, staff found it reasonable to conclude that it was feasible to build two small accessory structures, as long as they were not built on slopes greater than 20%. In addition, the building department would review soils and construction data at the time of building permit review and require any necessary modifications to ensure the safety of the structures.

Applicants' Argument: The applicants cite LD 33-93 as demonstrating compliance with this criteria.

Hearings Officer Analysis: I concur with staff and applicants on this issue. There is adequate evidence in the record to support the following findings: The current proposed development is being sited on a portion of the property with slopes less than 20%. The

site proposed for development is not subject to severe erosion potential. The site proposed for development is not in the 100 year flood plain. There is no high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year. The fragipan is located more than 30 inches below the surface. The subject development site is not subject to slumping, earth slides or movement. The development is directed away from areas with development limitations.

P. Conditions of approval: In general, a problem with the conditions is that the decision does not indicate which conditions are imposed to comply with which standards and criteria, or procedural requirements. Nor do the findings adequately cite the conditions. For the purposes of this issue, it is sufficient to point out what purposes cannot be served because of limitations of the conditions.

Condition 4 does not assure compliance with setback requirements because it allows the county to grant unlimited extensions of time for correction of the violation, based on nothing more than there being a circumstance beyond the owner's control. It requires only that a request for extension be in writing, and doesn't even require that it be submitted before expiration of the original deadline, or of any extensions previously granted. It provides for no other procedure. Determination of whether or not a particular circumstance is extenuating enough to warrant an extension, is highly discretionary, and is a land use decision. The condition must provide criteria and for public participation in an extension decision.

Appellant's Argument: (Addressed in Section D)

Staff Response: See staff response under D. above.

Hearings Officer Analysis: See the Findings under D above.

Condition 5 is meaningless without defining "previous condition". The "previous condition" should be described with sufficient specificity to make unmistakable what is required to achieve restoration. Second, the condition is meaningless without a time deadline. Also, the purpose of meeting mitigation requirements by restoration cannot be achieved without specific maintenance requirements, e. g. that 80 percent of the plants survive for 5 years, and that replanting be done as needed to comply with that standard.

The Appellant argues that this condition is inadequate and that it does not specify the status of the "previous condition" and it is unclear as to what restoration work should be done.

Staff Response: Staff could not legally compel the Applicants to work on someone else's property. The adjacent property owners did not sign the application and therefore were

not parties to the application. On the other hand, clearing and building had occurred on their land and additional work would be required to remove part of the weight room, sport court and motorcycle track. Rather than specify exactly how to mitigate, staff placed the burden on the Applicants to provide information on what the previous condition was and then restore the affected areas to that condition. Proof of previous condition could be established with photographs of the area before work occurred or by photographing undisturbed areas adjacent to the development, which were probably similar to the disturbed areas. The alternative would be to request the owners of the impacted property to request or approve a proposed mitigation plan.

Hearings Officer Analysis: I concur with staff's discussion.

Technically, the violation is not on the applicant's property, it is on the Wisemans' property. During the hearing, Mr. Wiseman was asked if he would allow the Applicants to go on to his property to remove the building and to replant trees. Mr. Wiseman stated he would. The Applicants will need to replant the disturbed area on the Wiseman property resulting from the encroachment. The Applicants will also be required to hold the County harmless for any work it does to comply with this order. In the event the Wisemans withdraw their consent, County staff will need to determine what action needs to be taken to resolve the violation on the Wiseman property.

Condition 7 has all of the defects of Condition 5.

Appellant's Argument: The Appellant raises the same objections as to Condition 5.

Staff Response: See above.

Hearings Officer Analysis: The Applicants will be required to remove the motorcycle track and any nuisance vegetation (i.e., blackberries).

Condition 8, apparently required to establish compliance with .6420(L), will be ineffective without specifying the maximum amount of light that can illuminate areas off the sport court.

Appellant's Argument: Appellant contends that there is insufficient specification of the amount of light allowed.

Staff Response: Condition 8 relates to criterion .6420(L) "The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern." To make certain that lighting is compatible with the character and visual quality of the wildlife habitat, staff felt it important to limit the area of lighting and not have it shine into the forest or into the sky. Condition 8 states "All outdoor lighting on the weight room and for the

sport court shall be directed downward and hooded." Directing light downward and having it hooded has been used previously to ensure that the fixtures only light the area directly below the fixture, such as the sport court. Staff felt this condition met the intent of the criterion. Requiring or enforcing wattage of the lights or other technical illumination standards is not within staff's purview.

Hearings Officer Analysis: I concur with staff's response to Condition 8. The condition will remain as imposed by staff.

Condition 10 requires submission of a revised mitigation plan, but doesn't even require implementation of that plan. And, if implementation were required, the condition could not be effective without time limits and descriptions of what is minimally required to be done. As the condition is now written, it could be satisfied by a revised mitigation plan for planting 2 native shrubs, 2 native tree seedlings and removal of 2 blackberry bushes, all in 50 years. There are no procedures for review, or standards for acceptability. For the condition to satisfy any approval criterion, it must specify minimum requirements for mitigation, including types of plants, density, time limits, and mandatory maintenance and scheduling.

Appellant's Argument: Appellant argues that the condition should also require imposition of compliance with the mitigation plan.

Staff Response: Staff concurs that it would be clearer to specifically state that implementation of the plan is required. Time limits are contained in Condition 11, which states "All other disturbed areas shall be revegetated and nuisance plants removed as soon as the demolition of the weight room is complete."

There is no guidance in the Code as to what is an acceptable mitigation plan. Staff recommends that a condition of approval be added which stipulates that the mitigation plan be prepared by a professional landscaper or landscape architect and shall indicate the type, size, quantity and location of proposed plants. The plan shall ensure 80% coverage of the revegetated areas near the structures within two years.

The mitigation plan requires that the Applicants show where nuisance plants will be removed. The mitigation plan is required to be implemented as soon as possible after demolition of the buildings is completed. The appellant is correct that no vegetation is specified to be planted in place of the nuisance plants. Staff placed the burden on the Applicants to show the location of the nuisance plants and presumably to suggest replacement vegetation. This was probably too presumptuous of staff. Staff recommends a condition be added which requires that the mitigation plan show the species, size, quantity and location of replacement vegetation where nuisance plants will be removed.

Hearings Officer Analysis: The Hearings Office accepts the mitigation plan set forth in Exhibit H-12 as meeting the requirements of staff. The Applicants' statement of the total "cleared area" in that plan is not accepted. However, page two of the plan which specifies the mitigation area and the area for replanting is accepted and approved. A condition will be imposed requiring the Applicants to comply with that mitigation plan.

Condition 13 cannot serve as effective mitigation or restoration without a time deadline, and without specifying replacement vegetation, by type and quantity, and without adequate time limits and maintenance requirements.

Staff Response: Condition 13 states, "Nuisance plants shall be removed and kept removed from the cleared areas of the property. This is based on the code section .6426 (7), "The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:" This is an ongoing condition that requires continual maintenance of the property regarding nuisance vegetation. It would be difficult to specify a time limit or revegetation requirements under this condition.

Hearings Officer Analysis: I concur with staff.

- Q. *A December 20, 1999 letter from Planner Derrick Tokos refers to zoning violation case ZV 59-99. The record does not indicate the building and zoning violations cited in the letter, which concern grading and erosion control, have been resolved. Issuance of an SEC permit for the uses requested in this case, is precluded by .9052(B), which prohibits approval of a land use application while an enforcement action is pending (excluding an application to correct the ZV 59-99 violation).*

The decision does not expressly indicate that all zoning and building violations in ZV 99-56 have been cured, but the absence of a specific statement of how the status of the violations is affected may imply that they are cured. They are not. The decision does not approve all of the cited development involved, and in fact it conditions approval on removing much of it. To the extent that some of the development was not, and cannot be approved, the zoning violations remain subject to the regulations of 9045 et seq. As long as the violations are outstanding, 9052(B) prohibits issuance of any permit except as necessary to cure the violations. In addition to required correction of the grading and erosion control violations, an SEC permit for what is approved in SEC O-5 can be issued only with, or after, a permit for removal of the motorcycle track, and portions of the weight room and sport court. By its terms, SEC O-5 concerns approval of the weight room and sport court only. Though SEC O-5 includes conditions requiring removal and restoration, it does not grant an SEC permit for those building and ground disturbing activities, to assure

they will be done in accord with the SEC and GEC criteria, which concern methods as well as uses.

The most reasonable Interpretation of 9052(B), the Interpretation consistent with its apparent purpose of inducing prompt correction of zoning violations, is that it does not allow multiple violations to be addressed piecemeal. To allow grading and erosion control violations to sit while approving a sport court and weight room, works contrary to the purpose. And the SEC permit does not resolve the motorcycle track violation. There must be an SEC and GEC application and permits for removal of the track because the activity of correction could seriously impact protected habitat and cause unnecessary erosion, if not done consistently with SEC and GEC criteria.

Staff Response: SEC 0-5 was originally intended to correct the violation regarding the weight room and sport court. The motorcycle track was discovered during staff's site visit for SEC 0-5. It was not an official violation. However, staff decided to include it in SEC 0-5 in order to ensure its removal.

There is a "Catch-22" situation with this project. The property owners were unlikely to do any further work or removal before they knew which structures were approvable. Staff could not approve a building on someone else's property without their permission. Therefore, the Applicants submitted a revised plan showing an altered building and sport court completely on the subject property. SEC 0-5 requires removal of the non-approved sections of the structures and requires mitigation for areas disturbed.

Staff incorrectly decided that requiring a GEC was not warranted because the grading was already completed and that erosion control requirements for the removal could be addressed under SEC 0-5. Staff did not consider if any regrading would be required to remove the motorcycle track, but only required that it be revegetated. However, under point E, staff recommends that a GEC permit be obtained for all grading work on the site.

Multnomah County Code Section .9045(B) states:

Compliance Required

No application for use or development of land shall be approved for a site that is subject to an enforcement action pursuant to the provisions of this section. A permit for the use or development of land may only be issued if it is necessary to correct the land use violation contained in the Notice of Violation.

Staff believes that SEC 0-5 could be issued because it was necessary to correct a zoning violation (case file ZV 99-56). There is another zoning violation on this property, case file ZV 99-59. This zoning violation has to do with not meeting all the conditions of approval for a grading permit (GEC 39-97). It is being addressed under a separate action and work

is currently underway to correct it. By not issuing SEC 0-5, the weight room, sport court, and motorcycle track would remain uncorrected for a longer period of time, and continue to impact wildlife habitat, delay any mitigation efforts, and place a serious burden on the impacted neighbors.

Hearings Officer Analysis: I concur with staff. A condition requiring the Applicants to obtain a GEC permit will be imposed.

DECISION

I affirm the staff's approval of application SEC 0-5, based on the findings and analysis herein, subject to the conditions which follow. Except as noted or modified herein, the original findings of staff in SEC 0-5 and Staff's Supplemental Staff Report dated September 20, 2000, are incorporated by reference herein.

CONDITIONS

Conditions of Approval

1. This approval is based on the submitted material. The structures shall be constructed/demolished on the site in accordance with the design, size, and location shown and described in the application materials submitted by the Applicants. Additional submittals and actions may be required of the Applicants as noted in these Conditions of Approval.
2. The Applicants shall make an appointment with the Staff Planner, Virginia Bowers, at Multnomah County, (503) 988-3043, for building permit sign-off. The Applicants shall bring five (5) sets of site and building plans, and two copies of the revised mitigation plan to the County for sign-off prior to submittal of the building permits to the Portland Building Department. The building plan shall show the revised building floor plans.
3. Prior to commencing any additional work necessary to resolve the pending violations, and other work approved pursuant to this order, the Applicants/Owners shall submit a drainage plan and apply for a GEC permit. The GEC permit shall be obtained for all completed work that is consistent with this order, and for any additional work necessary to resolve the pending violations and restore the disturbed areas associated with the weight room, sport court, and motorcycle track.
4. The east half of the weight room shall be removed in order to meet the ten-foot setback to the side property boundary, per the site plan submitted on May 4, 2000. The owners/applicants shall submit an application to the County for a building permit to remove the weight room within thirty (30) days after the date that this

decision becomes final and any appeals pursuant thereto are resolved. The owners/applicants will remove the east half of the weight room within 45 days after the date the County issues a building permit authorizing the work.

5. The disturbed area on the adjacent Wiseman property will be restored after the building is removed therefrom. Any nuisance plants shall be removed and the disturbed areas shall be revegetated with Douglas fir, set forth at the same planting ratio as specified for the Applicants in their mitigation plan set forth on H-12, provided that the adjacent property owner allows the replanting.
6. The portion of the sport court on the adjacent property shall be removed within thirty (30) days after the date this decision becomes final and all appeals thereto are resolved. The disturbed area will be reforested as per condition 5, above.
7. The motorcycle track shall be removed and revegetated as per the mitigation plan set forth in Exhibit H-12. That work shall be completed within thirty (30) days after the date that this decision becomes final and all appeals pursuant thereto have been resolved. The property to the north shall be restored to its previous condition.
8. All outdoor lighting on the weight room and for the sport court shall be directed downward and hooded.
9. The mitigation plan set forth in Exhibit H-12 is approved. However, the statement contained with the mitigation plan stating an amount of total cleared area is found to be inaccurate. The Applicants are required to comply with the provisions of that mitigation plan. The Applicants are required to comply with the provisions of the Wildlife Conservation plan. The planting shall occur no later than ninety (90) days after the date this decision becomes final and all appeals pursuant thereto are resolved.
10. The seedlings required by the mitigation plan shall be planted within forty-five (45) days after the date this decision becomes final and all appeals pursuant thereto are resolved. All other disturbed areas shall be revegetated and the nuisance plants removed as soon as the demolition of the east half of the weight room is complete. The property owners shall properly maintain and replant, if needed, the seedlings and other required plants to ensure that 80% of the plantings survive for five (5) years.
11. The subject property has been cleared of forested area to the maximum extent allowed. No further clearing for residential development of forested area shall be allowed.

12. Nuisance plants shall be removed and kept removed from the cleared areas of the property.
13. Completion of these conditions of approval will resolve zoning violation ZV 99-58. Owner shall call Virginia Bowers, planner, for a final inspection once this project is complete.
14. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until all required fees for the said application have been paid in full.
15. Any newly cleared area associated with the development of the house, garage, septic systems, lawns, sport court and weight room, in excess of one acre, must be reforested. The Applicants shall make an appointment with the staff planner Virginia Bowers of Multnomah County to determine which areas may remain cleared and which areas would require reforestation pursuant to this condition.
16. The Applicants shall hold harmless and indemnify Multnomah County, its Board of Commissioners, its other officers, and employees, from claims of any nature arising or resulting from any claims for damages or injury to property or persons arising by reason of work on the subject property, the adjacent property, or any work done pursuant to this order.

IT IS SO ORDERED, this 6th day of November, 2000.


JOAN M. CHAMBERS, Hearings Officer



RECEIVED

00 JUL 31 AM 10:12

MULTNOMAH COUNTY
PLANNING SECTION

DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 988-3043 FAX: (503) 988-3389

NOTICE OF REVIEW
ADMINISTRATIVE DECISION

1. Name: Rochlin, , Arnold
Last Middle First

2. Address: PO Box 83645, Portland, OR, 97283
Street or PO City State Zip Code

3. Telephone: (503) 289-2657

4. If serving as a representative of other persons, list their names and addresses:

Forest Park Neighborhood

Association, PO Box 83645, Portland, OR, 97283
Name Address Zip Code

, ,
Name Address Zip Code

5. What is the case file number of the decision you wish reviewed

0-5

6. The decision was issued on July 17, 2000

7. Describe the grounds relied on for reversal or modification of the decision. The Hearing Officer review will be limited to the issues described below.
(Use additional sheets if necessary)

Grounds are given on the five page attachment.

Note: Appellant requests waiver of the filing fee as
required by ORS 215.416(b), attached. Also see attached
documents verifying recognition of the neighborhood
association.

Continued on back of form

Lined area for handwritten notes or signatures.

EXHIBIT. A Page 2 of 7

Signed: Arnold Rocklin Date: July 31, 2000

For Staff Use Only
Fee: Notice of Review - \$100.00
Received by: [Signature] Date: 7/31/00

Attachment to Notice Of Review—Administrative Decision
SEC 0-5, Sports Court & Weight Room

July 31, 2000

Forest Park Neighborhood Assoc.

Arnold Rochlin, v.p.
P.O. Box 83645
Portland, OR 97283-0645
289-2657 kayer@teleport.com

7. Describe specific grounds relied on for reversal or modification of the decision.

A. Neither the decision nor the record establishes that the weight room or sports court is a structure or use customarily accessory or incidental to a use allowed in the Rural Residential (RR) district, as required by MCC 11.15.6404(A) and 2214.¹

B. Neither the decision nor the record establishes that the sports court as approved complies with the RR district 10-foot minimum side-yard standard, which is defined by 0005 (Yard) as including "space ... unobstructed 30 inches above the ground upward", and which is required to be met by 2218(C). In particular, fencing around the sports court is not shown to be limited to 30 inches above the ground within the yard setback.

C. Neither the decision nor the record establishes that the building, structures and uses are located in a way that balances functional and cost considerations with the need to protect the habitat resource as required by 6420(C). The findings are conclusory opinion only. References to other findings point to no evidence or analysis capable of establishing compliance with 6420(C).

D. Condition 4 does not assure that the weight room (now in violation of the side-yard setback, and partly across the property line) will comply with the minimum side-yard size because the condition allows unlimited extension of time upon a staff conclusion that there are extenuating circumstances beyond the owner's control. The condition is inadequate. It does not prescribe a procedure or criteria for determining that there are extenuating circumstances. As the condition is written, even an investment loss could warrant delay. An unconditional requirement of compliance by a specified time is required to assure compliance.

E. Neither the decision nor the record establishes that areas of erosion or potential erosion are protected from the consequences of storm run-off from the weight room and sports court as required by 6420(J). A requirement of future demonstration of ability and intent to comply does not establish compliance now.

F. Neither the decision nor the record establishes that the development preserves areas of fragile or endangered plant habitat or valued specific vegetative features, in their natural state, to the maximum extent possible, as required by 6420(M). The applicant has an affirmative duty of establishing by substantial evidence

¹ Hereafter, "MCC 11.15." is omitted from MCC citations. Only the 4-digit section number and any subsection identifier will be given.

either that there is no such resource impacted, or that the impact is as little as possible. The findings indicate only lack of knowledge by staff of the existence of such resource. The fact that the land is designated SEC(h) indicates general existence of habitat resource of sufficient value and vulnerability to warrant protection. A purpose of the SEC(h) designation is to respond to "an identified need for protection".

G. Neither the decision nor the record establishes that the development occurs only in cleared areas, except as necessary to provide access and to meet minimum clearance standards for fire safety, as provided by 6426(B)(1). Staff finds the standard is not met, but seems to wrongly excuse non-compliance on grounds of policy stated in Comprehensive Plan Policy 14 (Policy 14).

H. The development is far outside the limit of 200 feet from a public road, as provided by 6426(B)(2). Again, finding the standard is not met, staff wrongly justifies non-compliance on grounds of Policy 14.

I. Neither the decision nor the record establishes that the driveway does not exceed 500 feet in length as provided by 6426(B)(3). The finding that the standard is not relevant because the driveway is "existing", is wrong. For existing development to be allowed without satisfying current standards, it must qualify as a non-conforming use. It must have been lawfully established for the use which is now intended, and that use must have been maintained without interruption or discontinuance, as provided by 8505(B) and ORS 215.130. The record does not demonstrate lawful establishment or continuous use of a single residence driveway connecting the house and new facilities. And, if there were evidence that could establish a non-conforming use, improvements would have to meet the ORS and MCC criteria for alteration of a non-conforming use.

J. Neither the decision nor the record establishes that the excess driveway length is the minimum departure from the 500 foot standard, as required by 6426(C)(1). There is no evidence of a need for anything more than a footpath from the house area to the new development. Even if a driveway were necessary to get to the exercise areas, it is not shown by substantial evidence that the exercise areas could not be located elsewhere, e.g. 150 feet closer to the back of the house, or on the street side of the house, even if that ground is steeper. (Points in paragraph K apply to this issue.)

K. Neither the decision nor the record establishes that location of the new development hundreds of feet beyond the 6426(B)(2) limit of 200 feet from the road, is the minimum necessary departure from that standard, as required by 6426(C)(1). Nothing establishes that the weight room and sports court cannot be located in the 150 feet between the house and the sports court, or on the street side of the house. It is not shown that, minus some fencing, the sports court could not also serve as the hammerhead of the driveway, or even as part of the driveway itself. It is also not shown that, minus some fencing, the sports court could not overlay the driveway, and serve as part of it. (Points in paragraph J apply to this issue.)

L. Neither the decision nor the record establishes that the wildlife conservation plan demonstrates that impacts to forested areas are the minimum necessary for the development, by restricting clearance and disturbance to the least amount of

forest, as required by 6426(C)(3)(a). The decision seems to find that clearance and disturbance are excessive, but that improvement of vegetation in other parts of the property will do, as an offset. That does not satisfy the requirement that the development meet the standard, as opposed to requiring compensation for non-compliance.

M. Neither the decision nor the record establishes that the area cleared to include the total residential development is not more than 1 acre (43, 560 sq.ft.) as provided by 6426(C)(3)(b). Staff's finding is that the area cleared is 48,000 sq.ft., (and that does not include the driveway area, which should be included). Even so, staff wrongly finds compliance because 48,000 sq.ft. is "approximately equivalent to an acre".

N. Requirements for revegetation of 6426(C)(3)(d) are not met by a finding that the applicant should do some revegetation, and are not satisfied by the conditions of approval. They do not assure adequate plantings of appropriate vegetation, and there is no requirement of management to assure long term survival of required vegetation at adequate density.

O. Neither the decision nor the record establishes compliance with Policy 14.

There is not substantial evidence that there is no seasonal water table within 24 inches of the surface in the area of development, nor is there evidence that the development is appropriately designed to endure satisfactorily, if there is such a high water table.

There is not substantial evidence that there is no fragipan within 30 inches of the surface in the area of development, nor is there evidence that the development is appropriately designed to endure satisfactorily, if there is such fragipan. A bare statement that certain types soils are typically associated with a slightly deeper fragipan are not evidence of actual conditions at this specific development site.

Staff's opinion that "good engineered designs ... can reduce problems associated with these types of soils" is useless dicta in the absence of such designs and the opinion of a geotechnical engineer that the designs are adequate for the specific conditions found upon adequate inspection of the site.

P. Conditions of approval: In general, a problem with the conditions is that the decision does not indicate which conditions are imposed to comply with which standards and criteria, or procedural requirements. Nor do the findings adequately cite the conditions. For the purposes of this issue, it is sufficient to point out what purposes cannot be served because of limitations of the conditions.

Condition 4 does not assure compliance with setback requirements because it allows the county to grant unlimited extensions of time for correction of the violation, based on nothing more than there being a circumstance beyond the owner's control. It requires only that a request for extension be in writing, and doesn't even require that it be submitted before expiration of the original deadline, or of any extensions previously granted. It provides for no other procedure. Determination of whether or not a particular circumstance is extenuating enough to warrant an extension, is highly discretionary, and is a

land use decision. The condition must provide criteria and for public participation in an extension decision.

Condition 5 is meaningless without defining "previous condition". The "previous condition" should be described with sufficient specificity to make unmistakable what is required to achieve restoration. Second, the condition is meaningless without a time deadline. Also, the purpose of meeting mitigation requirements by restoration cannot be achieved without specific maintenance requirements, e.g. that 80-percent of the plants survive for 5 years, and that replanting be done as needed to comply with that standard.

Condition 7 has all of the defects of Condition 5.

Condition 8, apparently required to establish compliance with 6420(L), will be ineffective without specifying the maximum amount of light that can illuminate areas off the sports court.

Condition 10 requires submission of a revised mitigation plan, but doesn't even require implementation of that plan. And, if implementation were required; the condition could not be effective without time limits and descriptions of what is minimally required to be done. As the condition is now written, it could be satisfied by a revised mitigation plan for planting 2 native shrubs, 2 native tree seedlings and removal of 2 blackberry bushes, all in 50 years. There are no procedures for review, or standards for acceptability. For the condition to satisfy any approval criterion, it must specify minimum requirements for mitigation, including types of plants, density, time limits, and mandatory maintenance and scheduling.

Condition 13 cannot serve as effective mitigation or restoration without a time deadline, and without specifying replacement vegetation, by type and quantity, and without adequate time limits and maintenance requirements.

Q. A December 20, 1999 letter from Planner Derrick Tokos refers to zoning violation case ZV 59-99. The record does not indicate the building and zoning violations cited in the letter, which concern grading and erosion control, have been resolved. Issuance of an SEC permit for the uses requested in this case, is precluded by 9052(B), which prohibits approval of a land use application while an enforcement action is pending (excluding an application to correct the ZV 59-99 violation).

The decision does not expressly indicate that all zoning and building violations in ZV 99-56 have been cured, but the absence of a specific statement of how the status of the violations is affected may imply that they are cured. They are not. The decision does not approve all of the cited development involved, and in fact it conditions approval on removing much of it. To the extent that some of the development was not, and cannot be approved, the zoning violations remain subject to the regulations of 9045 et seq. As long as the violations are outstanding, 9052(B) prohibits issuance of any permit except as necessary to cure the violations. In addition to required correction of the grading and erosion control violations, an SEC permit for what is approved in SEC 0-5 can be issued only with, or after, a permit for removal of the motorcycle track, and portions of the weight room and sports court. By its terms, SEC 0-5 concerns approval of the

weight room and sports court only. Though SEC 0-5 includes conditions requiring removal and restoration, it does not grant an SEC permit for those building and ground disturbing activities, to assure they will be done in accord with the SEC and GEC criteria, which concern methods as well as uses.

The most reasonable interpretation of 9052(B), the interpretation consistent with its apparent purpose of inducing prompt correction of zoning violations, is that it does not allow multiple violations to be addressed piecemeal. To allow grading and erosion control violations to sit while approving a sports court and weight room, works contrary to the purpose. And the SEC permit does not resolve the motorcycle track violation. There must be an SEC and GEC application and permits for removal of the track because the activity of correction could seriously impact protected habitat and cause unnecessary erosion, if not done consistently with SEC and GEC criteria.

Donald Rocklin

Exhibit "B"

- A-1 Land Division Tentative Plan Decision - LD 33-93, Dec. 3, 1993
- A-1 Letter dated September 16, 1994, from Doug Gilbertson, PE, Sept. 16, 1994
- A-2 SEC Permit Administrative Decision - SEC 28-97, Sept. 3, 1997
- A-3 Zoning Violation letter (ZV 99-56), Dec. 1, 1999
- A-4 Site plan for existing structures, first submitted site plan (SEC 0-5), March 3, 2000
- A-5 Site plan of revised weight room and sport court (SEC 0-5), July 6, 2000
- A-6 Applicant's proposed Mitigation Plan (SEC 0-5), July 6, 2000
- A-7 Staff's "cleared" area calculation plan (SEC 0-5), July 6, 2000
- A-8 Decision of the Planning Director - SEC 0-5, July 17, 2000

- B-1 Additional comments/info regarding appeal from A. Rochlin - 9/11/00

- H-1 Site visit photos (7 pages)
- H-2 Aerial photo from 1998 of property
- H-3 Site plan for SEC 0-5, (24 x 36) coloring and notes by staff
- H-4 USGS Map submitted by A. Rochlin
- H-5 Response to supplemental staff report from A. Rochlin
- H-6 Appeal on behalf of Forest Park Neighborhood Assoc. from A. Rochlin
- H-7 Neighborhood Involvement Directory, City of Portland
- H-8 Claire Stock, neighbor, testimony
- H-9 Petition by neighbors regarding accessory uses from Claire Stock
- H-10 Burton Lazar, neighbor, testimony
- H-11 Dana Krawczuk, attorney for Applicants, testimony
- H-12 Revised cleared area plan and mitigation plan from LDC Design Group
- H-13 Memo to Hearings Officer from planner, Virginia Bowers
- H-14 Letter from Derrick Tokos regarding grading issues (with GEC 39-97 and letter)
- H-15 Elevation and floor plans for weight room
- H-16 Hearings Officer Decision for SEC 39-98
- H-17 Additional submittal from A. Rochlin
- H-18 Additional submittal from D. Krawczuk
- H-19 Request to respond to new evidence, A. Rochlin
- H-20 Response to Applicants' post hearing testimony, A. Rochlin
- H-21 USGS map with sport court locations, A. Rochlin
- H-22 Objection to appellants' request to respond to new evidence, D. Krawczuk
- H-23 Reply to Applicants' objection to request to reopen the record, A. Rochlin
- H-24 Applicants' Closing Argument

BOGSTAD Deborah L

From: MUIR Susan L
Sent: Tuesday, March 06, 2001 10:45 AM
To: BOGSTAD Deborah L
Cc: BOWERS Virginia D; FARMER Stuart L; DUFFY Sandra N; BUSSE Kathy A
Subject: FW: March 29, 2001 Board meeting

Hi Deb - I talked to Sandy Duffy about this and our thoughts are:

We should probably set it for a date in April. We (LUP) will have to renote the new time/date to the parties. If we do not have 3 of the original Board at the meeting it will have to be a "redo," i.e. re-present the staff report (as amended by the new info), appellant presentation and opponent presentation (which includes the agreement/compromise) and a final decision. It'll probably take an hour to do it right.

I hope this isn't too much of a problem. We need the Board to take a final action on this, we don't have another option. We will do whatever we need to do to help. Let us know what you need from us. Thanks!



Susan

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

From: BOWERS Virginia D
Sent: Tuesday, March 06, 2001 8:01 AM
To: MUIR Susan L
Subject: FW: March 29, 2001 Board meeting

Have you seen this?

Virginia Bowers
Land Use Planner
Multnomah County
(503) 988-3043

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

From: BOGSTAD Deborah L
Sent: Monday, March 05, 2001 4:37 PM
To: DUFFY Sandra N; BOWERS Virginia D
Cc: FARMER Stuart L
Subject: March 29, 2001 Board meeting

I am not going to have a quorum of Commissioners, let alone folks who can render a decision on the following de novo case currently scheduled for 9:30 a.m. TC March 29, 2001: Decision on SEC 0-5, 13939 NW

Germantown Road, Portland, 30 mins. The 03/29/01 Board meeting is therefore cancelled. Will you advise how this case can be handled now? Lonnie Roberts wasn't in office for the de novo, Beverly and Diane are resigning, and possibly Serena. Can it please go away and never return? Thanks so much!

Deb Bogstad

Multnomah County Board Clerk

501 SE Hawthorne Blvd., Suite 600

Portland, Oregon 97214

phone (503) 988-3277 fax (503) 988-3013

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

BOGSTAD Deborah L

From: MUIR Susan L
Sent: Monday, March 12, 2001 9:42 AM
To: BOGSTAD Deborah L
Cc: DUFFY Sandra N; BRIDGES Laura M; BOWERS Virginia D; BUSSE Kathy A
Subject: cancellation of SEC 0-5

Deb - I hate to do this, but we need to pull SEC 0-5 from this Thursday's agenda.

All of the parties thought we were on track to resolving this thing when at the last minute we found out one of the parties was not meeting the terms of our initial agreement. The negotiations have broken down and both parties have requested we not go forward at this time. We will be negotiating a future date for this item and will include you in the discussions about an agenda date.

I'm very sorry for the inconvenience Deb.

MEETING DATE: MAR 15 2001
AGENDA NO: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: 2001-2003 A&D Biennial Implementation Plan

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

REGULAR MEETING: DATE REQUESTED: March 15, 2001
AMOUNT OF TIME NEEDED: 20 minutes

DEPARTMENT: DCFS DIVISION: Behavioral Health
CONTACT: Jim Peterson TELEPHONE #: x26436
BLDG/ROOM #: 166/600

PERSON(S) MAKING PRESENTATION: Jim Peterson and Janice Gratton

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Approval of 2001-2003 Alcohol and Drug Biennial Implementation Plan

03/19/01 signed approval to Karen
Mayfield

01 MAR - 7 AM 8:48
CLERK OF
COUNTY COMMISSIONERS
MULTI-HUMAN COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lorenzo Paez

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

421 SW Sixth Avenue, Suite 700
Portland, Oregon 97204-1618
(503) 988-3691 phone
(503) 988-3379 fax
(503) 988-3598 TDD

MEMORANDUM

TO: Chair Beverly Stein
Comm. Diane Linn
Comm. Serena Cruz
Comm. Lisa Naito
Comm. Lonnie Roberts

FROM: Lorenzo T. Poe Jr., Director
Department of Community and Family Services

DATE: March 7, 2001

RE: 2001-2003 Alcohol and Drug Biennial Implementation Plan

1. Recommendation/Action Requested

DCFS sts BrequeCC approval of its 2001-2003 Alcohol and Drug Biennial Implementation Plan.

2. Background/Analysis

In advance of each fiscal biennium, the State's Department of Human Services' Office of Alcohol and Drug Abuse Programs (OADAP) requires counties to submit a plan specifying how State controlled funds allocated to counties through intergovernmental agreement will be used at the local level. To prepare the current (1999-2001) Biennial Implementation Plan, DCFS' Behavioral Health Division – Office of Addictions Services (OAS) coordinated an in-depth planning process. For this next biennium, the State required only an update to the 1999-2001 Plan. DCFS completed and submitted this Plan by the February 28 deadline. DCFS will use the next two years to conduct a comprehensive strategic planning process which will build on the priorities and services identified in the Plan

3. Financial Impact

The Plan outlines how OAS will use the allocation from the State to provide A&D services to Multnomah County clients and commits the County to maintaining its General Fund contribution at the same level as expenditures last year. This funding is included in the FY 2001-02 budget.

4. Legal Issues

None.

5. Controversial Issues

None.

6. Link to Current County Policies

A&D services relate to all four Multnomah County Long-Term Benchmarks: increasing school success, reducing crime, reducing the number of children living in poverty, and increasing access to health and mental health and substance abuse treatment services.

7. Citizen Participation

OAS used the Executive Committees of the Behavioral Health Division's two advisory committees, Adult Mental Health and Substance Abuse (AMHSA) and Child & Adolescent Mental Health and Substance Abuse (CAMHSA), to review and sign off on the Plan. AMHSA and CAMHSA are designated as Multnomah County's Local Alcohol and Drug Planning Committee and it was in this capacity that their formal sign-off was required. AMHSA and CAMHSA both include consumers, family members, and advocate representatives, and both groups received at their full meetings regular updates and the opportunity for input on the progress of the Plan as it was being developed. In addition, the Plan was circulated for review and comment to the Defense Bar, domestic violence service advocates, the Local Law Enforcement Council, the Asian/Pacific American Consortium on Substance Abuse, the Oregon Chicano Concilio on A&D Abuse, the Methadone Provider Group, the State Incentive Cooperative Agreement Coordinator/selected Steering Committee members, and the Tobacco Prevention Coordinator. Finally, members of the Portland Area Alcohol and Drug Managers Association (PAADMA) gave considerable input into the final Plan.

8. Other government participation

The draft Plan was widely circulated in the community for review and comment; feedback was incorporated into the Plan. Staff from the Department of Community Justice, the Health Department, Aging and Disabilities Services Department, DCFS' Community Programs and Partnerships Division, the Sheriff's Office, the District Attorney's Office, and the courts were included in the review and comment component of the process. In addition, the Plan was reviewed by representatives from Adult and Family Services, Services to Children and Families, Portland Public Schools, the Housing Authority of Portland, the Regional Drug Initiative, and Caring Communities. The Plan was approved formally by the Director of the Multnomah Commission on Children, Families, and Community as required by the State.

Multnomah County

Alcohol and Drug Biennial Implementation Plan 2001-2003

NARRATIVES



Department of Community and Family Services
Behavioral Health Division
Office of Addictions Services



MULTNOMAH COUNTY
A&D BIENNIAL IMPLEMENTATION PLAN:
2001-2003

OVERVIEW

Introduction

In advance of each fiscal biennium, the State's Department of Human Services, through the Office of Alcohol and Drug Abuse Programs (OADAP), requires counties to submit a plan specifying how State controlled funds allocated to counties through Intergovernmental Agreement (IGA) will be used at the local level. This Plan is written in response to this requirement and in conformance with the "County Implementation Plan Guidelines" issued by OADAP.

Consistent with OADAP's guidelines, this Plan represents an update to the 1999-2001 Implementation Plan. As such, its scope will be limited to the following areas:

- Review of accomplishments in addressing 1999-2001 Biennial Plan priorities
- Formulation of unmet service demand estimates
- Updated system and service development priorities
- Allocation plan for OADAP funding
- Overview of comprehensive strategic planning efforts anticipated for the 2001 – 2003 biennium

Planning Process

Within Multnomah County the role of Local Alcohol and Drug Planning Committee is carried out by the Adult Mental Health and Substance Abuse Advisory Committee (AMHSA) and the Child and Adolescent Mental Health and Substance Abuse Advisory Committee (CAMHSA). During the current biennium, guidelines were approved by these two groups specifying the roles of the LADPC and the Office Of Addictions Services (OAS) in carrying out local A&D planning. Consistent with those guidelines, the following process was used in constructing this Plan.

1. **Planning Process Design:** Following the issuance of the Biennial Plan Guidelines by OADAP, the Office of Addictions Services (OAS) developed a proposed planning process. During the month of January the proposed process was reviewed within the Department of Community and Family Services and by the Portland Area Alcohol and Drug Managers Association. The final review and approval was made by CAMHSA and AMHSA. During this process, it was agreed that the joint Executive Committee of CAMHSA and AMHSA would provide oversight support to OAS in its plan development efforts.
2. **Development of a Draft Plan:** Since its inception in 1998, OAS has worked closely with other County departments, state agencies, local providers, and client advocates to facilitate a dialogue around system needs and system development strategies. Through these discussions, consistent themes have emerged which have been incorporated into this Plan. Thus, the focus of our plan development efforts during the month of January was on synthesizing and articulating the community consensus that has emerged over the past two years.
3. **Plan Review and Comment:** Starting in early February, OAS initiated a comprehensive review and comment process. Copies of the proposed Plan priorities were distributed to stakeholder organizations

comment at separate meetings with the local A&D providers association and our two Behavioral Health Division advisory committees.

4. Plan Approval: During the last week of February, the final Plan was reviewed and approved by the Director of the Multnomah Commission on Children, Families and Community and the chairs of AMHSA and CAMHSA. Final approval of the Plan is anticipated from the Multnomah County Board of Commissioners in early March 2001.

Category	Affiliation Categories						
	Client/Family Advocate	Criminal Justice	A&D Provider	Human Services	MH Provider	State DHS	County Government
Behavioral Health Advisory Committees:							
• The Adult Mental Health and Substance Abuse:	X	X	X	X	X	X	X
• Child and Adolescence Mental Health and Substance Abuse:	X	X	X	X	X	X	X
Commission on Children, Families & Community							X
Defense Bar		X					
County District Attorney's Office		X					X
Portland Area A&D Managers Association (PAADMA)			X		X		
Courts		X					
Sheriff's Office		X					
Adult and Family Services						X	
Services to Children and Families						X	
Health Department							X
Portland Public Schools							X
Housing Authority of Portland							X
Domestic Violence Service advocates							X
Department of Community Justice		X					X
Local Law Enforcement Council		X					X
Aging & Disability Services Department							X
Division of Community Programs and Partnerships							X
Caring Communities	X		X	X			
Regional Drug Initiative			X				X
Asian/Pacific American Consortium on Substance Abuse	X		X	X			
Oregon Chicano Concilio on Alcohol & Drug Abuse	X		X				
Methadone Provider Group			X				
State Incentive Cooperative Agreement Coordinator and selected Steering Committee members							X
Tobacco Prevention Coordinator							X

1999-2001 Accomplishments

Since this Plan represents an update from the previous Biennial Plan, it seems appropriate to recap the priorities from the 1999-2001 plan with corresponding accomplishments:

System Stabilization: As we entered the 1999-2000 fiscal year, our A&D treatment system was in crisis due to grossly inadequate and declining service funding rates and the increased costs associated with managed care. These factors resulted in a shrinking of the amount of funds available to serve the individual client and

an inability to pay adequate salaries in order to recruit and retain qualified staff. As a result, "system stabilization" was identified as the number one priority. The following represents initiatives that were implemented to address this priority:

- In collaboration with counties and providers, OADAP established a new residential bed rate that for many providers almost tripled the per day funding rate they had been receiving. This new funding rate was initiated during the last quarter of the 1999/2000 fiscal year. As will be described later in this Plan, the residential rate increase for youth residential beds and for women with children was only marginal, and further work in establishing a reasonable rate for these specialized Level III services is needed.
- Multnomah County entered the current biennium as a Track B County which gave us considerable discretion in how we manage the funding sent to us by OADAP. Using this new flexibility, OAS removed the income restrictions on non-Oregon Health Plan (OHP) outpatient treatment slots, which allowed providers to capture additional third party funding sources as "match" to offset the inadequate subcontract rate they receive for this service element.
- Approximately \$700,000 per year in new funds has been received by Multnomah County to enhance the mix of services available to clients and their families.

Family Support and Family Recovery: The top priority for new service funding was the expansion of family services across the continuum of prevention and treatment services. This reflected a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery. Specific efforts over the past two years to address this priority include:

- OAS, in collaboration with our subcontract youth A&D providers, developed a service model which specifies the essential components of a family-based youth treatment model. The model incorporates research-based best practice approaches and provides the vision for the evolution of our youth A&D treatment system.
- OAS is collaborating with the Department of Community Justice (Juvenile Justice Division) to assist two of the County's youth A&D outpatient providers to adopt the Functional Family Therapy Model, which is a standardized research best practice approach to youth/family A&D treatment.
- The \$700,000 in new service funding mentioned above supported system enhancements targeting families. These projects include:
 - Subsidized family A&D free housing
 - Development of the Family Advocacy Network (FAN) which is made up of representatives of the A&D provider community, the County's Department of Community and Family Services, SCF, and AFS and meets monthly and coordinates the movement of families into A&D free housing
 - The Family Involvement Team (FIT) Project, which provides expeditious crisis stabilization, treatment referral, intensive case management, and enhanced family counseling services to SCF families who are at risk of losing their children due to A&D related abuse and neglect
 - Establishment of enhanced parent education services at two subcontract A&D residential treatment programs, the County's business community, and one of the County's Caring Communities
 - Establishment of culturally specific services for Hispanic youth, emphasizing family involvement

Minority Services: Enhanced services to minorities was the number one population priority. Progress in this priority area over the last two years includes:

- Collaboration among OAS staff and our Native American service provider to address what had been a long standing pattern of underutilization of residential and outpatient treatment services targeting this high risk population. Through this collaboration, utilization rates quickly rose and contracted utilization rates have been exceeded for more than a year. Also, their services have been expanded within this period to include outpatient treatment services for Native American adolescents.

- Establishment of a culturally specific residential and intensive outpatient treatment program for African American youth
- Establishment of culturally specific outpatient treatment and case management services for Hispanic youth and their families

Dual Diagnosis Services: The expansion of services to treat individuals with coexisting A&D and mental health problems was a top priority. The following activities and initiatives were implemented during the current biennium:

- Enhanced funding was provided to the County's primary detox provider to increase psychiatric and case management linkage services for clients with severe mental health disorders.
- Two of the five youth service agencies were provided enhanced funding to develop and implement integrated A&D/mental health assessment and treatment services within their youth A&D treatment programs. These enhanced dual diagnosis programs are currently operational.
- Dual diagnosis assessment, referral, and extensive case management services were established at each of the County's School Based Health Clinic sites and within Juvenile Community Justice.

Collaboration and Integration: The development and implementation of strategies for improved integrated system planning, development and management has been a priority over the current biennium. Our efforts have primarily focused on two areas: establishing a more formal planning and system oversight structure, and inter-system collaboration to improve the movement of at-risk individuals into needed A&D services. Accomplishments in these two areas include:

System Planning and Monitoring Infrastructure:

- OAS, in partnership with the County's adult and youth Local Alcohol and Drug Advisory Committees (LADPC)¹, established a procedural structure within which A&D system planning and performance monitoring occurs and defines the role of each in establishing A&D system priorities. This Plan also formalized the role of A&D providers and other system stakeholders in these efforts.
- The Director of the Department of Community and Family Services, with staff support from the Office of Addictions Services (OAS), co-chaired a County interdepartmental work group specifically charged with the development of strategies designed to better integrate A&D service planning and management across County government. The plan produced by the work group is now before the County Chair's office for approval.
- OAS facilitated an initial meeting involving the Department of Community Justice and the Commission on Children, Families, and Community to look at how the County might collaborate in the development of a comprehensive countywide Youth and Family Service Plan for Multnomah County as required under SB 555. Out of this meeting, an initial collaborative framework was developed.

Intersystem Collaboration:

- A&D Problem SCF Families: The Family Involvement Team (FIT) mentioned earlier in this Plan grew out of a collaboration involving the Multnomah County Family Dependency Court, DCF (Juvenile Justice), AFS, SCF, the Multnomah County Defense Bar, A&D treatment providers, and the Department of Community and Family Services. These entities came together to specifically look at the potential negative impacts that the Federal Adoptions and Safe Families Act (ASFA) will have on A&D problem families coming into the SCF system due to child abuse and neglect. It was recognized that this group was at very high risk of losing custody of their children if barriers were not removed for their expedited involvement in and successful completion of A&D treatment. Out of this effort, a service model concept was developed that would remove treatment barriers and funding was obtained to implement the project.

¹ As referenced earlier in this report the Behavioral Health Adult and Youth Mental Health and Substance Advisory Committees (AMHSA and CAMHSA respectively) function as Multnomah County's LADPC.

- **Drug Courts:** Enhancement of the relationship between our provider system and the courts has been a primary focus of OAS. During the course of the current biennium we have engaged in three major efforts in this area. One is the Family Involvement Team initiative described above. The other two involve the development of a Juvenile Treatment Court and an Adult Drug Court for convicted offenders. The Juvenile Treatment Court has been implemented and the new Adult Court is in the planning phase. The primary agency lead for both these initiative has been the County's Department of Community Justice. As a collaborator in these efforts, OAS has been responsible for developing the provider community interface with the courts. This has provided an excellent opportunity to promote a dialogue between the courts and our provider community around shared expectations and the development of strategies to promote better coordination and shared case decisions.
- **Caring Communities:** OAS has worked closely with the DCFS Director's office staff who have responsibility for overseeing the County's Caring Communities initiative. Through this collaboration we have developed and implemented activities to promote A&D prevention best practice strategies across the various Caring Communities.

Decision Summary

The specific service and system priorities for our adult, youth and prevention service systems are contained in later sections of this Plan. The following is an overview of common assumptions and goals, which provided the parameters for this Plan and the predominant system development "themes" which emerge through our plan development process.

ASSUMPTIONS:

This Plan was created with certain basic assumptions in mind:

- **Maintain current system of services and funding priorities:** Current funding supports a comprehensive array of treatment and prevention services targeting the County's low income population and a variety of high risk groups including African Americans, Hispanics, Native Americans, women with small children, and offenders. For the most part our current service system is overutilized and underfunded. In order to ensure the integrity of our current array of services, we are not proposing any changes in how current funds are allocated. However, during the coming biennium, we will be looking at ways of using current funds to leverage other funds such as Federal Medicaid in order to enhance our service system.
- For the most part, the service priorities contained in this Plan represent system enhancements that are to be addressed as new funds and resources become available.

OVERALL SYSTEM GOALS:

The following are the system goals, which helped guide the Plan development:

- Identify and support Best Practices within every service area, including administration
- Increase service collaboration and coordination
- Increase access to services for underserved populations
- Increase treatment completion and ongoing recovery outcomes

SERVICE AND SYSTEM PRIORITIES:

There were constant themes and priority directions across program areas. This section provides a listing of these consensus areas. A more comprehensive description of the priorities covered below is provided in the

individual program area plans (Prevention, Youth Treatment, and Adult Treatment). Common priorities encompassing three system focus areas are as follows:

System Stabilization Priorities

In the last Biennial Plan, A&D was viewed as a system in crisis from both a funding and human resource point of view. As detailed in the "Accomplishments" section of this Plan, much has been done to help stabilize our service system. However, a considerable amount of work still needs to be done. Specific target areas for the coming biennium include:

- Use any new funding for prevention service to build on existing initiatives and collaborations such as Caring Communities, SUN Schools, and the Housing Authority's Drug Elimination Project
- Increase funding rates for specialized women/children residential, youth residential, adult and youth outpatient, detoxification, and methadone treatment services
- Reduce administrative contracting costs of providers by streamlining the County's procurement, contracting, and performance monitoring processes
- Expand A&D free housing options for adults and youth entering treatment

System Development

There are a number of priorities which span populations and program areas. These include:

- Expand family services across the continuum of prevention and treatment services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery.
- Move our youth and adult treatment systems to a fully integrated dual diagnosis service model, which would include the ability for each of our outpatient and residential providers to deliver on-site mental health and alcohol/drug screening, assessments, and treatment services. This priority also includes the expansion of our system's capability to serve Category IV clients (those with both severe substance use and mental health disorders).
- Expand intersystem collaboration and integration efforts. During the current biennium, considerable progress was made in developing and maintaining strong collaborative ties between our A&D system and SCF, AFS, the County's Department of Community Justice, Portland Public Schools, the courts, and public health. For the coming two years, priority needs to be given to promoting stronger collaborative relationships with the senior and disabled community, Developmental Disabilities, the domestic violence service system, East County schools, and alternative schools.

Special Populations

There were a number of priorities which target improved access to A&D services to very high risk and/or underserved segments of the County's population. These special populations include:

- Specialized services to ethnic and racial minorities are prioritized in all three program areas (Prevention, Youth Treatment, and Adult Treatment).
- Other special populations priorities include: the elderly, 18 to 25 year olds, domestic violence/trauma victims and perpetrators, "low risk" offenders with A&D abuse/dependency problems, homeless youth, pre-teens, and pregnant/parenting teens.

Treatment Demand

OADAP provides counties with an estimate of the number of individuals who need treatment and are expected to seek treatment during the course of a year. In our last Biennial Plan, we pointed out that the number of clients actually being served in Multnomah County exceeded OADAP's treatment demand estimate by 187%.

In preparation for this Biennial Plan, OAS carried out two efforts to obtain a more accurate treatment demand estimate:

Survey of Referral Systems: During the month of January 2001, OAS surveyed the major referral systems in our County (SCF, AFS, Community Justice, and Aging/Disability Services). We asked if they could provide us with estimates of the number of individuals they serve who have identified A&D problems but are not in treatment. Unfortunately, this information was for the most part unavailable or only accessible through what would have been a rather expensive and time-consuming manual audit of cases.

Provider Based Survey: During the last week of January and the first week of February 2001, local A&D providers tracked the number of individuals who called inquiring about treatment services for themselves or another individual. The survey also solicited information on the number of agencies each caller had contacted during the study period and asked if they had attempted to obtain treatment within the last 12 months. In all, 13 agencies encompassing 16 publicly funded A&D treatment programs participated. The participants included all of the County's major subcontract service providers. While data was obtained from youth providers, the relatively small number of youth programs (4) compared to our adult programs (16) respondents resulted in too small of a data sample for analysis purposes. Some of the survey findings from our adult system include:

- Less than half (40%) of the adults seeking treatment get into treatment.
- Less than 1 in 7 adults seeking residential treatment get into this level of service.
- Extrapolating from the survey data and using the most conservative approach, we estimate that each year 6,546 individuals seek treatment from one or more of Multnomah County's publicly funded A&D treatment agencies but never enroll in treatment.

These results suggest that the actual number of adults who will seek treatment from Multnomah County's A&D Treatment system is close to 23,141 per year. It should be pointed out that, of those adults seeking treatment, approximately 20% will be residents of other counties.

The above-referenced study did not attempt to determine why people who seek treatment fail to get into treatment. While this matter will be studied in depth during the comprehensive A&D strategic planning process envisioned during the 2001-2003 biennium, it is generally believed that waning client motivation following the initial inquiry and lack of sufficient treatment services² are two of the more significant factors.

At the time this Plan was being prepared, OADAP notified Multnomah County that due to lack of funds it was cutting 37 adult residential beds statewide and would be reducing Multnomah County's bed allocation by 9. The formula developed by OADAP to calculate bed reductions included their treatment demand estimates for counties. As pointed out above, the estimate for Multnomah County is significantly understated. Based on this finding DCFS has formally contested the bed reduction.

ANTICIPATED STRATEGIC PLANNING EFFORTS:

During the coming biennium, OAS, in collaboration with its governmental and community partners, intends to design, implement, and produce a comprehensive countywide youth and adult strategic plan covering both treatment and prevention program areas. The youth A&D plan will be part of a comprehensive planning process required by SB 555 and will be coordinated by the Multnomah Commission on Children, Families, and Community. Some areas to be covered through these two strategic plan development processes include:

² The average time between initial inquiry and an intake appointment is 1 to 2 weeks for outpatient programs and up to

- Identification of assumptions, values, and principles that will guide A&D system development and management
- Formulation of a comprehensive needs assessment
- Identification of major barriers to service access, completion, and continued abstinence
- Further refinement of system and service development strategies/priorities
- Development of performance based contracting strategies
- Development of prioritized inter-system integration and collaboration strategies

**MULTNOMAH COUNTY
A&D BIENNIAL IMPLEMENTATION PLAN:
2001-2003**

**PREVENTION SERVICES
Priorities**

ASSUMPTIONS:

This Prevention Services Plan Update is based on the following basic assumptions:

- The Multnomah County LADPC (consisting of the two Behavioral Health Advisory Councils—Children/Adolescents and Adults) will continue to follow the core values and overall recommendations developed by the State Incentive Cooperative Agreement Prevention Steering Committee for the 1999-2001 Prevention Implementation Plan.
- Multnomah County Department of Community and Family Services (DCFS) will maintain the current system of services and base funding to service providers. Current funding supports an array of prevention programs targeting Universal, Selective, and Indicated segments of the prevention continuum. We believe that these current services represent solid prevention strategies within our community. Additionally, during the coming Biennium Multnomah County, in compliance with SB 555, will be conducting a comprehensive strategic planning process for our entire youth service system including A&D prevention. Given these factors it seems most prudent to continue current services at least until the completion of the comprehensive strategic plan.
- The service and system development priorities listed in this plan will be carried into the comprehensive youth system strategic planning process. In the interim these priorities represent service and system enhancements that will be pursued through new funding opportunities.

OVERALL SYSTEM GOALS:

- Identify and support best practices across the prevention service continuum, including administration.
- Increase service system collaboration and coordination.
- Increase access to services for under-served populations.

PRIORITIES:

- Incorporate family strengthening strategies across our continuum of prevention services.
- Incorporate strengths-based approaches across our continuum of prevention services.

Rationale: The top priority for any new service development is the expansion of family services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family skills building. Family-focused prevention strategies consistently demonstrate effectiveness in reducing A&D problem rates for youth. Additionally, the expansion of prevention strategies targeting children with parents who are in A&D treatment or in the criminal justice system is seen as a cost-effective strategy for addressing the needs of these very high-risk populations.

Within our youth and family services community there is a growing consensus to implement strengths based approaches across our continuum of services. The research has shown a relationship between assets (strengths-based beliefs or behaviors) and reduced risk of substance abuse problems.

- Increase prevention services targeting ethnic minorities.

Rationale: Certain linguistic and ethnic populations are inadequately served through the current system. If new funds become available, specific minority populations will be prioritized through a more detailed Request for Proposals (RFP) planning process.

- Increase A&D prevention support for existing community coalitions.

Rationale: Community coalitions represent a research-based best practice. For some time Multnomah County has been committed to the development of community coalitions. Successful efforts in this area include Schools Uniting Neighborhoods (SUN Schools), Regional Drug Initiative, and Caring Communities. The Caring Communities in particular represent a significant emphasis on addressing multiple issues related to improving high school completion and integrating youth and family services with community resources. Further investment of new resources to enhance the efforts of these established coalitions is viewed as a cost-effective strategy for expanding A&D prevention activities within our community.

- Continue efforts to promote better collaboration in the planning, management and delivery of prevention services within Multnomah County.

Rationale: There are multiple prevention initiatives encompassing a variety of funding and contracting resources within the County. While this reflects a widespread interest in prevention and has resulted in a variety of innovative approaches/programs, there now exists a need to better coordinate the planning, development, and delivery of this array of services. There is consensus among the prevention community that through increased collaboration and coordination resources can be used more efficiently and effectively.

RESOURCE ALLOCATION:

Allocation of resources remains essentially unchanged from prior year. The funding for service element A&D 70 is being maintained at the previous level. There are no major changes in distribution of resources among the universal, selective, and indicated segments of the prevention continuum. The proportion remains within budget guidelines with Universal programs and Selective programs each representing more than 25% of the total OADAP budget, and Indicated programs representing less than 25% of the budget. See Form B and Form B Narrative for details. Budget information by line item and by provider is provided in the Prevention Services Itemized Budget and Budget Detail tables.

PROGRAM SUSTAINABILITY:

Efforts to promote collaboration and integration of prevention services will be sustained beyond the conclusion of the State Incentive Cooperative Agreement (SICA) grant. This will be facilitated by the continuation of a 1.0 FTE Prevention Development Specialist with the Office of Addictions services. This position will continue to provide technical assistance to Caring Communities and other community-based coalitions and prevention providers.

In accordance with Senate Bill 555, the FY 2001-2003 Coordinated Comprehensive Plan will be developed in collaboration with the Commission on Children, Families and Community, DCFS, Juvenile Justice and other agencies with prevention programs. As part of the SICA planning process for the previous Biennial Plan, DCFS staff participated in Tobacco Coalition meetings and a workshop. DCFS will continue to attend Tobacco Coalition meetings and workshops.

One exception to the priority of continuing support for existing efforts is in the area of parent education and training. Three Multnomah County providers had each received grant funding in FY 2000-2001 to support parenting/family drug abuse prevention programs for one year with the possibility of the grant being renewable for up to three years. With the grant program being discontinued after the first year, the providers will not be able to sustain their parent training efforts at the same level. Regional Drug Initiative indicated

RFGP # 462 grant. RDI will scale back its workplace parent trainings projections to previous levels. The other two providers, Project Network and De Paul Treatment Centers, report that they intend to continue with their parenting efforts as supported by client satisfaction, community need, and positive counselor feedback. Results to date indicate that the facilitators are very enthusiastic about the funded programs, and participating parents seem to enjoy them. However, providers warn that experience has shown that, without dedicated funding, it will be difficult to follow the best-practice model: providing all program elements (workbooks, meals, addressing special needs) or doing evaluation follow-up. They also doubted that they would be able to afford to train new facilitators as required to replace those lost through attrition.

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YOUTH SERVICES
Priorities

ASSUMPTIONS:

This Youth A&D Services Plan Update has been created with certain basic assumptions in mind:

- That the current system of services and funding priorities be maintained. Current funding supports a comprehensive array of treatment services targeting youth from low income families and a variety of high risk groups, including African Americans, Hispanics, Native Americans, and offenders. Maintenance of current funding is viewed as essential for the ongoing stability of our youth A&D system.
- For the most part, the service priorities contained in this plan represent system enhancements that are to be addressed as new funding becomes available.
- During the coming Biennium, we will be looking at strategies that use current funds to leverage other funds, such as Federal Medicaid and specialty grants.

OVERALL SYSTEM GOALS:

- Identify and support best practices within every service area, including administration.
- Increase service collaboration and coordination.
- Increase access to services for under-served populations.
- Support and/or create systems that increase treatment completion and ongoing recovery outcomes.

SYSTEM STABILIZATION PRIORITIES:

Funding

- Increase residential rates
- Enhance outpatient rates

Rationale: Youth residential and outpatient treatment rates are inadequate and have multiple negative impacts on our Youth A&D system:

Human Resource Impact: Inadequate funding rates make it difficult for programs to provide competitive salary and benefit packages to staff. Health benefit costs are skyrocketing, and non-profit providers are unable to support medical coverage for the families of their staff. These factors have increasingly become barriers to attracting and retaining A&D professionals to our provider community. This has particularly impacted minority programs, having an even smaller recruitment pool. A&D providers continually have to hire entry-level counselors, invest resources in training and professional mentoring, and then see these individuals become prime candidates for higher paying government sector positions.

Client Service Impact: Inadequate funding rates lead to increased caseloads and decreased services. In order to live within the financial resources available to them, providers often begin increasing caseloads and therefore client-to-staff ratios, negatively impacting their effectiveness in tailoring individualized treatment services. Further, research tells us that case management and family treatment services are often linked to increased positive outcomes for A&D clients. However, due to inadequate reimbursement rates, providers are unable to provide these services.

enhancements. It needs to be pointed out that for the current fiscal year, providers did not get a cost of living increase on the County funds they received, and for the next fiscal year there is no plan for a cost of living increase on the state funds they receive. Thus, funding rates are not only inadequate, but in terms of real dollars are actually decreasing.

Housing and Residential Care

- Increase access to residential treatment.

Rationale: Historically, our youth residential treatment resources have been fully utilized. During the current Biennium we have seen a downturn in utilization numbers. The increased impairment of youth being served and the inadequacy of funding have contributed to this problem. OAS has submitted to OADAP a plan to increase funding for residential treatment, designed to help our programs upgrade staffing and support services to better address the needs of youth as well as increase retention rates. Additionally, our providers, OAS, and the County's Department of Community Justice are working collaboratively to remove barriers to residential treatment, a level of care of which we all agree is a critical need in this County's continuum of care. Current alternative treatment programs, such as "boot camps" and state training school A&D treatment beds, are facing reductions and/or elimination from our youth continuum of services, further negatively impacting demand and availability of residential treatment for adolescents.

- Increase transitional housing and residential proctor care models for homeless youth and other special-needs populations.

Rationale: The homeless facility partially supported by the County during the current Biennium is at 100% capacity and has a wait list. A high proportion of these youth are in need of A&D treatment but do not do well in our traditional community-based adolescent A&D programs. Transitional housing, with integrated A&D assessment, individual counseling, and treatment services is viewed as a potential best practice model, which we would like to pilot for this population. Additionally, we believe that there is a proportion of our youth treatment population that could function well in an intensive outpatient treatment setting if they had suitable A&D-free living options. We are interested in examining transitional housing and proctor care models as a means to better service the needs of these youth.

SYSTEM DEVELOPMENT PRIORITIES:

Family

- Promote Family Recovery models across the continuum of treatment services.

Rationale: The top priority for any new service funding is the expansion of family services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery. Specific service priorities include funding for case management services that help move the client/family system into needed services and family skills enhancement/development strategies. Family treatment has a significant impact on long-term recovery for both the individual and the family. Family treatment can also break the cycle of addiction, supporting the principle that *family treatment is prevention*.

- Increase sibling and cohort services within the provider programs.

Rationale: A focus on whole-family approaches to care creates a potential to break the cycle of substance abuse which threatens the siblings of youth in A&D treatment. Services, such as sibling education, crisis intervention, and family dynamic programs such as Functional Family Therapy, can be addressed in new and meaningful ways as helpful to essential friend and family members.

Rationale: By adopting a strengths-based treatment philosophy throughout the youth alcohol and drug treatment system, the County will be able to support a unified best-practices approach that is collaborative in nature, joining agencies where there has traditionally been division. In addition, strengths-based treatment services complement traditional treatment delivery as well – i.e., cognitive restructuring, motivational interviewing, solution-focused modality, *et al.*

Co-occurring/Dual Diagnosis Treatment Services

- Move our youth alcohol and drug treatment system to a fully integrated co-occurring disorder service model which will ensure provider systems:
 - become Dual Diagnosis Enhanced (DDE), therefore providing same-site mental health and alcohol/drug screening, assessments, and treatment services with dually qualified staff, and
 - are able to appropriately assess and treat youth with severe substance use and mental health disorders (Category IV).

Rationale: DDE assessment systems are currently available to youth receiving care through the School-Based Health Clinics³, Juvenile Justice, two of our five licensed youth alcohol and drug providers, a young women's residential program, several non-County-funded programs, and the African-American Youth A&D consortium. At these sites/programs, integrated A&D/mental health assessment services are provided with linkages into needed treatment services. Dual Diagnosis Capable (DDC) assessment systems are available through all other providers. The DDC designation means that these providers have linkages to off-site mental health assessment resources and that they assist their clients in accessing needed services.

DDE treatment is available through two youth providers, while DDC treatment is available at all others. For the most part, our youth A&D system is able to address the treatment needs of dually diagnosed youth with mild to moderate mental health problems but are not serving youth with severe diagnoses.

Priority service development needs: To move our youth A&D system to DDE assessment and treatment capability for dually diagnosed youth with severe mental health disorders, the following resources are needed:

- Staff development/training,
- Increased staffing levels,
- Psychiatric support services, and
- Better access to mental health funding streams (blended funding) – There are different rules and management systems for mental health and A&D funding. As a result, it is quite difficult for providers to blend funding at the program level. Two strategies are being proposed to address this need area:
 - ⇒ Provide technical assistance to providers in setting up their clinical and financial systems to appropriately access mental health funding and
 - ⇒ Advocate with the State and Federal Government to change the rules to make it easier to integrate A&D and mental health funding streams.

Planned innovations: During the coming Biennium we intend to continue the substantial integration efforts already under way in this County. Additionally, we will aggressively seek funding and other resources to address the system development needs addressed above.

Collaboration

- Improve collaboration between the Multnomah County alcohol and drug treatment system and other service systems

³ Includes the six high schools in the Portland Public School System and one high school in the Centennial School district.

Rationale: There is currently good collaboration with Juvenile Justice, OYA, SCF, the Court system, and Portland Public Schools. Closer collaborative ties need to be developed with mental health, other school districts, and alternative schools. This is a Multnomah County administrative goal.

Special Populations

Minority

- Develop culturally specific service capacity for Native American and under-served Asian youth populations.
- Identify and remove barriers to accessibility for current slots designated for African-American, Latino, and Asian clients.

Rationale: Data shows that we currently have additional service capacity for African-American, Latino and Asian youth. It is imperative that we study and remove barriers to the full utilization of these resources. Our Latino Project in particular is new and will require diligent attention to attract and appropriately serve this identified population. Conversely, some population groups (Native American and some Asian groups) are being under-served in proportion to their numbers/need. Specialized services to better address minority groups need to be developed.

Gender-specific Groups

- **Expand specific treatment services for young women and men**

Rationale: Research demonstrates the need for treatment models that not only provide single-gender groups but are able to encompass a wide range of gender-specific educative and therapeutic responses to healthy relationships, gender biases and traditions, sexuality, parenting, and effective communication.

Pre-teens

- Prioritize importance of and access to treatment

Rationale: An under-served population of pre-teens is often denied treatment due to clinical as well as behavioral demands upon staff; too often these potential clients do not receive needed assessments or treatment until they are older, more entrenched in their substance use, scholastically behind, involved in the legal system, and/or separated from their families. The cognitive and developmental age of this population makes it particularly difficult and clinically inadvisable to mix with teens traditionally receiving treatment in the adolescent systems.

Homeless

- Establish specialized intervention and treatment programs for this high-risk population

Rationale: Our current youth A&D system is not readily accessible to this special needs population. Specialized A&D intervention and treatment services that are better integrated into the homeless youth service provider system are needed to better impact this high-risk, vulnerable population before it is attached to the adult system(s).

Pregnant and Parenting Teens

- Increase specialized services for this population

Rationale: Pregnant and parenting teens represent a high need yet is an under-served population within our A&D treatment system. Specialized services that are better integrated with community-based health and social service resources are necessary to better address the needs of this high-risk population (both mother and baby).

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ADULT SERVICES
Priorities

ASSUMPTIONS:

This Adult Treatment Plan Update has been created with certain basic assumptions in mind:

- Maintain current system of services and funding priorities. Current funding supports a comprehensive array of treatment services targeting the County's low income population and a variety of high risk groups including African Americans, Hispanics, Native Americans, women with small children, and offenders. Our current service system is over utilized and under funded. In order to ensure the integrity of our current array of services we are not proposing any change in how current funds are allocated. However, during the coming Biennium, we will be looking at ways of using current funds to leverage other funds such as Federal Medicaid in order to enhance our service system.
- For the most part, the service priorities contained in this plan represent system enhancements that are to be addressed as new funds and resources become available.

OVERALL SYSTEM GOALS:

- Identify and support Best Practices within every service area, including administration.
- Increase service collaboration and coordination.
- Increase access to services for underserved populations.
- Increase treatment completion and ongoing recovery outcomes.

SYSTEM STABILIZATION PRIORITIES:

Funding

- Increase funding rates for women's residential, drug free outpatient, methadone outpatient, and detox.
- Increase funding to provide for competitive staff recruitment and retention, including health care costs for staff members and their families.

Rationale: While treatment funding rates have increased for general residential treatment programs, they remain inadequate for women's residential, drug free outpatient, methadone outpatient, and detox programs. This inability to provide an adequate reimbursement rate for these services has resulted in multiple negative impacts on our provider system:

Human Resource Impact: Inadequate funding rates make it difficult for programs to provide competitive salary and benefit packages to staff. Health benefit costs are skyrocketing and non-profit providers are unable to support medical coverage for the families of their staff. These factors have increasingly become barriers to attracting and retaining A&D professionals to our provider community as well as the support staff necessary for client management in residential programs. This has particularly impacted minority programs that have a much smaller recruitment pool and are not able to provide salary and benefits incentives to compete with governmental entities that recruit from the same applicant pool. Providers increasingly have to hire entry level counselors and invest resources in their training and professional mentoring. However, once trained, these individuals are prime candidates for higher paying government sector positions.

Client Service Impact: Inadequate funding rates translates to increased caseloads and decreased services. In order to live within the financial resources available to them, providers have had to increase the caseloads of

their clinical staff. This results in less clinician time on a per case basis and a reduced capacity to tailor treatment services to meet the unique needs of individual clients. Research tells us that case management and family treatment services are often linked to increased successful outcomes for A&D clients. However, due to insufficient reimbursement rates, providers are unable to adequately provide these service enhancements.

It should be pointed out that for the current fiscal year, providers did not get a cost of living increase on the County funds they receive and next Fiscal Year there is no plan for a cost of living increase on the state funds they receive. Thus, funding rates are not only inadequate, but in terms of real dollars, are actually decreasing.

Multnomah County has submitted a proposal to OADAP, which would leverage federal Medicaid funds to increase the payment rate for detox beds (4 beds) at one of our residential providers. We are also exploring the feasibility of using this same strategy to increase funding for all or a portion of the remaining 49 detox beds in our subcontract system.

Housing and Residential

- Increase safe, alcohol and drug free housing capacity, especially for families.
- Develop a combined program/capacity of alcohol and drug free housing plus outpatient treatment, as an option to residential treatment.
- Increase the number of residential beds available in Multnomah County.

Rationale: Multnomah County suffers from a critical lack of A&D-free housing for recovering families and individuals. The lack of A&D-free housing options is the most common reason cited for failure to enter treatment, stay in treatment, and have continued recovery.

Utilization monitoring and input from referral sources indicate that the number of residential beds in Multnomah County continues to be insufficient. Additionally, the Adoption and Safe Families Act (ASFA) puts severe limits on the amount of time parents of abused or neglected children have to address A&D problems before they risk permanent out-of-home placement of their children. This already puts increased access demands on our residential treatment system and will only get worse over the coming biennium. Our system's inability to provide appropriate residential level services in a timely manner can have long-lasting consequences on this high risk population.

Transitional A&D free housing integrated with intensive outpatient treatment or day treatment is viewed as a more cost efficient alternative for some Level III (residential treatment) clients. We currently have a proposal into OADAP that would modify funding streams in order to bring additional Federal Medicaid funds into the County. This plan would free up some state and local funds to support additional A&D-free housing services to pilot this new service model.

Reduce Administrative Contracting Costs for Providers

Decrease costs at the provider level through the streamlining and/or elimination of contractual requirements and reimbursement methods that are no longer applicable and efficient, while still maintaining high accountability standards. This is a Multnomah County administrative goal.

Rationale: Multiple funding streams result in overlapping and duplicative administrative requirements/procedures. The County proposes to work within the County system and with other funding sources to streamline administrative requirements.

SYSTEM DEVELOPMENT PRIORITIES:

Family Treatment

- Promote Family Recovery models across the continuum of treatment services.

Rationale: The top priority for any new service funds is the expansion of family services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery. Specific service priorities include funding for case management services that help move the client/family system into needed services and family skills enhancement/development strategies. Family treatment has a significant impact on long term recovery for both the individual and the family. Family treatment can also break the cycle of addiction, supporting the principle that *family treatment is prevention*.

Dual Diagnosis Treatment Services

- Move our adult alcohol and drug treatment system to a fully integrated co-occurring disorder service model which will ensure provider systems:
 - become Dual Diagnosis Enhanced (DDE), therefore providing same-site mental health and alcohol/drug screening, assessments, and treatment services with dually qualified staff, and
 - are able to appropriately assess and treat adults with severe substance use and mental health disorders (Category IV).

Rationale: Current status/efforts: DDE screening, assessment, and referral to treatment are provided through Hooper Detox Center, the Crisis Triage Center (CTC), and the Family Involvement Team (FIT). At Hooper, the addition of a psychiatric nurse practitioner provides for on-site screening and referral for clients entering the detox program. Clients in crisis may be taken to the CTC, where screening, assessment, and referral are provided. The FIT team provides for early intervention for ASFA (Adoption and Safe Families Act) parents to assess their needs including A&D and mental health, and provide for referral, long term case management, and integration of services.

The remainder of our A&D services system provides Dual Diagnosis Capable (DDC) assessment and referral services. The DDC designation means that these providers have linkages to off site mental health assessment resources and that they assist their clients in accessing this service.

DDE treatment is available through three adult providers, while DDC treatment is available at all others. Again, the DDC designation means that these providers have linkages to off site mental health treatment services and that they assist their clients in accessing this service and coordinate care with the mental health service provider.

For the most part our adult A&D system is able to appropriately service individuals with mild to severe mental health conditions as long as the psychiatric symptoms are under control. Our current subcontract A&D providers are not able to service individuals who are actively psychotic, unable to provide basic self care, or have significantly impaired cognitive functioning or impulse control.

Priority service development needs: To move our adult A&D system to DDE assessment and treatment capability, and to establish the capability to serve dually diagnosed adults with severe mental health disorders the following resources are needed:

- Staff development/training, increased cross training, and dual certification. Currently, some staff are dually trained and/or dually certified. The goal is to have all staff cross trained, and most staff dually qualified.
- Increase staff levels to provide the level of care necessary. It is important to have an adequate number of qualified staff to ensure the flexibility, availability, and low case loads required when offering varied and intensive treatment.

- Better access to mental health funding streams (blended funding). There are different rules and management systems for mental health and A&D funding. As a result it is quite difficult for providers to blend funding at the program level. Two strategies are being proposed to address this need area:
 - ✓ Provide technical assistance to providers in setting up their clinical and financial systems to appropriately access mental health funding.
 - ✓ Advocate with the State and Federal Government to change the rules to make it easier to integrate A&D and mental health funding streams.
- Psychiatric support services: Psychiatric services must be accessible in order to provide quality dual diagnosis treatment. Such services are difficult or impossible for providers to obtain because of costs.

Planned innovations: During the coming Biennium we intend to continue the integration efforts already under way in this County. Additionally, we will aggressively seek funding and other resources to address the priority service development needs addressed above.

Collaboration

Improve collaboration between the Multnomah County alcohol and drug treatment system and other service systems.

Rationale: There is currently good collaboration with Community Justice, SCF, the Court system, Public Health, and AFS. Closer ties need to be developed with Senior and Disabled Services, Developmentally Disabled services, and Domestic Violence. This is a Multnomah County administrative goal.

Stigmatization

Reduce stigmatization, increase understanding of, and improve collaboration between the methadone service system and the A&D-free treatment system and other support service agencies. This is a Multnomah County administrative goal.

Rationale: A considerable level of bias against methadone clients and methadone treatment providers currently exists within our addictions treatment and social service provider communities. This bias undermines the ability of our service system to effectively serve opiate addicts. We believe that through better dialogue, cooperative problem solving opportunities, education, and improved accountability standards, the relationship between these systems can be significantly improved

SPECIAL POPULATION PRIORITIES:

Minority Services

- Develop culturally specific service capacity for Russian speakers and underserved Asian populations.
- Identify and remove barriers to accessibility for currently underutilized slots serving African-American, Hispanic, and Asian clients.

Rationale: Data show that we currently have underutilized service capacity targeting African-American and Hispanic individuals. It's imperative that we study and remove barriers to the full utilization of these resources. Conversely, some population groups (Russian speakers and Asians) are being under served in proportion to their numbers/need. Specialized services to better address these groups' needs to be developed.

"Low Risk" Offenders With A&D Abuse/Dependency Problems

Develop strategies to improve treatment access, engagement, and treatment completion for this population.

Rationale: Currently many offenders who are classified within the Community Justice system as "low risk" receive a very minimal level of probation supervision. Included within this population are individuals who

abuse problems, but do not access and/or complete treatment. We are interested in working collaboratively with Community Justice, the Court, and service providers to formulate strategies to better serve this population.

Developmentally Disabled and Cognitively Impaired

Develop specialized services for individuals with significant developmental disabilities and/or cognitive impairment.

Rationale: Multnomah County currently does not have specialized services for this group which is unidentified and underrepresented in the service population.

18 – 25 year olds

Develop specialized services for 18 to 25 year olds, for both non-pregnant/non-parenting and for pregnant/parenting individuals.

Rationale: These clients are chronologically adults; however, they are often developmentally in their early to mid-teens. Consequently, these clients do not do well in a youth program or in a traditional adult program. When the client is pregnant or parenting, the situation is exacerbated. We need to develop specialized services to meet the unique needs of this transition population.

Elderly

Develop specialized services for senior citizens.

Rationale: Multnomah County currently does not have specialized services for this group which is unidentified and/or underrepresented in the service population. The elderly are the fastest growing segment of the population. They require a treatment approach tailored to their age group. In addition, alcohol and drug issues must be addressed in the elder care provider community.

Domestic Violence/Trauma

Improve the capacity of our A&D treatment system to address the unique clinical needs of domestic violence/trauma victims and perpetrators.

Rationale: A high percentage of women in treatment are the victims of domestic violence and other trauma. Untreated trauma may present a barrier, which must be addressed appropriately before recovery can take place.

Other Disabilities

Improve the ability of our system to service the needs of disabled citizens.

Rationale: The County currently does not have specialized services for this client category, which is unidentified, and/or underrepresented in the service population. Often A&D issues are unidentified in the elderly population because of lack of resources and information to support effective treatment. This population requires specialized services in order for treatment to be most effective.

Multnomah County Alcohol and Drug Biennial Implementation Plan 2001-2003



Department of Community and Family Services
Behavioral Health Division
Office of Addictions Services



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* LADPC membership lists are not included in this packet
but are available upon request

**MULTNOMAH COUNTY
A&D BIENNIAL IMPLEMENTATION PLAN:
2001-2003**

OVERVIEW

Introduction

In advance of each fiscal biennium, the State's Department of Human Services, through the Office of Alcohol and Drug Abuse Programs (OADAP), requires counties to submit a plan specifying how State controlled funds allocated to counties through Intergovernmental Agreement (IGA) will be used at the local level. This Plan is written in response to this requirement and in conformance with the "County Implementation Plan Guidelines" issued by OADAP.

Consistent with OADAP's guidelines, this Plan represents an update to the 1999-2001 Implementation Plan. As such, its scope will be limited to the following areas:

- Review of accomplishments in addressing 1999-2001 Biennial Plan priorities
- Formulation of unmet service demand estimates
- Updated system and service development priorities
- Allocation plan for OADAP funding
- Overview of comprehensive strategic planning efforts anticipated for the 2001 – 2003 biennium

Planning Process

Within Multnomah County the role of Local Alcohol and Drug Planning Committee is carried out by the Adult Mental Health and Substance Abuse Advisory Committee (AMHSA) and the Child and Adolescent Mental Health and Substance Abuse Advisory Committee (CAMHSA). During the current biennium, guidelines were approved by these two groups specifying the roles of the LADPC and the Office Of Addictions Services (OAS) in carrying out local A&D planning. Consistent with those guidelines, the following process was used in constructing this Plan.

1. Planning Process Design: Following the issuance of the Biennial Plan Guidelines by OADAP, the Office of Addictions Services (OAS) developed a proposed planning process. During the month of January the proposed process was reviewed within the Department of Community and Family Services and by the Portland Area Alcohol and Drug Managers Association. The final review and approval was made by CAMHSA and AMHSA. During this process, it was agreed that the joint Executive Committee of CAMHSA and AMHSA would provide oversight support to OAS in its plan development efforts.
2. Development of a Draft Plan: Since its inception in 1998, OAS has worked closely with other County departments, state agencies, local providers, and client advocates to facilitate a dialogue around system needs and system development strategies. Through these discussions, consistent themes have emerged which have been incorporated into this Plan. Thus, the focus of our plan development efforts during the month of January was on synthesizing and articulating the community consensus that has emerged over the past two years.

3. Plan Review and Comment: Starting in early February, OAS initiated a comprehensive review and comment process. Copies of the proposed Plan priorities were distributed to stakeholder organizations and individuals (see table below). Additionally, OAS presented the draft priorities for review and comment at separate meetings with the local A&D providers association and our two Behavioral Health Division advisory committees.
4. Plan Approval: During the last week of February, the final Plan was reviewed and approved by the Director of the Multnomah Commission on Children, Families and Community and the chairs of AMHSA and CAMHSA. Final approval of the Plan is anticipated from the Multnomah County Board of Commissioners in early March 2001.

Category	Affiliation Categories						
	Client/Family Advocate	Criminal Justice	A&D Provider	Human Services	MH Provider	State DHS	County Government
Behavioral Health Advisory Committees:							
• The Adult Mental Health and Substance Abuse:	X	X	X	X	X	X	X
• Child and Adolescence Mental Health and Substance Abuse:	X	X	X	X	X	X	X
Commission on Children, Families & Community							X
Defense Bar		X					
County District Attorney's Office		X					X
Portland Area A&D Managers Association (PAADMA)			X		X		
Courts		X					
Sheriff's Office		X					
Adult and Family Services						X	
Services to Children and Families						X	
Health Department							X
Portland Public Schools							X
Housing Authority of Portland							X
Domestic Violence Service advocates							X
Department of Community Justice		X					X
Local Law Enforcement Council		X					X
Aging & Disability Services Department							X
Division of Community Programs and Partnerships							X
Caring Communities	X		X	X			
Regional Drug Initiative			X				X
Asian/Pacific American Consortium on Substance Abuse	X		X	X			
Oregon Chicano Concilio on Alcohol & Drug Abuse	X		X				
Methadone Provider Group			X				
State Incentive Cooperative Agreement Coordinator and selected Steering Committee members							X
Tobacco Prevention Coordinator							X

1999-2001 Accomplishments

Since this Plan represents an update from the previous Biennial Plan, it seems appropriate to recap the priorities from the 1999-2001 plan with corresponding accomplishments:

System Stabilization: As we entered the 1999-2000 fiscal year, our A&D treatment system was in crisis due to grossly inadequate and declining service funding rates and the increased costs associated with managed care. These factors resulted in a shrinking of the amount of funds available to serve the individual client and an inability to pay adequate salaries in order to recruit and retain qualified staff. As a result, "system stabilization" was identified as the number one priority. The following represents initiatives that were implemented to address this priority:

- In collaboration with counties and providers, OADAP established a new residential bed rate that for many providers almost tripled the per day funding rate they had been receiving. This new funding rate was initiated during the last quarter of the 1999/2000 fiscal year. As will be described later in this Plan, the residential rate increase for youth residential beds and for women with children was only marginal, and further work in establishing a reasonable rate for these specialized Level III services is needed.
- Multnomah County entered the current biennium as a Track B County which gave us considerable discretion in how we manage the funding sent to us by OADAP. Using this new flexibility, OAS removed the income restrictions on non-Oregon Health Plan (OHP) outpatient treatment slots, which allowed providers to capture additional third party funding sources as "match" to offset the inadequate subcontract rate they receive for this service element.
- Approximately \$700,000 per year in new funds has been received by Multnomah County to enhance the mix of services available to clients and their families.

Family Support and Family Recovery: The top priority for new service funding was the expansion of family services across the continuum of prevention and treatment services. This reflected a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery. Specific efforts over the past two years to address this priority include:

- OAS, in collaboration with our subcontract youth A&D providers, developed a service model which specifies the essential components of a family-based youth treatment model. The model incorporates research-based best practice approaches and provides the vision for the evolution of our youth A&D treatment system.
- OAS is collaborating with the Department of Community Justice (Juvenile Justice Division) to assist two of the County's youth A&D outpatient providers to adopt the Functional Family Therapy Model, which is a standardized research best practice approach to youth/family A&D treatment.
- The \$700,000 in new service funding mentioned above supported system enhancements targeting families. These projects include:
 - Subsidized family A&D free housing
 - Development of the Family Advocacy Network (FAN) which is made up of representatives of the A&D provider community, the County's Department of Community and Family Services, SCF, and AFS and meets monthly and coordinates the movement of families into A&D free housing
 - The Family Involvement Team (FIT) Project, which provides expeditious crisis stabilization, treatment referral, intensive case management, and enhanced family counseling services to SCF families who are at risk of losing their children due to A&D related abuse and neglect
 - Establishment of enhanced parent education services at two subcontract A&D residential treatment programs, the County's business community, and one of the County's Caring Communities

- Establishment of culturally specific services for Hispanic youth, emphasizing family involvement

Minority Services: Enhanced services to minorities was the number one population priority. Progress in this priority area over the last two years includes:

- Collaboration among OAS staff and our Native American service provider to address what had been a long standing pattern of underutilization of residential and outpatient treatment services targeting this high risk population. Through this collaboration, utilization rates quickly rose and contracted utilization rates have been exceeded for more than a year. Also, their services have been expanded within this period to include outpatient treatment services for Native American adolescents.
- Establishment of a culturally specific residential and intensive outpatient treatment program for African American youth
- Establishment of culturally specific outpatient treatment and case management services for Hispanic youth and their families

Dual Diagnosis Services: The expansion of services to treat individuals with coexisting A&D and mental health problems was a top priority. The following activities and initiatives were implemented during the current biennium:

- Enhanced funding was provided to the County's primary detox provider to increase psychiatric and case management linkage services for clients with severe mental health disorders.
- Two of the five youth service agencies were provided enhanced funding to develop and implement integrated A&D/mental health assessment and treatment services within their youth A&D treatment programs. These enhanced dual diagnosis programs are currently operational.
- Dual diagnosis assessment, referral, and extensive case management services were established at each of the County's School Based Health Clinic sites and within Juvenile Community Justice.

Collaboration and Integration: The development and implementation of strategies for improved integrated system planning, development and management has been a priority over the current biennium. Our efforts have primarily focused on two areas: establishing a more formal planning and system oversight structure, and inter-system collaboration to improve the movement of at-risk individuals into needed A&D services.

Accomplishments in these two areas include:

System Planning and Monitoring Infrastructure:

- OAS, in partnership with the County's adult and youth Local Alcohol and Drug Advisory Committees (LADPC)¹, established a procedural structure within which A&D system planning and performance monitoring occurs and defines the role of each in establishing A&D system priorities. This Plan also formalized the role of A&D providers and other system stakeholders in these efforts.
- The Director of the Department of Community and Family Services, with staff support from the Office of Addictions Services (OAS), co-chaired a County interdepartmental work group specifically charged with the development of strategies designed to better integrate A&D service planning and management across County government. The plan produced by the work group is now before the County Chair's office for approval.
- OAS facilitated an initial meeting involving the Department of Community Justice and the Commission on Children, Families, and Community to look at how the County might collaborate in the development of a

¹ As referenced earlier in this report the Behavioral Health Adult and Youth Mental Health and Substance Advisory Committees (AMHSA and CAMHSA respectively) function as Multnomah County's LADPC.

comprehensive countywide Youth and Family Service Plan for Multnomah County as required under SB 555. Out of this meeting, an initial collaborative framework was developed.

Intersystem Collaboration:

- **A&D Problem SCF Families:** The Family Involvement Team (FIT) mentioned earlier in this Plan grew out of a collaboration involving the Multnomah County Family Dependency Court, DCF (Juvenile Justice), AFS, SCF, the Multnomah County Defense Bar, A&D treatment providers, and the Department of Community and Family Services. These entities came together to specifically look at the potential negative impacts that the Federal Adoptions and Safe Families Act (ASFA) will have on A&D problem families coming into the SCF system due to child abuse and neglect. It was recognized that this group was at very high risk of losing custody of their children if barriers were not removed for their expedited involvement in and successful completion of A&D treatment. Out of this effort, a service model concept was developed that would remove treatment barriers and funding was obtained to implement the project.
- **Drug Courts:** Enhancement of the relationship between our provider system and the courts has been a primary focus of OAS. During the course of the current biennium we have engaged in three major efforts in this area. One is the Family Involvement Team initiative described above. The other two involve the development of a Juvenile Treatment Court and an Adult Drug Court for convicted offenders. The Juvenile Treatment Court has been implemented and the new Adult Court is in the planning phase. The primary agency lead for both these initiative has been the County's Department of Community Justice. As a collaborator in these efforts, OAS has been responsible for developing the provider community interface with the courts. This has provided an excellent opportunity to promote a dialogue between the courts and our provider community around shared expectations and the development of strategies to promote better coordination and shared case decisions.
- **Caring Communities:** OAS has worked closely with the DCFS Director's office staff who have responsibility for overseeing the County's Caring Communities initiative. Through this collaboration we have developed and implemented activities to promote A&D prevention best practice strategies across the various Caring Communities.

Decision Summary

The specific service and system priorities for our adult, youth and prevention service systems are contained in later sections of this Plan. The following is an overview of common assumptions and goals, which provided the parameters for this Plan and the predominant system development "themes" which emerge through our plan development process.

ASSUMPTIONS:

This Plan was created with certain basic assumptions in mind:

- **Maintain current system of services and funding priorities:** Current funding supports a comprehensive array of treatment and prevention services targeting the County's low income population and a variety of high risk groups including African Americans, Hispanics, Native Americans, women with small children, and offenders. For the most part our current service system is overutilized and underfunded. In order to ensure the integrity of our current array of services, we are not proposing any changes in how current funds are allocated. However, during the coming biennium, we will be looking at ways of using current funds to leverage other funds such as Federal Medicaid in order to enhance our service system.
- **For the most part, the service priorities contained in this Plan represent system enhancements that are to be addressed as new funds and resources become available.**

OVERALL SYSTEM GOALS:

The following are the system goals, which helped guide the Plan development:

- Identify and support Best Practices within every service area, including administration
- Increase service collaboration and coordination
- Increase access to services for underserved populations
- Increase treatment completion and ongoing recovery outcomes

SERVICE AND SYSTEM PRIORITIES:

There were constant themes and priority directions across program areas. This section provides a listing of these consensus areas. A more comprehensive description of the priorities covered below is provided in the individual program area plans (Prevention, Youth Treatment, and Adult Treatment). Common priorities encompassing three system focus areas are as follows:

System Stabilization Priorities

In the last Biennial Plan, A&D was viewed as a system in crisis from both a funding and human resource point of view. As detailed in the "Accomplishments" section of this Plan, much has been done to help stabilize our service system. However, a considerable amount of work still needs to be done. Specific target areas for the coming biennium include:

- Use any new funding for prevention service to build on existing initiatives and collaborations such as Caring Communities, SUN Schools, and the Housing Authority's Drug Elimination Project
- Increase funding rates for specialized women/children residential, youth residential, adult and youth outpatient, detoxification, and methadone treatment services
- Reduce administrative contracting costs of providers by streamlining the County's procurement, contracting, and performance monitoring processes
- Expand A&D free housing options for adults and youth entering treatment

System Development

There are a number of priorities which span populations and program areas. These include:

- Expand family services across the continuum of prevention and treatment services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery.
- Move our youth and adult treatment systems to a fully integrated dual diagnosis service model, which would include the ability for each of our outpatient and residential providers to deliver on-site mental health and alcohol/drug screening, assessments, and treatment services. This priority also includes the expansion of our system's capability to serve Category IV clients (those with both severe substance use and mental health disorders).
- Expand intersystem collaboration and integration efforts. During the current biennium, considerable progress was made in developing and maintaining strong collaborative ties between our A&D system and SCF, AFS, the County's Department of Community Justice, Portland Public Schools, the courts, and public health. For the coming two years, priority needs to be given to promoting stronger collaborative relationships with the senior and disabled community, Developmental Disabilities, the domestic violence service system, East County schools, and alternative schools.

Special Populations

There were a number of priorities which target improved access to A&D services to very high risk and/or underserved segments of the County's population. These special populations include:

- Specialized services to ethnic and racial minorities are prioritized in all three program areas (Prevention, Youth Treatment, and Adult Treatment).
- Other special populations priorities include: the elderly, 18 to 25 year olds, domestic violence/trauma victims and perpetrators, "low risk" offenders with A&D abuse/dependency problems, homeless youth, pre-teens, and pregnant/parenting teens.

Treatment Demand

OADAP provides counties with an estimate of the number of individuals who need treatment and are expected to seek treatment during the course of a year. In our last Biennial Plan, we pointed out that the number of clients actually being served in Multnomah County exceeded OADAP's treatment demand estimate by 187%. In preparation for this Biennial Plan, OAS carried out two efforts to obtain a more accurate treatment demand estimate:

Survey of Referral Systems: During the month of January 2001, OAS surveyed the major referral systems in our County (SCF, AFS, Community Justice, and Aging/Disability Services). We asked if they could provide us with estimates of the number of individuals they serve who have identified A&D problems but are not in treatment. Unfortunately, this information was for the most part unavailable or only accessible through what would have been a rather expensive and time-consuming manual audit of cases.

Provider Based Survey: During the last week of January and the first week of February 2001, local A&D providers tracked the number of individuals who called inquiring about treatment services for themselves or another individual. The survey also solicited information on the number of agencies each caller had contacted during the study period and asked if they had attempted to obtain treatment within the last 12 months. In all, 13 agencies encompassing 16 publicly funded A&D treatment programs participated. The participants included all of the County's major subcontract service providers. While data was obtained from youth providers, the relatively small number of youth programs (4) compared to our adult programs (16) respondents resulted in too small of a data sample for analysis purposes. Some of the survey findings from our adult system include:

- Less than half (40%) of the adults seeking treatment get into treatment.
- Less than 1 in 7 adults seeking residential treatment get into this level of service.
- Extrapolating from the survey data and using the most conservative approach, we estimate that each year 6,546 individuals seek treatment from one or more of Multnomah County's publicly funded A&D treatment agencies but never enroll in treatment.

These results suggest that the actual number of adults who will seek treatment from Multnomah County's A&D Treatment system is close to 23,141 per year. It should be pointed out that, of those adults seeking treatment, approximately 20% will be residents of other counties.

The above-referenced study did not attempt to determine why people who seek treatment fail to get into treatment. While this matter will be studied in depth during the comprehensive A&D strategic planning process envisioned during the 2001-2003 biennium, it is generally believed that waning client motivation following the initial inquiry and lack of sufficient treatment services² are two of the more significant factors.

² The average time between initial inquiry and an intake appointment is 1 to 2 weeks for outpatient programs and up to 6 weeks for residential program.

At the time this Plan was being prepared, OADAP notified Multnomah County that due to lack of funds it was cutting 37 adult residential beds statewide and would be reducing Multnomah County's bed allocation by 9. The formula developed by OADAP to calculate bed reductions included their treatment demand estimates for counties. As pointed out above, the estimate for Multnomah County is significantly understated. Based on this finding DCFS has formally contested the bed reduction.

ANTICIPATED STRATEGIC PLANNING EFFORTS:

During the coming biennium, OAS, in collaboration with its governmental and community partners, intends to design, implement, and produce a comprehensive countywide youth and adult strategic plan covering both treatment and prevention program areas. The youth A&D plan will be part of a comprehensive planning process required by SB 555 and will be coordinated by the Multnomah Commission on Children, Families, and Community. Some areas to be covered through these two strategic plan development processes include:

- Identification of assumptions, values, and principles that will guide A&D system development and management
- Formulation of a comprehensive needs assessment
- Identification of major barriers to service access, completion, and continued abstinence
- Further refinement of system and service development strategies/priorities
- Development of performance based contracting strategies
- Development of prioritized inter-system integration and collaboration strategies

**MULTNOMAH COUNTY
A&D BIENNIAL IMPLEMENTATION PLAN:
2001-2003**

**PREVENTION SERVICES
Priorities**

ASSUMPTIONS:

This Prevention Services Plan Update is based on the following basic assumptions:

- The Multnomah County LADPC (consisting of the two Behavioral Health Advisory Councils—Children/Adolescents and Adults) will continue to follow the core values and overall recommendations developed by the State Incentive Cooperative Agreement Prevention Steering Committee for the 1999-2001 Prevention Implementation Plan.
- Multnomah County Department of Community and Family Services (DCFS) will maintain the current system of services and base funding to service providers. Current funding supports an array of prevention programs targeting Universal, Selective, and Indicated segments of the prevention continuum. We believe that these current services represent solid prevention strategies within our community. Additionally, during the coming Biennium Multnomah County, in compliance with SB 555, will be conducting a comprehensive strategic planning process for our entire youth service system including A&D prevention. Given these factors it seems most prudent to continue current services at least until the completion of the comprehensive strategic plan.
- The service and system development priorities listed in this plan will be carried into the comprehensive youth system strategic planning process. In the interim these priorities represent service and system enhancements that will be pursued through new funding opportunities.

OVERALL SYSTEM GOALS:

- Identify and support best practices across the prevention service continuum, including administration.
- Increase service system collaboration and coordination.
- Increase access to services for under-served populations.

PRIORITIES:

- Incorporate family strengthening strategies across our continuum of prevention services.
- Incorporate strengths-based approaches across our continuum of prevention services.

Rationale: The top priority for any new service development is the expansion of family services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family skills building. Family-focused prevention strategies consistently demonstrate effectiveness in reducing A&D problem rates for youth. Additionally, the expansion of prevention strategies targeting children with parents who are in A&D treatment or in the criminal justice system is seen as a cost-effective strategy for addressing the needs of these very high-risk populations.

Within our youth and family services community there is a growing consensus to implement strengths based approaches across our continuum of services. The research has shown a

relationship between assets (strengths-based beliefs or behaviors) and reduced risk of substance abuse problems.

- Increase prevention services targeting ethnic minorities.

Rationale: Certain linguistic and ethnic populations are inadequately served through the current system. If new funds become available, specific minority populations will be prioritized through a more detailed Request for Proposals (RFP) planning process.

- Increase A&D prevention support for existing community coalitions.

Rationale: Community coalitions represent a research-based best practice. For some time Multnomah County has been committed to the development of community coalitions. Successful efforts in this area include Schools Uniting Neighborhoods (SUN Schools), Regional Drug Initiative, and Caring Communities. The Caring Communities in particular represent a significant emphasis on addressing multiple issues related to improving high school completion and integrating youth and family services with community resources. Further investment of new resources to enhance the efforts of these established coalitions is viewed as a cost-effective strategy for expanding A&D prevention activities within our community.

- Continue efforts to promote better collaboration in the planning, management and delivery of prevention services within Multnomah County.

Rationale: There are multiple prevention initiatives encompassing a variety of funding and contracting resources within the County. While this reflects a widespread interest in prevention and has resulted in a variety of innovative approaches/programs, there now exists a need to better coordinate the planning, development, and delivery of this array of services. There is consensus among the prevention community that through increased collaboration and coordination resources can be used more efficiently and effectively.

RESOURCE ALLOCATION:

Allocation of resources remains essentially unchanged from prior year. The funding for service element A&D 70 is being maintained at the previous level. There are no major changes in distribution of resources among the universal, selective, and indicated segments of the prevention continuum. The proportion remains within budget guidelines with Universal programs and Selective programs each representing more than 25% of the total OADAP budget, and Indicated programs representing less than 25% of the budget. See Form B and Form B Narrative for details. Budget information by line item and by provider is provided in the Prevention Services Itemized Budget and Budget Detail tables.

PROGRAM SUSTAINABILITY:

Efforts to promote collaboration and integration of prevention services will be sustained beyond the conclusion of the State Incentive Cooperative Agreement (SICA) grant. This will be facilitated by the continuation of a 1.0 FTE Prevention Development Specialist with the Office of Addictions services. This position will continue to provide technical assistance to Caring Communities and other community-based coalitions and prevention providers.

In accordance with Senate Bill 555, the FY 2001-2003 Coordinated Comprehensive Plan will be developed in collaboration with the Commission on Children, Families and Community, DCFS, Juvenile Justice and other agencies with prevention programs. As part of the SICA planning

process for the previous Biennial Plan, DCFS staff participated in Tobacco Coalition meetings and a workshop. DCFS will continue to attend Tobacco Coalition meetings and workshops.

One exception to the priority of continuing support for existing efforts is in the area of parent education and training. Three Multnomah County providers had each received grant funding in FY 2000-2001 to support parenting/family drug abuse prevention programs for one year with the possibility of the grant being renewable for up to three years. With the grant program being discontinued after the first year, the providers will not be able to sustain their parent training efforts at the same level. Regional Drug Initiative indicated that it will not be able to maintain the expansion of its workplace parent-training program afforded by the RFGP # 462 grant. RDI will scale back its workplace parent trainings projections to previous levels. The other two providers, Project Network and De Paul Treatment Centers, report that they intend to continue with their parenting efforts as supported by client satisfaction, community need, and positive counselor feedback. Results to date indicate that the facilitators are very enthusiastic about the funded programs, and participating parents seem to enjoy them. However, providers warn that experience has shown that, without dedicated funding, it will be difficult to follow the best-practice model: providing all program elements (workbooks, meals, addressing special needs) or doing evaluation follow-up. They also doubted that they would be able to afford to train new facilitators as required to replace those lost through attrition.

**MULTNOMAH COUNTY
A&D BIENNIAL IMPLEMENTATION PLAN:
2001-2003**

**YOUTH SERVICES
Priorities**

ASSUMPTIONS:

This Youth A&D Services Plan Update has been created with certain basic assumptions in mind:

- The current system of services and funding priorities be maintained. Current funding supports a comprehensive array of treatment services targeting youth from low income families and a variety of high risk groups, including African Americans, Hispanics, Native Americans, and offenders. Maintenance of current funding is viewed as essential for the ongoing stability of our youth A&D system.
- For the most part, the service priorities contained in this plan represent system enhancements that are to be addressed as new funding becomes available.
- During the coming Biennium, we will be looking at strategies that use current funds to leverage other funds, such as Federal Medicaid and specialty grants.

OVERALL SYSTEM GOALS:

- Identify and support best practices within every service area, including administration.
- Increase service collaboration and coordination.
- Increase access to services for under-served populations.
- Support and/or create systems that increase treatment completion and ongoing recovery outcomes.

SYSTEM STABILIZATION PRIORITIES:

Funding

- Increase residential rates
- Enhance outpatient rates

Rationale: Youth residential and outpatient treatment rates are inadequate and have multiple negative impacts on our Youth A&D system:

Human Resource Impact: Inadequate funding rates make it difficult for programs to provide competitive salary and benefit packages to staff. Health benefit costs are skyrocketing, and non-profit providers are unable to support medical coverage for the families of their staff. These factors have increasingly become barriers to attracting and retaining A&D professionals to our provider community. This has particularly impacted minority programs, having an even smaller recruitment pool. A&D providers continually have to hire entry-level counselors, invest resources in training and professional mentoring, and then see these individuals become prime candidates for higher paying government sector positions.

Client Service Impact: Inadequate funding rates lead to increased caseloads and decreased services. In order to live within the financial resources available to them, providers often begin increasing caseloads and therefore client-to-staff ratios, negatively impacting their effectiveness in tailoring individualized treatment services. Further, research tells us that case management and family treatment services are often linked to increased positive outcomes for A&D clients. However, due to inadequate reimbursement rates, providers are unable to provide these service enhancements. It

needs to be pointed out that for the current fiscal year, providers did not get a cost of living increase on the County funds they received, and for the next fiscal year there is no plan for a cost of living increase on the state funds they receive. Thus, funding rates are not only inadequate, but in terms of real dollars are actually decreasing.

Housing and Residential Care

- Increase access to residential treatment.

Rationale: Historically, our youth residential treatment resources have been fully utilized. During the current Biennium we have seen a downturn in utilization numbers. The increased impairment of youth being served and the inadequacy of funding have contributed to this problem. OAS has submitted to OADAP a plan to increase funding for residential treatment, designed to help our programs upgrade staffing and support services to better address the needs of youth as well as increase retention rates. Additionally, our providers, OAS, and the County's Department of Community Justice are working collaboratively to remove barriers to residential treatment, a level of care of which we all agree is a critical need in this County's continuum of care. Current alternative treatment programs, such as "boot camps" and state training school A&D treatment beds, are facing reductions and/or elimination from our youth continuum of services, further negatively impacting demand and availability of residential treatment for adolescents.

- Increase transitional housing and residential proctor care models for homeless youth and other special-needs populations.

Rationale: The homeless facility partially supported by the County during the current Biennium is at 100% capacity and has a wait list. A high proportion of these youth are in need of A&D treatment but do not do well in our traditional community-based adolescent A&D programs. Transitional housing, with integrated A&D assessment, individual counseling, and treatment services is viewed as a potential best practice model, which we would like to pilot for this population. Additionally, we believe that there is a proportion of our youth treatment population that could function well in an intensive outpatient treatment setting if they had suitable A&D-free living options. We are interested in examining transitional housing and proctor care models as a means to better service the needs of these youth.

SYSTEM DEVELOPMENT PRIORITIES:

Family

- Promote Family Recovery models across the continuum of treatment services.

Rationale: The top priority for any new service funding is the expansion of family services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery. Specific service priorities include funding for case management services that help move the client/family system into needed services and family skills enhancement/development strategies. Family treatment has a significant impact on long-term recovery for both the individual and the family. Family treatment can also break the cycle of addiction, supporting the principle that *family treatment is prevention*.

- Increase sibling and cohort services within the provider programs.

Rationale: A focus on whole-family approaches to care creates a potential to break the cycle of substance abuse which threatens the siblings of youth in A&D treatment. Services, such as sibling

education, crisis intervention, and family dynamic programs such as Functional Family Therapy, can be addressed in new and meaningful ways as helpful to essential friend and family members.

- Move to a Strengths-Based system.

Rationale: By adopting a strengths-based treatment philosophy throughout the youth alcohol and drug treatment system, the County will be able to support a unified best-practices approach that is collaborative in nature, joining agencies where there has traditionally been division. In addition, strengths-based treatment services complement traditional treatment delivery as well – i.e., cognitive restructuring, motivational interviewing, solution-focused modality, *et al.*

Co-occurring/Dual Diagnosis Treatment Services

- Move our youth alcohol and drug treatment system to a fully integrated co-occurring disorder service model which will ensure provider systems:
 - become Dual Diagnosis Enhanced (DDE), therefore providing same-site mental health and alcohol/drug screening, assessments, and treatment services with dually qualified staff, and
 - are able to appropriately assess and treat youth with severe substance use and mental health disorders (Category IV).

Rationale: DDE assessment systems are currently available to youth receiving care through the School-Based Health Clinics¹, Juvenile Justice, two of our five licensed youth alcohol and drug providers, a young women's residential program, several non-County-funded programs, and the African-American Youth A&D consortium. At these sites/programs, integrated A&D/mental health assessment services are provided with linkages into needed treatment services. Dual Diagnosis Capable (DDC) assessment systems are available through all other providers. The DDC designation means that these providers have linkages to off-site mental health assessment resources and that they assist their clients in accessing needed services.

DDE treatment is available through two youth providers, while DDC treatment is available at all others. For the most part, our youth A&D system is able to address the treatment needs of dually diagnosed youth with mild to moderate mental health problems but are not serving youth with severe diagnoses.

Priority service development needs: To move our youth A&D system to DDE assessment and treatment capability for dually diagnosed youth with severe mental health disorders, the following resources are needed:

- Staff development/training,
- Increased staffing levels,
- Psychiatric support services, and
- Better access to mental health funding streams (blended funding) – There are different rules and management systems for mental health and A&D funding. As a result, it is quite difficult for providers to blend funding at the program level. Two strategies are being proposed to address this need area:
 - ⇒ Provide technical assistance to providers in setting up their clinical and financial systems to appropriately access mental health funding and
 - ⇒ Advocate with the State and Federal Government to change the rules to make it easier to integrate A&D and mental health funding streams.

¹ Includes the six high schools in the Portland Public School System and one high school in the Centennial School district, as well as some middle schools.

Planned innovations: During the coming Biennium we intend to continue the substantial integration efforts already under way in this County. Additionally, we will aggressively seek funding and other resources to address the system development needs addressed above.

Collaboration

- Improve collaboration between the Multnomah County alcohol and drug treatment system and other service systems

Rationale: There is currently good collaboration with Juvenile Justice, OYA, SCF, the Court system, and Portland Public Schools. Closer collaborative ties need to be developed with mental health, other school districts, and alternative schools. This is a Multnomah County administrative goal.

Special Populations

Minority

- Develop culturally specific service capacity for Native American and under-served Asian youth populations.
- Identify and remove barriers to accessibility for current slots designated for African-American, Latino, and Asian clients.

Rationale: Data shows that we currently have additional service capacity for African-American, Latino and Asian youth. It is imperative that we study and remove barriers to the full utilization of these resources. Our Latino Project in particular is new and will require diligent attention to attract and appropriately serve this identified population. Conversely, some population groups (Native American and some Asian groups) are being under-served in proportion to their numbers/need. Specialized services to better address minority groups need to be developed.

Gender-specific Groups

- Expand specific treatment services for young women and men

Rationale: Research demonstrates the need for treatment models that not only provide single-gender groups but are able to encompass a wide range of gender-specific educative and therapeutic responses to healthy relationships, gender biases and traditions, sexuality, parenting, and effective communication.

Pre-teens

- Prioritize importance of and access to treatment

Rationale: An under-served population of pre-teens is often denied treatment due to clinical as well as behavioral demands upon staff; too often these potential clients do not receive needed assessments or treatment until they are older, more entrenched in their substance use, scholastically behind, involved in the legal system, and/or separated from their families. The cognitive and developmental age of this population makes it particularly difficult and clinically inadvisable to mix with teens traditionally receiving treatment in the adolescent systems.

Homeless

- Establish specialized intervention and treatment programs for this high-risk population

Rationale: Our current youth A&D system is not readily accessible to this special needs population. Specialized A&D intervention and treatment services that are better integrated into the

homeless youth service provider system are needed to better impact this high-risk, vulnerable population before it is attached to the adult system(s).

Pregnant and Parenting Teens

- Increase specialized services for this population

Rationale: Pregnant and parenting teens represent a high need yet is an under-served population within our A&D treatment system. Specialized services that are better integrated with community-based health and social service resources are necessary to better address the needs of this high-risk population (both mother and baby).

**MULTNOMAH COUNTY
A&D BIENNIAL IMPLEMENTATION PLAN:
2001-2003**

**ADULT SERVICES
Priorities**

ASSUMPTIONS:

This Adult Treatment Plan Update has been created with certain basic assumptions in mind:

- Maintain current system of services and funding priorities. Current funding supports a comprehensive array of treatment services targeting the County's low income population and a variety of high risk groups including African Americans, Hispanics, Native Americans, women with small children, and offenders. Our current service system is over utilized and under funded. In order to ensure the integrity of our current array of services we are not proposing any change in how current funds are allocated. However, during the coming Biennium, we will be looking at ways of using current funds to leverage other funds such as Federal Medicaid in order to enhance our service system.
- For the most part, the service priorities contained in this plan represent system enhancements that are to be addressed as new funds and resources become available.

OVERALL SYSTEM GOALS:

- Identify and support Best Practices within every service area, including administration.
- Increase service collaboration and coordination.
- Increase access to services for underserved populations.
- Increase treatment completion and ongoing recovery outcomes.

SYSTEM STABILIZATION PRIORITIES:

Funding

- Increase funding rates for women's residential, drug free outpatient, methadone outpatient, and detox.
- Increase funding to provide for competitive staff recruitment and retention, including health care costs for staff members and their families.

Rationale: While treatment funding rates have increased for general residential treatment programs, they remain inadequate for women's residential, drug free outpatient, methadone outpatient, and detox programs. This inability to provide an adequate reimbursement rate for these services has resulted in multiple negative impacts on our provider system:

Human Resource Impact: Inadequate funding rates make it difficult for programs to provide competitive salary and benefit packages to staff. Health benefit costs are skyrocketing and non-profit providers are unable to support medical coverage for the families of their staff. These factors have increasingly become barriers to attracting and retaining A&D professionals to our provider community as well as the support staff necessary for client management in residential programs. This has particularly impacted minority programs that have a much smaller recruitment pool and are not able to provide salary and benefits incentives to compete with governmental entities that recruit from the same applicant pool. Providers increasingly have to hire entry level counselors and invest resources in their training and professional mentoring. However, once trained, these individuals are prime candidates for higher paying government sector positions.

Client Service Impact: Inadequate funding rates translates to increased caseloads and decreased services. In order to live within the financial resources available to them, providers have had to increase the caseloads of their clinical staff. This results in less clinician time on a per case basis and a reduced capacity to tailor treatment services to meet the unique needs of individual clients. Research tells us that case management and family treatment services are often linked to increased successful outcomes for A&D clients. However, due to insufficient reimbursement rates, providers are unable to adequately provide these service enhancements.

It should be pointed out that for the current fiscal year, providers did not get a cost of living increase on the County funds they receive and next Fiscal Year there is no plan for a cost of living increase on the state funds they receive. Thus, funding rates are not only inadequate, but in terms of real dollars, are actually decreasing.

Multnomah County has submitted a proposal to OADAP, which would leverage federal Medicaid funds to increase the payment rate for detox beds (4 beds) at one of our residential providers. We are also exploring the feasibility of using this same strategy to increase funding for all or a portion of the remaining 49 detox beds in our subcontract system.

Housing and Residential

- Increase safe, alcohol and drug free housing capacity, especially for families.
- Develop a combined program/capacity of alcohol and drug free housing plus outpatient treatment, as an option to residential treatment.
- Increase the number of residential beds available in Multnomah County.

Rationale: Multnomah County suffers from a critical lack of A&D-free housing for recovering families and individuals. The lack of A&D-free housing options is the most common reason cited for failure to enter treatment, stay in treatment, and have continued recovery.

Utilization monitoring and input from referral sources indicate that the number of residential beds in Multnomah County continues to be insufficient. Additionally, the Adoption and Safe Families Act (ASFA) puts severe limits on the amount of time parents of abused or neglected children have to address A&D problems before they risk permanent out-of-home placement of their children. This already puts increased access demands on our residential treatment system and will only get worse over the coming biennium. Our system's inability to provide appropriate residential level services in a timely manner can have long-lasting consequences on this high risk population.

Transitional A&D free housing integrated with intensive outpatient treatment or day treatment is viewed as a more cost efficient alternative for some Level III (residential treatment) clients. We currently have a proposal into OADAP that would modify funding streams in order to bring additional Federal Medicaid funds into the County. This plan would free up some state and local funds to support additional A&D-free housing services to pilot this new service model.

Reduce Administrative Contracting Costs for Providers

Decrease costs at the provider level through the streamlining and/or elimination of contractual requirements and reimbursement methods that are no longer applicable and efficient, while still maintaining high accountability standards. This is a Multnomah County administrative goal.

Rationale: Multiple funding streams result in overlapping and duplicative administrative requirements/procedures. The County proposes to work within the County system and with other funding sources to streamline administrative requirements.

SYSTEM DEVELOPMENT PRIORITIES:

Family Treatment

- Promote Family Recovery models across the continuum of treatment services.

Rationale: The top priority for any new service funds is the expansion of family services. This reflects a desire to move Multnomah County's A&D system toward more of an emphasis on family support and family recovery. Specific service priorities include funding for case management services that help move the client/family system into needed services and family skills enhancement/development strategies. Family treatment has a significant impact on long term recovery for both the individual and the family. Family treatment can also break the cycle of addiction, supporting the principle that *family treatment is prevention*.

Dual Diagnosis Treatment Services

- Move our adult alcohol and drug treatment system to a fully integrated co-occurring disorder service model which will ensure provider systems:
 - become Dual Diagnosis Enhanced (DDE), therefore providing same-site mental health and alcohol/drug screening, assessments, and treatment services with dually qualified staff, and
 - are able to appropriately assess and treat adults with severe substance use and mental health disorders (Category IV).

Rationale: Current status/efforts: DDE screening, assessment, and referral to treatment are provided through Hooper Detox Center, the Crisis Triage Center (CTC), and the Family Involvement Team (FIT). At Hooper, the addition of a psychiatric nurse practitioner provides for on-site screening and referral for clients entering the detox program. Clients in crisis may be taken to the CTC, where screening, assessment, and referral are provided. The FIT team provides for early intervention for ASFA (Adoption and Safe Families Act) parents to assess their needs including A&D and mental health, and provide for referral, long term case management, and integration of services.

The remainder of our A&D services system provides Dual Diagnosis Capable (DDC) assessment and referral services. The DDC designation means that these providers have linkages to off site mental health assessment resources and that they assist their clients in accessing this service.

DDE treatment is available through three adult providers, while DDC treatment is available at all others. Again, the DDC designation means that these providers have linkages to off site mental health treatment services and that they assist their clients in accessing this service and coordinate care with the mental health service provider.

For the most part our adult A&D system is able to appropriately service individuals with mild to severe mental health conditions as long as the psychiatric symptoms are under control. Our current subcontract A&D providers are not able to service individuals who are actively psychotic, unable to provide basic self care, or have significantly impaired cognitive functioning or impulse control.

Priority service development needs: To move our adult A&D system to DDE assessment and treatment capability, and to establish the capability to serve dually diagnosed adults with severe mental health disorders the following resources are needed:

- Staff development/training, increased cross training, and dual certification. Currently, some staff are dually trained and/or dually certified. The goal is to have all staff cross trained, and most staff dually qualified.

- Increase staff levels to provide the level of care necessary. It is important to have an adequate number of qualified staff to ensure the flexibility, availability, and low case loads required when offering varied and intensive treatment.
- Better access to mental health funding streams (blended funding). There are different rules and management systems for mental health and A&D funding. As a result it is quite difficult for providers to blend funding at the program level. Two strategies are being proposed to address this need area:
 - ✓ Provide technical assistance to providers in setting up their clinical and financial systems to appropriately access mental health funding.
 - ✓ Advocate with the State and Federal Government to change the rules to make it easier to integrate A&D and mental health funding streams.
- Psychiatric support services: Psychiatric services must be accessible in order to provide quality dual diagnosis treatment. Such services are difficult or impossible for providers to obtain because of costs.

Planned innovations: During the coming Biennium we intend to continue the integration efforts already under way in this County. Additionally, we will aggressively seek funding and other resources to address the priority service development needs addressed above.

Collaboration

Improve collaboration between the Multnomah County alcohol and drug treatment system and other service systems.

Rationale: There is currently good collaboration with Community Justice, SCF, the Court system, Public Health, and AFS. Closer ties need to be developed with Senior and Disabled Services, Developmentally Disables services, and Domestic Violence. This is a Multnomah County administrative goal.

Stigmatization

Reduce stigmatization, increase understanding of, and improve collaboration between the methadone service system and the A&D-free treatment system and other support service agencies. This is a Multnomah County administrative goal.

Rationale: A considerable level of bias against methadone clients and methadone treatment providers currently exists within our addictions treatment and social service provider communities. This bias undermines the ability of our service system to effectively serve opiate addicts. We believe that through better dialogue, cooperative problem solving opportunities, education, and improved accountability standards, the relationship between these systems can be significantly improved

SPECIAL POPULATION PRIORITIES:

Minority Services

- Develop culturally specific service capacity for Russian speakers and underserved Asian populations.
- Identify and remove barriers to accessibility for currently underutilized slots serving African-American, Hispanic, and Asian clients.

Rationale: Data show that we currently have underutilized service capacity targeting African-American and Hispanic individuals. It's imperative that we study and remove barriers to the full utilization of these resources. Conversely, some population groups (Russian speakers and Asians)

are being under served in proportion to their numbers/need. Specialized services to better address these groups' needs to be developed.

"Low Risk" Offenders With A&D Abuse/Dependency Problems

Develop strategies to improve treatment access, engagement, and treatment completion for this population.

Rationale: Currently many offenders who are classified within the Community Justice system as "low risk" receive a very minimal level of probation supervision. Included within this population are individuals who are convicted of possession of a controlled substance. Many of these individuals have significant substance abuse problems, but do not access and/or complete treatment. We are interested in working collaboratively with Community Justice, the Court, and service providers to formulate strategies to better serve this population.

Developmentally Disabled and Cognitively Impaired

Develop specialized services for individuals with significant developmental disabilities and/or cognitive impairment.

Rationale: Multnomah County currently does not have specialized services for this group which is unidentified and underrepresented in the service population.

18 – 25 year olds

Develop specialized services for 18 to 25 year olds, for both non-pregnant/non-parenting and for pregnant/parenting individuals.

Rationale: These clients are chronologically adults; however, they are often developmentally in their early to mid-teens. Consequently, these clients do not do well in a youth program or in a traditional adult program. When the client is pregnant or parenting, the situation is exacerbated. We need to develop specialized services to meet the unique needs of this transition population.

Elderly

Develop specialized services for senior citizens.

Rationale: Multnomah County currently does not have specialized services for this group which is unidentified and/or underrepresented in the service population. The elderly are the fastest growing segment of the population. They require a treatment approach tailored to their age group. In addition, alcohol and drug issues must be addressed in the elder care provider community.

Domestic Violence/Trauma

Improve the capacity of our A&D treatment system to address the unique clinical needs of domestic violence/trauma victims and perpetrators.

Rationale: A high percentage of women in treatment are the victims of domestic violence and other trauma. Untreated trauma may present a barrier, which must be addressed appropriately before recovery can take place.

Other Disabilities

Improve the ability of our system to service the needs of disabled citizens.

Rationale: The County currently does not have specialized services for this client category, which is unidentified, and/or underrepresented in the service population. Often A&D issues are unidentified in the elderly population because of lack of resources and information to support effective treatment. This population requires specialized services in order for treatment to be most effective.

FORM A

Please list all licensed treatment entities the county will subcontract with:

Provider Name	Approval/License ID Number	Services Provided	Estimated County 2145 Funds in Subcontract
ASAP Treatment Services	(Tax ID Number) 93-0712083	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 326,254 * and DUII Indigent Funds * \$ 48,334 of the above amount is SMHG Add Package
Centennial School District: East County Caring Community	(Tax ID Number) 93-6000847	Check the treatment services licensed <input type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 18,274

Center for Community Mental Health	(Tax ID Number) 93-0628622	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 56,504 OADAP funds: \$ 1,241,360 and DUII Indigent Funds
Central City Concern	(Tax ID Number) 93-0728816	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input checked="" type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 662,056 OADAP funds: \$ 4,844,480 * * \$ 496,858 of the above amount is SMHG Add Package * \$ 152,318 of the above amount was cut from funding information sent out by OADAP for Dual Diagnosis Detox Enhancement
ChangePoint	(Tax ID Number) 93-1229222	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 287,184 and DUII Indigent Funds

City of Portland: Caring Community of North Portland	(Tax ID Number) 93-6002236	Check the treatment services licensed <input type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 18,274
Comprehensive Options for Drug Abusers	(Tax ID Number) 93-0716860	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input checked="" type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 4,152,916* * \$ 216,784 of the above amount is SMHG Add Package
DePaul Treatment Centers	(Tax ID Number) 93-0706892	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input checked="" type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 3,970,904
General Health dba Delta Clinic	(Tax ID Number) 93-1010250	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 317,932

InAct	(Tax ID Number) 51-0145008	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 416,160* and DUII/Marijuana Indigent Funds * \$ 416,160 of the above amount is SMHG Add Package for Drug Court contracted through Multnomah County Department of Community Justice
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25 Legacy Emanuel Hospital and Health Center	(Tax ID Number) 93-0386823	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input checked="" type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 2,089,564 * * \$ 96,664 of the above amount is SMHG Add Package
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Morrison Center	(Tax ID Number) 93-0354176	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 240,000* * \$ 240,000 of the above amount is SMHG Add Package
Native American Rehabilitation Association of the Northwest	(Tax ID Number) 23-7098400	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input checked="" type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 81,480 OADAP funds: \$ 2,660,836* and DUII Indigent Funds * \$ 96,664 of the above amount is SMHG Add Package
Network Behavioral HealthCare	(Tax ID Number) 97-0770054	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input checked="" type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 189,912 and DUII/Marijuana Indigent Funds

Northwest Treatment Services	(Tax ID Number) 406-78-5683	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: DUII Indigent Funds
Oregon Chicano Concilio on Alcohol and Drug Abuse	(Tax ID Number) 93-1039244	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 20,000
Oregon Health Sciences University Behavioral Health Clinic	(Tax ID Number) 93-1176109	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 333,466 and DUII Indigent Funds
Parkrose School District: Mid-County Caring Community	(Tax ID Number) 93-6000833	Check the treatment services licensed <input type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 18,274

Portland Impact: Franklin Caring Community	(Tax ID Number) 93-0557964	Check the treatment services licensed <input type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 18,274
Portland Public Schools: Grant/Madison Caring Community Inner SE Caring Community Outer SE Caring Community West District Caring Community	(Tax ID Number) 98-6000803	Check the treatment services licensed <input type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 73,094
Providence Health System Chemical Dependency Services	(Tax ID Number) 93-0386906	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input checked="" type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: DUII/Marijuana Indigent Funds

Regional Drug Initiative	(Tax ID Number) 93-6002236	Check the treatment services licensed <input type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 60,000 OADAP funds: \$ 233,492* *\$ 213,492 of the above amount was not included in the funding information sent out by OADAP for Drug Free Work Place Services
Self Enhancement Inc.: Jefferson Caring Community	(Tax ID Number) 93-1086629	Check the treatment services licensed <input type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input type="checkbox"/> Other <input checked="" type="checkbox"/> Community Coalition	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 18,274
Stay Clean	(Tax ID Number) 93-0983665	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 69,480

Tualatin Valley Centers	(Tax ID Number) 93-0502822	Check the treatment services licensed <input checked="" type="checkbox"/> SE 66 <input checked="" type="checkbox"/> Prevention <input type="checkbox"/> Residential Care <input checked="" type="checkbox"/> Other	Amount the licensed entity will receive in the subcontract County 2145: \$ 0 OADAP funds: \$ 712,326* and DUII/Marijuana Indigent Funds * \$ 48,334 of the above amount is SMHG Add Package
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KRON Gayle E

From: MARTIN Nancy B
Sent: Tuesday, February 20, 2001 10:00 AM
To: 'barbara.cimaglio@state.or.us'
Cc: PETERSON Jim R; KRON Gayle E
Subject: Prevention Letters of Approval

Preparing the 2001-03 Multnomah County Implementation Plan has raised an unresolved issue regarding licensing. Form A refers to licensing of programs, including prevention programs. According to recent A&D 70 Intergovernmental Agreement contracts, prevention programs must have a current Letter of Approval issued by OADAP. However, Multnomah County grant accounting staff has not received confirmation from OADAP that this requirement is still in effect.

Please confirm for us if the OAR requiring a letter of approval for prevention programs is (or has been) suspended. If the rule remains in effect, the County auditor may require that the County stop funding the prevention agencies that don't have the letter of approval. This would prevent the County from funding almost all of our current providers, including all of the Caring Communities, Oregon Concilio, and Regional Drug Initiative. Please let me know who to contact for information on obtaining letters of approval for these programs.

Thank you for your prompt attention to this matter.

*Nancy B. Martin
Prevention Coordinator
Office of Addictions Services
Department of Community & Family Services
Multnomah County Oregon*

*(503) 988-5464, x26311
FAX: (503) 988-5905
nancy.b.martin@co.multnomah.or.us*

KRON Gayle E

From: MILLER Bob [Bob.Miller@state.or.us]
Sent: Thursday, February 22, 2001 10:42 AM
To: nancy.b.martin@co.multnomah.or.us
Cc: gayle.e.kron@co.multnomah.or.us; jim.r.peterson@co.multnomah.or.us; CIMAGLIO Barbara; PHIPPS Toni
Subject: Re: Prevention Letters of Approval

Nancy,
The organizations you named in your email are all "community coalitions". As such, they are not the type of entity that is subject to licensure or approval as a "prevention program" under the current administrative rules. Therefore, it is acceptable to provide community coalition funding to them even though they do not have a Letter of Approval. Please call me at (503) 945-6185 if you have any questions about this.

Bob Miller, Operations Manager

Multnomah County Dept. of Community & Family Services Prevention Services

Form B Narrative

This Form B narrative for Multnomah County FY 2001-2003 Prevention Services will provide a summary of major changes to the Multnomah County Prevention Implementation Plan.

Note: There are not any major changes in distribution of resources among the universal, selective, and indicated segments of the prevention continuum. The proportion remains within guidelines at: 38% Universal, 46% Selective, and 16% Indicated. Allocation of resources remains essentially unchanged from prior year.

- **Touchstone:** No major changes: Continue to provide weekly social competency groups for students at Touchstone school sites. See objective 3 in Form B.
- **Tualatin Valley Centers (TVC):** Continue to provide a mix of universal, indicated, and selective activities and events, including ATOD information dissemination to parents, youth skill-building groups, after-school tutoring and recreation activities, mentoring, community building among school staff, and school ATOD screens. Adjustments were made to outcome projections to respond to actual outcomes from prior year and priorities of participating schools. *Dropped objective to develop SUN school plan for Harold Oliver Primary & Intermediate Schools—project accomplished.* See objectives 4–16 in Form B.
- **Oregon Chicano Concilio on Alcohol and Drug Abuse:** Continue to provide After-School Recreation (positive alternative activities) and publication of quarterly newsletter. *Activities have changed from original plan with relocation to Dishman Gymnasium (swimming, basketball, etc.). Distribution frequency of newsletter 4x/year scaled back from previous goal of 6x/year.* See objectives 17–19 in Form B.
- **Regional Drug Initiative (RDI):** Continue to coordinate *Parent Project* parent trainings at workplaces. (Based on NICASA best practice program) Will explore expanding training sites to include parent trainings for teen parents at school sites. The projected number of participating parents has been scaled back to reflect actual attendance in previous workshops. No additional training of volunteer trainers is scheduled for this Biennium. *New objective this year: conduct “booster” trainings and technical assistance on program evaluation for volunteer trainers.* See objectives 20–21 in Form B.

**Multnomah County Dept. of Community & Family Services
Prevention Services**

Form B Narrative, Cont'd

- **Caring Communities:** In FY 2000-2001, five new Caring Communities were added to the four Caring Communities previously receiving OADAP funding. The restructuring of the total Caring Community budget, which split the combined OADAP funding equally among the nine Caring Communities, resulted in a substantial decrease in funding for the Caring Community of North Portland versus prior year, and slight decreases for three others. ATOD priorities for FY 2001-2003 Biennial Plan reflects adjustments to the previous changes in funding levels: *Caring Community of North Portland focused its prevention services this year to continuing its Back to School Fair and supporting the implementation of its Community Fit for Children plan. The East County Caring Community (replacing GAPP) will continue its focus on rebuilding its prevention infrastructure by reconstituting a Prevention Action Team, while continuing to hold events that connect parents and students to community services.* The other "original" Caring Communities (Grant/Madison Caring Community and Inner Southeast Caring Community) are continuing their on-going programs.

The "new" Caring Communities added in FY 2000-2001 are:

- Franklin Caring Community
- Jefferson Caring Community
- Mid County Caring Community
- Outer Southeast Caring Community
- West District Caring Community

See objectives 22-40 in Form B.

**2001-2003 PREVENTION (A&D70)
PROCESS OBJECTIVES**

FORM B

County MULTNOMAH COUNTY

Agency DEPARTMENT OF COMMUNITY & FAMILY SERVICES

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
1P N/A	N/A	100% Universal Community-based process	Provide technical assistance to OADAP funded prevention programs to assure compliance with program objectives.	Monthly Minimum Data Set reports for Prevention Coordinator, prevention annual reports	Multnomah County
2P N/A	N/A	100% Universal Community-based process	Promote collaboration and integration of prevention services in accordance with the State Incentive Cooperative agreement (SICA) through 9/30/01.	Documentation of process and periodic progress reports to OADAP	Multnomah County
3P School Attendance, Assets: Caring school climate (28%), creative activities (22%), planning & decision making (31%). Youth as resources (29%) adult role models (26%)	Academic failure, commitment to school	Selective/ Education	Hold a minimum of 5 social competency groups for students at various Touchstone site that meet weekly with 5-7 participants	Group attendance logs	Touchstone
4P Average income for Columbia Villa/Tamarack residents is at or below 150% of federal poverty. Evictions from CVT are primarily related to drug use.	Community disorganization; Transitions/ mobility, Community norms favorable toward drug use, firearms, and crime.	Indicated; Alternatives	CVT: Identify 10 core youth to be served through individualized services and mentoring.	Service activity log: Monthly MDS reports	Tualatin Valley Centers

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
5P Over 80% of households are headed by single females under age 30. Over 50% of CVT residents are under 18, half of whom are under 8, 100% of the youth currently served are between 7 & 12, living with parents or guardians.	Family Management Problems; Parental attitudes toward and involvement in problem behaviors; Early school failure; Family Bonding.	Selective: Information dissemination	CVT: Host quarterly events for 15 parents to provide information and facilitate dialogue regarding family oriented prevention issues.	Service activity logs; Monthly MDS reports; Client logs	Tualatin Valley Centers
6P—See 5P	See 14P	Indicated; Prevention Education	CVT: Provide 6 12-week series of skill building groups at two elementary schools for 36 youth to increase self-efficacy and impulse control.	Service Activity Logs Monthly Reports	Tualatin Valley Centers (in collaboration with Janus Youth Programs, Ball & Clarendon Elementary schools)
7P—See 5P	See 14P	Selective services	CVT: Provide 80 sessions of After School programs, including computer training, tutoring, and therapeutic recreation for 75 unduplicated youth aged 6-12 years.	Service Activity Logs Monthly Reports	Tualatin Valley Centers (in collaboration with Janus Youth Programs, the Housing Authority of Portland, Multnomah County)

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
8P Students attending Vocational village High School have been unsuccessful in other school settings due to school failure, problem behaviors, poor parental support, substance abuse, and poor social skills.	Early initiation of problem behaviors; School failure; Early aggressive behaviors; Pro-social skills Pro-social bonding	Selective/ Prevention education	VVHS: Provide at least 32 sessions (three 8-week series) of skill building groups.	Service Activity Logs Client Log INFOS Monthly MDS reports	Tualatin Valley Centers in collaboration with Vocational Village High School. Asian American Skills groups provided by TVC, culturally representative staff, funded through the In The Community Contract with Multnomah County.
9P Students from all of Multnomah County attend VVHS, but there is a 400% turnover each year. Further, 20% of the VVHS staff have retired since 1997.	School bonding; Early school failure; Friends who have favorable attitudes toward or participate in substance abuse, school failure and crime	Universal/ Community-based processes	VVHS: The Prevention Specialist will facilitate community building among VVHS staff through providing: <ul style="list-style-type: none"> • 5 Team building interactive activities during weekly staff meetings. • 50 hours of consultation with staff re: community building.. 	Service activity logs Monthly MDS reports	Tualatin Valley Centers
10P—See 9P	See 16P	Selective/ Prevention education	VVHS: Provide 10 sessions of leadership training and skill building services for 6 VVHS students.	Service activity logs, Monthly MDS reports	Tualatin Valley Centers in collaboration with VVHS
11P—See 9P	See 16P	Selective/ Information dissemination	VVHS: Provide 10 community education program for Transition Class participants, providing 100 youth contacts.	Service Activity Logs Monthly Reports	Tualatin Valley Centers in collaboration with VVHS

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
12P A majority of VVHS students abuse alcohol, tobacco and other drugs, while others have failed previous schools as a result of substance use. Prior VVHS recovery group participants report that the majority of their friends and parents abuse alcohol, tobacco, and other drugs.	Early initiation of problem behaviors; Parental attitudes are favorable toward ATOD use. Parental participation in problem behavior. Friends attitudes and behaviors are favorable toward ATOD use.	Indicated/ Problem identification and referral	VVHS: Provide 40 initial ATOD screens per year for students with histories indicating ATOD abuse or who have PPS drug violations.	Service activity logs Monthly MDS reports	Tualatin Valley Centers
13P 30% tardiness/yr.; 7% absentee rate/yr.; 20% student turnover rate; 120 students with unsatisfactory academic performance/yr.; increasing reports of aggression among K-3 including 2 knives at school with 7 year olds in one week.	School Bonding Early aggressive beh. Early school failure; Parents with history of problem behaviors; Friends attitudes favorable toward problem behavior; Individual characteristics; Transitions/ mobility Pro Social Skills	Indicated/ Prevention education	Provide 6 Social Skills groups (8-10 sessions) for 18, 1 st -3 rd grade students, per year, including anger management and self-management skills.	Service activity log Monthly MDS reports	Tualatin Valley Centers; Harold Oliver Primary School; Lynch View School.
14P—See 13P	See 13P	Selective/ Prevention education	Provide 16 skill building groups (8-10 sessions) for 80 (98), 4 th -6 th grade students per year, based on current school/student needs, such as anger management, children from drug affected families, and conflict resolution.	Service activity log Monthly MDS reports	Tualatin Valley Centers at Harold Oliver Intermediate School; Lynch View School

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
15P Increasing reports of parents who use alcohol and other drugs; Increasing crime reports in immediate community	Community norms favorable toward problem behaviors; Parents with histories of problem behaviors.	Universal/ Information dissemination	Provide 20 classroom presentations regarding ATOD for 400 youth per year.	Service activity log Monthly MDS reports	Tualatin Valley Centers
16P—See 15P	See 15P	Universal/ Community-based processes	Provide at least 50 hours per year of consultation and training services for school staff regarding ATOD prevention with students and their families.	Service activity log Monthly MDS reports	Tualatin Valley Centers
17P Alone at home 2+ hours/school day (68%), TV/videos 3+ hours/school day (60%) Feelings about neighborhood (student survey)	Low neighborhood attachment, rebelliousness, anti-social behavior	Selective/ ATOD-free activities	After-School Recreation: At Dishman Gymnasium: swimming, basketball, water basketball, boxing, Ping-Pong, roller-skating. (goal: 12 children (8-14 years) 2x/week. 2 Field trips.	Sign-up lists (<i>Reported in monthly MDS reports</i>)	Oregon Concilio/ OCCADA @ Villa de Clara Vista
18P 26% of youth report positive adult role models: Assets survey	Low neighborhood attachment, community disorganization	Selective/ Prevention Education	Train youth interns in ATOD prevention (goal: 2 volunteer interns), to work with families & children on ATOD prevention.	Count of volunteer interns, attendance records, retention of volunteer interns in program	Oregon Concilio/ OCCADA
19P Negative feelings about neighborhood (student survey)	Low neighborhood attachment, community disorganization	Selective/ Information Dissemination	Distribute quarterly newsletter highlighting Hispanic issues	Newsletter circulation, # issues	Oregon Concilio/ OCCADA
20P Poor family mgmt—student survey Asset survey: :positive family communication 30%; parent involvement in schooling 35%; adult role models 26%	Family management, Parent involvement, Role models	Universal/ Education	Implement at least 3 workplace parent trainings for 45 persons.	Sign up lists at parent trainings.	Regional Drug Initiative
21P Poor family mgmt—student survey Asset survey: :positive family communication 30%; parent involvement in schooling 35%; adult role models 26%	Family management, Parent involvement, Role models	Universal/ Education	Conduct at least 3 evaluation trainings for trainers from Oregon National Guard and other participating organizations.	Attendance list from evaluation trainings.	Regional Drug Initiative

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
22P Multnomah County Urgent Benchmarks: High number of children in poverty. Community has a poverty rate of 30.8% as listed in the 1995 Census. Of specific concern is the access to health care and information	Extreme Economic Deprivation	Universal/ Information Dissemination	Sponsor a Readiness Fair for 500 North Portland residents. Provide health and prevention information and access to services via providers on site i.e. ATOD information, Oregon Health Plan Screeners, vision screening, immunizations, school readiness.	Number of attendees. Number and types of services offered.	Caring Community of North Portland
23P Benchmark: High school completion; Roosevelt Cluster have only 18 of the proven 40 assets (Asset Survey); lack of adult support, lack community support; high referrals to Student Attendance Initiative	Low neighborhood attachment; new neighborhood residents; low volunteerism and participation	Universal/ Information dissemination; Alternative activities; Parental attitudes	Implement Community Fit for Children plan to promote peace and safety through collaboration with North Portland community partners by creating and enhancing opportunities for children, youth and families Recruit and provide technical assistance to Action Teams in developing and implementing annual work plans.	# meetings with community partners # meetings of Family Strengths Action Team, Peace Action Zone, After-School and Summer Activity Teams	Caring Community of North Portland
24P Number of youth with access to ATOD free activities	Lack of commitment to school Community laws and norms	Selected/ Prevention education Information dissemination Universal/ Alternative Information dissemination	Build community infrastructure around prevention program by: Reconstituting Prevention Action Team (Goal: at least 8 team meetings) Establishing employer education breakfast program (Goal: consistently disseminate ATOD materials)	Number of hours Number of participants Number of participants, Number of meetings # ATOD materials disseminated	ECCC (East County Caring Community—formerly GAPP)
25P High school completion, school success, opportunities for educational opportunities and social development	School bonding	Universal/ Information dissemination Prevention education	Reach parents of 200 kindergarten students at early childhood fair (Ready, Set, Go Fair) to help children and parents transition to kindergarten Increase prevention focus by building relationship with partners (goal: increase participation by at least two partners)	Number of attendees # of community partners participating in fair	ECCC (East County Caring Community—formerly GAPP) Touchstone, Head Start Early Childhood program

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
26P Benchmark: School readiness, school success, 100% high school completion	Lack of commitment to school, academic failure	Universal/ Information dissemination, Positive alternative activities	Establish Parent Involvement/Prevention Team: recruit 8-12 members. Hold 8 meetings/school year Establish After-School Activities Team: recruit 12-15 members Obtain funding for school-based health clinic for ATOD health screenings	Number of members Number of meetings	Franklin Caring Community
27P Poor family management—student survey	Family management	Universal/ Information	Hold 3 forums and distribute at least 300 educational materials on ATOD prevention	Number of forums held Number of educational materials distributed	Grant/Madison Caring Community
28P Juvenile arrest data	Anti-social behavior	Universal/ ATOD free Activities	Provide alternative youth activities in at least 1 neighborhood churches on 4 non-school weekdays.	Number of activity sites Number of youth attending	Grant/Madison Caring Community
29P School attendance; Assets: Caring school environment, creative activities, adult role models	Academic failure, Lack of commitment to school	Universal/ youth/adult leadership functions	Recruit at least 400 parents to become active in high school programs	Number of parents participating	Grant/Madison Caring Community
30P Assets Survey	Low neighborhood attachment, community disorganization	Universal/ Information	Create and disseminate monthly newsletter that includes A&D information and promotes school activities	Number of newsletters distributed	Grant/Madison Caring Community
31P How wrong is it to use ATOD? (Student Survey Data)	Community Laws and norms Bonding	Universal/ Information dissemination prevention education	Provide 2-day Every Fifteen Minutes event at Cleveland High School for 266 seniors	Number of attendees	Inner SE Caring Community (ISCC)
32P How wrong is it to use ATOD? (Student Survey Data)	Community Laws and norms Bonding	Universal/ Information dissemination prevention education	Train 30 seniors to perform in Every Fifteen Minutes activities/skit at Cleveland High School	Number of participants	ISCC

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
33P Opportunities for school and community involvement (student survey data)	Community laws and norms Bonding	Universal/ Positive alternative activities	Collaborate with 4 community partners to provide alternative activities for middle school students. Meet at least 6x per year to plan activities for middle schools. Supervise Hosford Middle School activities serving 60 students per week for 32 weeks	Number of community partners Number and type of activities Number of meetings with community partners Number of students attending Number of weeks activities offered	ISCC Hosford Middle School Boys & Girls Club
34P Opportunities for school and community involvement (student survey data)	Bonding	Universal/ Alternative Activities	Supervise staff person at Cleveland High School who runs table tennis activities Provide table tennis for 50 youth/week during school weeks.	Number of meetings with Cleveland HS staff Number of youth served	ISCC Cleveland High School
35P Opportunities for school and community involvement (student survey data)	Bonding	Universal/ Alternative Activities	Meet with Americorps staff to assure Community Service Learning program for 150 students	Number of meetings with Americorps staff Number of youth participating	ISCC Americorps
36P School Attendance, Assets: Caring school climate (28%), creative activities (22%), planning & decision making (31%). Youth as resources (29%) adult role models (26%)	Low neighborhood involvement Community laws and norms Adult role models	Universal/ Prevention education Information dissemination Leadership & Skill building	Establish Youth and Law Enforcement Advisory Council for NE Precinct Hold at least 9 meetings during school year. Increase # of community partners (goal: add at least 2 new partners) Increase # of youth participating (goal: 1-2 each school)	Number of meetings Number of community partners Number of youth attending Attendance sheets, MDS reports	Jefferson Caring Community, Office of Neighborhood Development, Jefferson High School, Alternative Schools
37P School Attendance, Assets: Caring school climate (28%), creative activities (22%), planning & decision making (31%). Youth as resources (29%) adult role models (26%)	Bonding Healthy & Clear Standards Adult role models	Universal/ Mentoring	Provide students with a positive relationships through adult mentoring for the school year (goal: increase number of mentors and matches by 25% vs. prior year)	Number of mentors Number of mentees/matches	Mid County Caring Community, Parkrose and David Douglas elementary schools

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
38P Improve academic opportunity and success. Benchmarks (Mult. Co. and Oregon DHS): High School completion; systems change: human services and educational reform; service integration across sectors	School Bonding; Family Management	Universal/ Information dissemination; Education	Hold two events for youth and parents: Back to School Fair and Winter Warming Festival Provide health and prevention information and access to services	Number attending events Number and types of services offered	Outer Southeast Caring Community
39P Improve academic opportunity and success. Assets; Benchmarks (Mult. Co. and Oregon DHS): High School completion; systems change: human services and educational reform; service integration across sectors	School Bonding; Family Management	Universal/ Information dissemination; Education	Support Family Involvement Team in conducting parent-to-parent workshops. Goal: retain 8 parents for four workshops. Enlist partners for asset-building workshops	Number meetings of Family Involvement Team Number of partners participating (goal: 2)	Outer Southeast Caring Community, SUN Coordinator, Take the Time Coordinator
40P High percentage of alcohol consumption at school functions; reports of parents providing alcohol at pre-functions	Peer attitudes, Parental attitudes, community norms	Universal/ Information dissemination Prevention education	Build Prevention Action Team Establish prevention programming at Lincoln High School Establish relationship with Wilson High School preliminary to establish program	# meetings (9 per school year) # new partners (business owners, OLCC) # meeting at Lincoln High School # meetings with Wilson High School	West District Caring Community,

**2001-2003 PREVENTION (A&D70)
EDUCATIONAL OBJECTIVES**

FORM B

County MULTNOMAH COUNTY

Agency DEPARTMENT OF COMMUNITY & FAMILY SERVICES

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
3E School Attendance, Assets: Caring school climate (28%), creative activities (22%), planning & decision making (31%). youth as resources (29%) adult role models (26%)	Academic failure, Commitment to school	Selective/ Education	50% of students will report improved knowledge of peer relationship skills	Questionnaire	Touchstone
6E Over 80% of households are headed by single females under age 30. Over 50% of CVT residents are under 18, half of whom are under 8, 100% of the youth currently served are between 7 & 12, living with parents or guardians	Early school failure; Pro-social bonding	Selective/ Alternative	100% of participants in the computer training component of the after school clubs will gain new computer skills and knowledge.	Program Evaluation Form	Tualatin Valley Centers (in collaboration with the Housing Authority of Portland: Drug Elimination Team – Computer Learning Center)
8E Students attending Vocational village High School have been unsuccessful in other school settings due to school failure, problem behaviors, poor parental support, substance abuse, and poor social skills	Early initiation of problem behavior; Early aggressive behaviors; Pro-social skills Pro-social bonding	Selective/ Prevention education	VVHS: 75% of students participating in skill building groups will report increased knowledge regarding problem solving, anger management skills, and relevant topics.	Student interviews Client satisfaction surveys	Tualatin Valley Centers in collaboration with VVHS.
11E Students from all of Multnomah County attend VVHS, but there is a 400% turnover each year. Further, 20% of the VVHS staff have retired since 1997.	School Bonding; Early school failure; Friends attitudes favorable toward problem behavior.	Selective/ Prevention Education	80% of youth participating in community education sessions will report an increased knowledge of ATOD, based on self-report.	Classroom survey	Tualatin Valley Centers in collaboration with VVHS.

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
15E Increasing reports of parents who use alcohol and other drugs; Increasing crime reports in immediate community	Community norms favorable toward problem behaviors; Parents with histories of problem behaviors.	Universal/ Information dissemination	80% of youth participating in classroom presentations will report increased knowledge of ATOD issues.	Student satisfaction surveys	Tualatin Valley Centers
18E 26% of youth report positive adult role models: Assets survey	Low neighborhood attachment, rebelliousness, anti-social behavior	Selective/ Education	100% volunteer interns (goal: 2 interns) to complete Oregon Concilio Certificate of Prevention training program.	Assess progress through on-going monitoring and evaluation # Certificates	Oregon Concilio/ OCCADA)
20E Poor family mgmt—student survey Asset survey: :positive family communication 30%; parent involvement in schooling 35%; adult role models 26%	Family management, Parent involvement, Role models	Universal/ Education	Participants completing the class will demonstrate significant improvement in substance abuse knowledge.	Pre and post test "Parent Substance Knowledge and Opinion Survey"	Regional Drug Initiative
21E Poor family mgmt—student survey Asset survey: :positive family communication 30%; parent involvement in schooling 35%; adult role models 26%	Family management, Parent involvement, Role models	Universal/ Education	Participants completing will have increased knowledge of Parent Project evaluation methods	Post test	Regional Drug Initiative
22E Multnomah County Urgent Benchmarks: High number of children in poverty. Community has a poverty rate of 30.8% as listed in the 1995 Census. Of specific concern is the access to health care and information	Extreme Economic Deprivation	Universal/ Information Dissemination	75% of fair attendees completing questionnaires will indicate they learned about new services 50% will report they obtained ATOD information	Readiness Fair "Passport" questionnaire (post)	Caring Community of North Portland

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
25E High school completion, school success, opportunities for educational opportunities and social development	School bonding	Universal/ Information dissemination Prevention education	75% of Read Set Go Fair attendees completing questionnaires will indicate they learned about new services 50% will report they obtained ATOD information	Kindergarten Fair "Passport" questionnaire (post)	ECCC (East County Caring Community—formerly GAPP) Touchstone, Head Start Early Childhood program
27E Poor family management—student survey	Family management	Universal/ Information	75% of students/parents attending report greater knowledge about ATOD	Program evaluation	Grant/Madison Caring Community
38E Improve academic opportunity and success. Benchmarks (Mult. Co. and Oregon DHS): High School completion; systems change: human services and educational reform; service integration across sectors	School Bonding; Family Management	Universal/ Information dissemination; Education	75% of parents attending Back to School Fair and Winter Warming Festival who completed questionnaires will indicate they learned about new services 50% will report they obtained ATOD information	Back to school fair and winter festival "passport" questionnaires	Outer Southeast Caring Community

**2001-2003 PREVENTION (A&D70)
ATTITUDINAL OBJECTIVES**

FORM B

County MULTNOMAH COUNTY

Agency DEPARTMENT OF COMMUNITY & FAMILY SERVICES

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
4A Average income for CV/T residents is at or below 150% of federal poverty. Evictions from CV/t are primarily related to drug use.	Community Disorganization; Community norms favorable toward drug use, crime, and firearms; Parental attitudes favorable toward or participation in problem behavior; Pro-social bonding.	Indicated/ Alternatives, Prevention Education	65% of core group will show improvement on Individual Protective Factor Index (modified) pre and posttest.	Client logs, Monthly reports	Tualatin Valley Centers CV/T Community Service Partners.
6A Over 80% of households are headed by single females under age 30. Over 50% of CVT residents are under 18, half of whom are under 8, 100% of the youth currently served are between 7 & 12, living with parents or guardians	Family Management Problems; Parental attitudes toward and involvement in problem behaviors; Early school failure; Family Bonding.; School Bonding.	Indicated/ Prevention Education	60% of participants in skill building groups will show an increase in self-efficacy, self-control, and school attachment.	Individual Protective Factor Index (modified) pre and post test Key protective factors	Tualatin Valley Centers (in collaboration with Janus Youth Programs, Ball Elementary School, Clarendon Elementary School, George Middle School, and Portsmouth Middle School).
9A Students from all of Multnomah County attend VVHS, but there is a 400% turnover each year. Further, 20% of the VVHS staff have retired since 1997.	School Bonding Transitions/mobility School failure	Universal: Community Based Processes	80% of VVHS staff will report favorable experiences with community building services and consultation provided by Prevention Specialist.	Satisfaction Surveys	Tualatin Valley Centers

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
13A 30% tardiness/yr; 7% absentee rate/yr.; 20% student turnover rate; 120 students with unsatisfactory academic performance/yr.; increasing reports of aggression among K-3 including 2 knives at school with 7 year olds in one week.	School bonding Early school failure Early aggressive behavior Parents with histories of problem behavior Friends attitudes favorable toward problem behavior Individual characteristics Transitions/mobility Pro Social Skills	Selective/Prevention Education Indicated/Prevention Education	80% of 4 th -6 th grade youth participating in skill building groups will show an improvement in self-efficacy, school attachment, and self-control. 75% of 6 th grade students participating in school transition groups will show an improvement in self-efficacy and school attachment.	Pre/Post Individual Protective Factor Index (modified) Pre/Post Individual Protective Factor Index (modified)	Tualatin Valley Centers Tualatin Valley Centers
16A Increasing reports of parents who use alcohol and other drugs; Increasing crime reports in immediate community	Community norms favorable toward problem behaviors.	Universal: Community processes.	75% of school staff who are randomly surveyed will report positive or improved views of TVC services (staff training and consultation).	Satisfaction Survey	Tualatin Valley Centers
17A Alone at home 2+ hours/school day (68%), TV/videos 3+ hours/school day (60%) Feelings about neighborhood (student survey) Feelings about neighborhood (student survey)	Low neighborhood attachment, rebelliousness, anti-social behavior	Selective/ATO D-Free Activities, prevention education	70% of participants will have improved cooperation & more positive attitudes towards peers	Questionnaire (<i>End of year youth survey forms and parent survey forms n = 9 children; 5 parents of 11 children</i>)	Oregon Concilio/OCCADA @ Villa de Clara Vista
19A Feelings about neighborhood (student survey)	Low neighborhood attachment, community disorganization	Selective/Information dissemination	75% respondents will report positive attitude about neighborhood	Newsletter Questionnaire	Oregon Concilio/OCCADA
20A Poor family mgmt—student survey Asset survey: :positive family communication 30%; parent involvement in schooling 35%; adult role models 26%	Family management, Parent involvement, Role models	Universal/Educational	Parents will demonstrate significantly less favorable attitudes toward substance abuse. 50% of parents will report the program helped increase their self confidence.	Pre and post test "Parent Substance Knowledge and Opinion Survey" Post "Participant Satisfaction Survey"	Regional Drug Initiative

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
22A Multnomah County Urgent Benchmarks: High number of children in poverty. Community has a poverty rate of 30.8% as listed in the 1995 Census. Of specific concern is the access to health care and information	Extreme Economic Deprivation	Universal/ Information Dissemination	75% of parents who complete questionnaire will report that they and their children feel more ready to go back to school	Readiness Fair "Passport" questionnaire (post)	Caring Community of North Portland
29A School attendance; Assets: Caring school environment, creative activities, adult role models	Academic failure, Lack of commitment to school	Universal/ youth/adult leadership functions	50% of students participating in programs report positive or improved views toward school/community	Survey of program participants	Grant/Madison Caring Community
31A How wrong is it for kids to use ATOD? (Student Survey Data)	Community laws and norms Bonding	Universal/ Information dissemination Prevention education Alternatives	80% of students responding will report that using driving after using ATOD is dangerous.	Post program survey	ISCC School staff
33A Opportunities for school and community involvement (Student Survey Data)	Community laws and norms Bonding	Universal/ Information dissemination Prevention education Alternatives	80% of students completing survey will report increased connection/ bonding to schools	Post program evaluation	ISCC School staff
34A Opportunities for school and community involvement (student survey data)	Bonding	Universal/ Alternative Activities	75% of youth participating in Community Service Learning will feel more connected with school	Post questionnaire	ISCC Americorps

**2001-2003 PREVENTION (A&D70)
BEHAVIORAL OBJECTIVES**

FORM B

County MULTNOMAH COUNTY

Agency DEPARTMENT OF COMMUNITY & FAMILY SERVICES

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
1B N/A	N/A	100% Universal	80% of Multnomah County prevention program objectives will be achieved.	Minimum Data Set reports for prevention providers Annual reports	Multnomah County
2B N/A	N/A	100% Universal Community-based process	Prevention Coordinator will meet regularly with Caring Communities and other prevention providers	Participating providers Number of meetings	Multnomah County
3B School Attendance, Assets: Caring school climate (28%), creative activities (22%), planning & decision making (31%). Youth as resources (29%) adult role models (26%)	Academic failure, Commitment to school	Selective, Education	40% of participants will demonstrate a reduction of school absences over previous quarter	School records	Touchstone
4B Average income for CV/T residents is at or below 150% of federal poverty. Evictions from CV/t are primarily related to drug use.	Early school failure; Pro-social bonding; Early aggressive behaviors; Family management problems	Indicated/ Alternatives, prevention education	CVT: 75% of parents and teachers of core group will report improved social behaviors and class participation of targeted youth.	Behavior report from parents and teachers in school	Tualatin Valley Centers
8B Students attending Vocational village High School have been unsuccessful in other school settings due to school failure, problem behaviors, poor parental support, substance abuse, and poor social skills.	Early initiation of problem behaviors; Pro-Social Skills Pro-Social Bonding	Selective: Prevention Education	VVHS: 85% of students participating in skill building groups will be able to demonstrate skills taught in the group.	Demonstration of skills in role play	Tualatin Valley Centers in collaboration with VVHS.

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
13B 30% tardiness/yr.; 7% absentee rate/yr.; 20% student turnover rate; 120 students with unsatisfactory academic performance/yr.; increasing reports of aggression among K-3 including 2 knives at school with 7 year olds in one week.	School bonding Early school failure Early aggressive behavior Parents with histories of problem behavior Friends attitudes favorable toward problem behavior Individual characteristics Transitions/mobility Pro Social Skills	Selective: Prevention Education Selective: Alternatives Indicated: Prevention Education	Teachers of 1 st -3 rd grade students participating in skill building groups will report improved classroom management skills for 60% of the youth. 100% of youth participating in individual mentoring and tutoring services will show improved class behavior.	Satisfaction Survey Teacher reports School records	Tualatin Valley Centers Tualatin Valley Centers Tualatin Valley Centers
20B Poor family mgmt—student survey Asset survey: :positive family communication 30%; parent involvement in schooling 35%; adult role models 26%	Family management, Parent involvement, Role models	Universal/ Education	50% of parents will report the program helped increase their family management skills	Post "Participant Satisfaction Survey"	Regional Drug Initiative
21B Poor family mgmt—student survey Asset survey: :positive family communication 30%; parent involvement in schooling 35%; adult role models 26%	Family management, Parent involvement, Role models	Universal/ Education	100% of trainers will meet evaluation requirements	Evaluation reports	Regional Drug Initiative
22B Multnomah County Urgent Benchmarks: High number of children in poverty. Community has a poverty rate of 30.8% as listed in the 1995 Census. Of specific concern is the access to health care and information	Extreme Economic Deprivation	Universal/ Information dissemination	40 attendees at the Readiness Fair will apply for enrollment in the Oregon Health Plan	"Passport" survey of Fair attendees	Caring Community of North Portland

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
23B Benchmark: High school completion; Roosevelt Cluster have only 18 of the proven 40 assets (Asset Survey); lack of adult support, lack community support; high referrals to Student Attendance Initiative	Low neighborhood attachment; new neighborhood residents; low volunteerism and participation	Universal/ Information dissemination; Alternative activities; Parental attitudes	Implementation of Community Fit for Children plan elements achieved through community partners and activities	Action Team work plan development Activities of Family Strengths Action Team, Peace Action Zone, After-School and Summer Activities Action Teams	Caring Community of North Portland
24B Number of youth with access to ATOD free activities	Lack of commitment to school Community laws and norms	Selected/ Prevention education Information dissemination Universal/ Alternative Information dissemination	Establish a new Prevention Action Team Increase in prevention focus in ECCC activities Establish employer education breakfast program	Caring Community Coordinator records, meeting minutes Mailings, materials distributed, activities completed Employer breakfast evaluation tools	ECCC (East County Caring Community—formerly GAPP)
26B Benchmark: School readiness, School success, 100% high school completion	Lack of commitment to school, academic failure	Universal/ Information dissemination, Positive alternative activities	Parent Involvement/Prevention Team will be functioning After-School Activities Team will be functioning ATOD health screenings will be available at school-based health clinic	Number of members Number of meetings Health clinic data	Franklin Caring Community
28B Juvenile arrest data	Anti-social behavior	Universal/AT OD-free activities	70% of students in alternative youth activities will develop new skills.	Teacher observation	Grant/Madison Caring Community
31B How wrong is it to use ATOD? (Student Survey Data)	Community Laws and norms Bonding	Universal/ Information dissemination prevention education	10% fewer students who attended EFM event will report they decided against attending an event where alcohol or drugs were used. (Do you plan to attend a party where ATOD might be available?)	Pre and post questionnaire after event Post questionnaire after Prom (Did you attend a party where alcohol or other drugs was available?)	Inner SE Caring Community (ISCC)
32B How wrong is it to use ATOD? (Student Survey Data)	Community Laws and norms Bonding	Universal/ Information dissemination prevention education	Seniors will produce a skit for Every Fifteen Minutes program.	Coordinator report	ISCC

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
33B Opportunities for school and community involvement (student survey data)	Community laws and norms Bonding	Universal/ Information dissemination prevention education alternatives	Boys & Girls Club will provide 160 opportunities for positive alternative activities at Sledged Middle School ISCC coordinator will secure 2 grants to fund the positive alternative activity programs	Number and type of activities Number of grants received	ISCC staff Hosford Middle School Boys & Girls Club
35B Opportunities for school and community involvement (student survey data)	Bonding	Universal/ Alternative Activities	75% of participating youth will complete their Community Service Learning projects 75% of participating students will improve their school attendance	Completion of Community Service projects School attendance records	ISCC Americorps
36B School Attendance, Assets: Caring school climate (28%), creative activities (22%), planning & decision making (31%). Youth as resources (29%) adult role models (26%)	Low neighborhood involvement Community laws and norms Adult role models	Universal/ Prevention education Information dissemination Leadership & Skill building	Increase # of community partners (goal: add at least 2 new partners) Recruit youth (goal: 1-2 each school)	Number of community partners Number of youth attending Attendance sheets, MDS reports	Jefferson Caring Community, Office of Neighborhood Development, Jefferson High School, Alternative Schools
37B School Attendance, Assets: Caring school climate (28%), creative activities (22%), planning & decision making (31%). Youth as resources (29%) adult role models (26%)	Academic failure, commitment to school Role models	Universal/ Mentoring	Students who participate in mentoring program will show improved classroom behavior and improved attitude toward school.	Teacher observation Parent questionnaire	Mid County Caring Community
39B Improve academic opportunity and success. Assets; Benchmarks (Mult. Co. and Oregon DHS): High School completion; systems change; human services and educational reform; service integration across sectors	School Bonding; Family Management	Universal/ Information dissemination; Education	Hold a four-part asset-building workshop for parents Parents participating in workshop will report spending more time with their children	Workshop facilitator report Workshop evaluation tool	Outer Southeast Caring Community, SUN Coordinator, Portland Public Schools

Indicator Data	Risk/Protective Factor	IOM & CSAP Strategy	Proposed Program and Results	Evaluation Method	Service Provider
40B High percentage of alcohol consumption at school functions; reports of parents providing alcohol at pre-functions	Peer attitudes, Parental attitudes, community norms	Universal/ Information dissemination Prevention education	Implement strategic action plan: Lincoln Links will add prevention programming (year 1 goal) Wilson High School will add prevention programming (year two goal)	Action plan objectives Prevention activities at Lincoln Commitment to establish prevention activities at Wilson High School	West District Caring Community,

2001-2003 Prevention Services Itemized Budget

Multnomah County Department of Community & Family Services

	OADAP ¹ FUNDS	Local/In Kind ² Funds	Other Funds ³ (Please Specify)	Total Amount of Budget
Personnel (Salary, Benefits, etc.)	274,028	2,258,456	0	2,532,484
Office Supplies, Printing, Photocopying, Mailing, etc.	0	0	0	0
Program Supplies/Materials (Curricula, etc.)	0	0	0	0
Contracts/Consultant⁴	225,608	281,200	38,346	545,154
Community Coalitions (Oregon Together, etc.)	204,464	539,100	0	743,564
Professional Development, Trainings, Conferences	0	0	0	0
Capital Expenditures (Computers, Equipment, etc.)	0	0	0	0
Other: Please list	0	0	0	0
Total Budget Amount	704,100	3,078,756	38,346	3,821,202

¹ Assumes level funding of Personnel & Contracts (no COLA increase in either year).

² Multnomah County DCFS General Fund

³ Other funds include United Way and grant funding for Tualatin Valley Centers programs.

⁴ Local funds include Multnomah County General Funds for TVC and Touchstone programs (direct client services and OMSI program).

Multnomah County
Department of Community & Family Services

Prevention Budget Narrative

The Multnomah County FY 2001-2003 Prevention Services Implementation Plan will allocate funding in three OADAP budget line items: personnel, contracts, and community coalitions. The 2001-2003 Prevention Services Itemized Budget form breaks out funding sources by OADAP, Multnomah County General Fund (Local/In Kind), and other funds. Further budget detail by year and by provider is provided in the 2001-2003 Prevention Services Budget Detail.

Personnel

OADAP funding for personnel covers salary and benefits for approximately 0.50 FTE of the Multnomah County Prevention Coordinator and 2.0 FTE for running Touchstone social competency groups. Multnomah County Dept. of Community and Family Services continues to spend County DCFS General Funds for the remainder of the Prevention Coordinator's salary and for the remaining Touchstone staff at various Touchstone sites.

Contracts/Consultant

Multnomah County does not provide direct services for most of its prevention programs besides Touchstone. The remaining prevention services in the budget are all contracted, but for the purpose of the OADAP Implementation Plan budget, the contracted services provided by community groups and organizations formerly funded as Oregon Together communities are provided separately below. Multnomah County contracts with Tualatin Valley Centers (TVC) to provide prevention services for residents at low income housing sites and for students and parents at several schools. Details of planned programs are provided in Form B.

OADAP funding is currently being split between three TVC program areas funding approximately 2.50 FTEs, with minimal additional funding provided by Multnomah County DCFS General Funds and another projected \$19,000 per year from United Way and other grant funding. In addition, Touchstone has budgeted \$140,000 annually in County General Funds to contract for direct client services and for an OMSI program. See the 2001-2003 Preventions Services Budget Detail for more information.

Community Coalitions

The Community Coalition line item includes funding for nine Caring Communities (increased from four during the second year of the previous Biennial Plan), the Oregon Chicano Concilio on Alcohol and Drug Abuse, and the Regional Drug Initiative. Oregon Concilio and RDI continue to receive the former Oregon Together funding at \$10,000/year each for Hispanic Youth programs (0.12 FTE) and Workplace Parent Trainings (0.20 FTE), respectively.

Multnomah County Department of Community & Family Services
Prevention Budget Narrative, Cont'd

The total of \$52,232 in OADAP funding for the Caring Communities includes \$30,000 in Oregon Together funding and is split equally between the nine Caring Communities (\$9,136 each) for A&D Prevention programming: Caring Community of North Portland, East County Caring Community, Franklin Caring Community, Grant Madison Caring Community, Inner Southeast Caring Community, Jefferson Caring Community, Mid County Caring Community, Outer Southeast Caring Community, and West District Caring Community.

Details of proposed programs and projected outcomes for the Multnomah County community coalitions are provided in Form B. Most of the OADAP funding provided to these programs pay for staffing between 0.10 FTE to 0.25 FTE, with a combined estimate of 1.60 FTE. No Cost-of-Living Allowances (COLA) were provided with OADAP funding. Multnomah County General Funds contribute an additional \$269,550 annually, split equally among the nine Caring Communities, for non-ATOD prevention programming.

2001-2003 Prevention Services Budget Detail
Multnomah County Department of Community & Family Services

	OADAP ¹ FUNDS			Local/In Kind ² Funds			Other Funds ³			Total Amount of Budget		
	Year 1	Year 2	Biennium	Year 1	Year 2	Biennium	Year 1	Year 2	Biennium	Year1	Year2	Biennium
Personnel												
Prevention Coordinator	29,918	29,918	59,836	27,916	27,916	55,832	0	0	0	57,834	57,834	115,668
Touchstone Project	107,096	107,096	214,192	1,101,312	1,101,312	2,202,624	0	0	0	1,208,408	1,208,408	2,416,816
Sub Total Personnel	<u>137,014</u>	<u>137,014</u>	<u>274,028</u>	<u>1,129,228</u>	<u>1,129,228</u>	<u>2,258,456</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,266,242</u>	<u>1,266,242</u>	<u>2,532,484</u>
Contracts/Consultant⁴												
TVC East County Mid Sch	31,284	31,284	62,568	0	0	0	6,595	6,595	13,190	37,879	37,879	75,758
TVC Columbia Villa	42,728	42,728	85,456	600	600	1,200	4,400	4,400	8,800	47,728	47,728	95,456
TVC Vocational Village	38,792	38,792	77,584	0	0	0	8,178	8,178	16,356	46,970	46,970	93,940
Touchstone (Mult. Co.)	0	0	0	140,000	140,000	280,000	0	0	0	140,000	140,000	280,000
Sub Total Contracts	<u>112,804</u>	<u>112,804</u>	<u>225,608</u>	<u>140,600</u>	<u>140,600</u>	<u>281,200</u>	<u>19,173</u>	<u>19,173</u>	<u>38,346</u>	<u>272,577</u>	<u>272,577</u>	<u>545,154</u>
Community Coalitions									0			
Caring Communities	82,232	82,232	164,464	269,550	269,550	539,100	0	0	0	351,782	351,782	703,564
Regional Drug Initiative	10,000	10,000	20,000	0	0	0	0	0	0	10,000	10,000	20,000
Oregon Concilio	10,000	10,000	20,000	0	0	0	0	0	0	10,000	10,000	20,000
Sub Total Coalitions	<u>102,232</u>	<u>102,232</u>	<u>204,464</u>	<u>269,550</u>	<u>269,550</u>	<u>539,100</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>371,782</u>	<u>371,782</u>	<u>743,564</u>
Total Budget Amount	<u>352,050</u>	<u>352,050</u>	<u>704,100</u>	<u>1,539,378</u>	<u>1,539,378</u>	<u>3,078,756</u>	<u>19,173</u>	<u>19,173</u>	<u>38,346</u>	<u>1,910,601</u>	<u>1,910,601</u>	<u>3,821,202</u>

¹ Assumes level funding of Personnel & Contracts (no COLA increase in either year).

² Multnomah County DCFS General Fund

³ Other funds include United Way and grant funding for Tualatin Valley Centers programs.

⁴ Local funds include Multnomah County General Funds for TVC and Touchstone programs (direct client services and OMSI program).

Status of Open Competitive Bids for Alcohol & Other Drug Services

Please provide information for each service element being funded in your county. Do not include DUII or Marijuana Services.

Service Element	Last Time Procured	Next Scheduled Procurement
A-D 60: Treatment Enhancement Services (RFGP #458)	Exemption #01-326 July 1, 2000 ending June 30, 2002	Completed by July 1, 2002
A-D 61: Adult Alcohol and Drug Residential (Alcohol Residential Generic; Women; African American; Native American)	Exemption # 00-239 July 1, 2000 ending June 30, 2003	Completed by July 1, 2003
A-D 61: Adult Alcohol and Drug Residential (Alcohol Residential Native American SOSCF)	Exemption # 99-206 July 1, 1999 ending June 30, 2002	State Procurement on County exemption. Must be procured again by State before July 1, 2002.
A-D 62: Housing for Dependent Children Whose Parents are in Alcohol and Drug Residential Treatment (Drug Residential Generic; Women; African American; Native American)	Exemption # 00-239 July 1, 2000 ending June 30, 2003	Completed by July 1, 2003
A-D 62: Housing for Dependent Children Whose Parents are in Alcohol and Drug Residential Treatment (Drug Residential Native American SOSCF)	Blanket Exemption # 99-206 July 1, 1999 ending June 30, 2002	State Procurement on County exemption. Must be procured again by State before July 1, 2002.
A-D 66: Continuum of Care (A-D 63: Alcohol and Drug Detox)	Exemption # 00-239 July 1, 2000 ending June 30, 2003	Completed by July 1, 2003
A-D 66: Continuum of Care (A-D 65 Chemical Dependency Outpatient – Adults Generic; Women; African American; Hispanic; Native American)	R952-43-0205 September 1996 ending June 30, 2003	Completed by July 1, 2003

A-D 66: Continuum of Care (A-D 65: Chemical Dependency Outpatient for Women/SOSCF)	Exemption # 99-204 July 1, 1999 ending June 30, 2002	State Procurement on County exemption. Must be procured again by State before July 1, 2002.
A-D 66: Continuum of Care (A-D 65: Chemical Dependency Outpatient for Native American Women/SOSCF)	Exemption # 99-206 July 1, 1999 ending June 30, 2002	State Procurement on County exemption. Must be procured again by State before July 1, 2002.
A-D 66: Continuum of Care (A-D 65: Chemical Dependency Outpatient – Youth for Generic; Asian)	P952-06-0309 March 1998 ending June 30, 2003	Completed by July 1, 2003
A-D 66: Continuum of Care (A-D 65: Chemical Dependency Outpatient – Youth African American Project)	Exemption #99-136 December 1999 ending June 30, 2002	Completed by July 1, 2002
A-D 66 Continuum of Care-Treatment Enhancement Services (RFGP #458)	Exemption #01-326 July 1, 2000 ending June 30, 2002	Completed by July 1, 2002
A-D 66: Continuum of Care (A-D 69: Synthetic Opiate Maintenance at CODA)	RFPQ 592-00-5744 ending June 30, 2005	Completed by July 1, 2005
A-D 70: Prevention	Exemption #99-202 July 1, 1999 ending June 30, 2003	Completed by July 1, 2003
A-D 70: Prevention - Oregon Chicano Concilio	Exemption #00-304 July 1, 2000 ending June 30, 2003	Completed by July 1, 2003
A-D 61: Adult Alcohol and Drug Residential (A-D 71: CIRT – Generic and Women)	Exemption # 00-239 July 1, 2000 ending June 30, 2003	Completed by July 1, 2003
A-D 71: Youth Alcohol & Drug Residential Treatment (A-D 71: CIRT – Youth African American Project)	Exemption #99-136 December 1999 ending June 30, 2002	Completed by July 1, 2002
A-D 66: Continuum of Care (A-D 99: Synthetic Opiate Detox)	RFPQ 592-00-5744 ending June 30, 2005	Completed by July 1, 2005

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

The Multnomah County Board of Commissioners has reviewed and approved the alcohol and drug abuse prevention, intervention, and treatment portions of the County's proposed implementation plan for 2000-2003. Any comments are attached.

Name of Chair: Bill Farver, Interim Chair

Address: 501 SE Hawthorne Boulevard, Suite 600

Portland, OR 97214

Telephone Number: (503) 988-3308

Signature: Bill Farver

Date Approved: March 15, 2001

Signed form to be submitted following presentation to Board of
County Commissioners

LOCAL ALCOHOL AND DRUG PLANNING COMMITTEE REVIEW
COMMENTS

County: Multnomah

Type in or attach list of committee members including addresses and telephone numbers. Use an asterisk (*) next to the name to designate members who are minorities (ethnics of color according to the U.S. Bureau of Census).

See following document.

Multnomah County's LADPC consists of two advisory groups:
Behavioral Health Advisory Council - Adult Mental Health and
Substance Abuse (AMHSA)
Behavioral Health Advisory Council - Child & Adolescent
Mental Health and Substance Abuse (CAMHSA)

The Multnomah County LADPC recommends the state funding of alcohol and drug treatment services as described in the 2000-2003 County Implementation Plan. Further LADPC comments and recommendations are attached.

Name of Chair: AMHSA: Pat Cosgrove

Address: CareMark Inc.
2701 NW Vaughn St. Suite 710
Portland OR 97216

Telephone Number: 503-224-0409

Signature: *Pat Cosgrove*

LOCAL ALCOHOL AND DRUG PLANNING COMMITTEE REVIEW COMMENTS

County: Multnomah

Type in or attach list of committee members including addresses and telephone numbers. Use an asterisk (*) next to the name to designate members who are minorities (ethnics of color according to the U.S. Bureau of Census).

See following document.

Multnomah County's LADPC consists of two advisory groups:
Behavioral Health Advisory Council - Adult Mental Health and
Substance Abuse (AMHSA)
Behavioral Health Advisory Council - Child & Adolescent
Mental Health and Substance Abuse (CAMHSA)

The Multnomah County LADPC recommends the state funding of alcohol and drug treatment services as described in the 2000-2003 County Implementation Plan. Further LADPC comments and recommendations are attached.

Name of Chair: CAMHSA: Vikki Allen

Address: Portland Public Schools
531 SE 14th
Portland OR 97214

Telephone Number: 503-916-5840 x412

Signature: Vikki Allen
by Karen Mayfield

COMMISSION ON CHILDREN & FAMILIES

County: Multnomah

The Multnomah County Commission on Children & Families has reviewed the Alcohol and drug abuse prevention, intervention, and treatment portions of the county's proposed implementation plan for 2000-2003. Any comments are attached.

Name of Chair: LARRY NORVELL, CHAIR

Address: CCFC, 421 SW 6TH AVE,
SUITE 1075, PORTLAND, OR 97204

Telephone Number: 503 988-3897

Signature:  JIM CLAY, DIRECTOR
FOR LARRY NORVELL

February 27, 2001

Jim Peterson, Director
Office of Addictions Services
Multnomah County Department of Community and Family Services
421 SW Sixth Avenue, Room 600
Portland, Oregon 97204



Dear Jim:

I've reviewed the Multnomah County A & D Implementation Plan for 2001 - 2003, and commend your volunteers and staff for their fine work. Please forward the plan to state Office of Alcohol and Drug Abuse Programs with the endorsement of the Commission on Children, Families and Community of Multnomah County.

I've noted below a few thoughts that we might consider as we further refine this plan in the coming months and years:

- The plan's priorities are a good fit with those set by the Commission on Children, Families and Community. I see many opportunities for continued collaboration, particularly as it relates to family strengthening strategies and to promoting strength based approaches.
- The plan is primarily a plan for funding services, in response to OADAP's guidelines. As Multnomah County moves into a more comprehensive planning approach, I look forward to becoming more strategic and outcomes directed. My recent work with Barbara Cimaglio on developing statewide planning guidelines gives me some insight into the state's perspective, and I would like to work closely with you on this as our time allows.
- The plan is primarily a response to OADAP, but Multnomah County is by far the largest investor in this plan. In the future I hope we can discuss options for balancing the many local and state interests.
- We need development strategies for increasing resources. I would like to help with this. I'm very concerned that we have identified the inadequacy of our support for people of color and other special populations, yet we are prepared to move only "if new funds become available." This seems overly passive.
- I note that the plan targets specific populations, held to be at high risk. Still, there are other populations at risk, and other populations that can contribute to the achievement of goals. We need to target all these too, and SB 555 directs us to do this. I realize that this is a VERY large task, and I hope to be able to contribute to this effort.
- I'm very troubled that most adults who seek treatment in Multnomah County fail to get it. I am highly motivated to be part of any future discussion of overcoming the "wait list barrier," identified as a probable factor in this.

Members

Larry Norvell, Chair
Beverly Stein, Vice-Chair
Pauline Anderson
Lena Bean
Alcena Boozer
Guy Burstein
Carol Cole
Lee Coleman
Leslie Garth-Clark
Muriel Goldman
Kamron Graham
Carla Harris
Margie Harris
Samuel Henry
Earlene Holmstrom
Patricia Johnson
Janet Kretzmeier
Colleen Lewis
Diane Linn
Linda Grear Long
Kay Lowe
Leticia Longoria Navarro
Janice Nightingale
Susan Oliver
D. Claire Oliveros
Mike Reich
Mark Rosenbaum
Cornetta Smith
Nan Waller
Duncan Wyse

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Erin Barnhart
Judy Brodkey
Kristine Dale
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Hollis MacLean
Lisa Pellegrino
Bonnie Rosatti
Jana Rowley
Chris Tebben

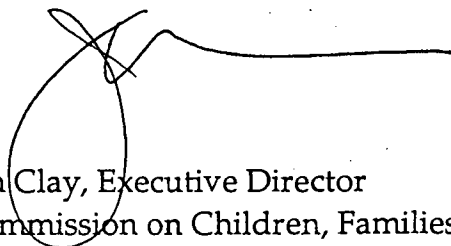
421 SW 6th Avenue,
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Portland, OR 97204-1620
Ph: (503) 988-3897
Fx: (503) 988-5538
ccfc.org@co.multnomah.or.us
www.ourcommission.org
inter-office: 166/1075

Page 2
February 27, 2001
Jim Peterson

- In recent discussions with the County Board I've become more knowledgeable of the culturally specific unmet needs of sexual minority youth, but this is not identified in the plan. I would like to help to address this.
- I really appreciate your focus on best practice by directing resources to community coalitions. I would like to help assess the logic models of these coalitions' activities and analyze evaluations to ensure maximum impact.

Again, thanks for all the work that has gone into this plan, and for all that you do for the children and families of Multnomah County.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'C' followed by a horizontal line.

Jim Clay, Executive Director
Commission on Children, Families and Community of Multnomah County

COUNTY FUNDS MAINTENANCE OF EFFORT ASSURANCE

County: Multnomah

As required by ORS 430.359.(4), I certify that the amount of county funds allocated to alcohol and drug treatment and rehabilitation programs for 2001-2003 is not lower than the amount of county funds expended during 1999-2001.

Lorenzo T. Poe Jr.
Name of County Mental Health Program Director

Lorenzo Poe Jr.
Signature

February 27, 2001
Date

MAR 15 2001

MEETING DATE: March 8, 2001
AGENDA NO: R-9
ESTIMATED START TIME: 10:25 AM
LOCATION: Boardroom 100

R-3
a:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Special Ordinance Regarding Disposition of Tax Foreclosed Property

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

REGULAR MEETING: DATE REQUESTED: March 8, 2001
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Non-Departmental DIVISION: Commissioner Lisa Naito
CONTACT: Charlotte Comito TELEPHONE #: (503) 988-5217
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Comm. Lisa Naito, Comm. Jim Francesconi, and invited others

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

*Special Ordinance Designating Disposition of Flavel Tax Foreclosed Property,
and Declaring an Emergency*

(SE Flavel and 54th in Brentwood Darlington Neighborhood)

03/27/01 copies to Lisa Naito, Gary Thomas & Carol Kinoshita

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Lisa Naito
(OR)
DEPARTMENT
MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277

BOARD OF
COUNTY COMMISSIONERS
01 FEB 28 PM 30
MULTNOMAH COUNTY
OREGON



BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE ROOM 600
PORTLAND, OREGON 97214

MULTNOMAH COUNTY OREGON

BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
LONNIE ROBERTS • DISTRICT 4 COMMISSIONER

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Lisa Naito

DATE: February 28, 2001

RE: Ordinance Designating Disposition of Tax Foreclosed Property at 5416 SE Flavel

1. Recommendation/Action Requested:
Approval of Ordinance
2. Background/Analysis:
In January of 2000 the Brentwood Darlington Neighborhood Association nominated the property described in Exhibit A at 5416 SE Flavel for a park to Portland Parks and Recreation Department. The property was offered to Portland Parks and Recreation through Multnomah County Tax Title's Tax Foreclosed Property offerings to other local governments. Through administrative errors the Tax Title deadline was missed. The property was then offered to the Greenspace Committee and Affordable Housing Development Committee. The citizens in the Brentwood Darlington neighborhood asked Commissioner Naito's office to intervene on their behalf. Considering the work and time that the citizens of Brentwood Darlington have put into this concept, the parcel should never have been offered to the other committees because of a bureaucratic error.
3. Financial Impact:
None
4. Legal Issues:
None
5. Controversial Issues:

The property has already gone to the Greenspace and Affordable Housing Development Committees to be considered for other greenspace or housing uses.

6. Link to Current County Policies:
Government Responsiveness, Citizen Involvement

7. Citizen Participation:
The Brentwood Darlington Neighborhood has worked for over a year going door to door collecting signatures on petitions and lobbying the City and County for a neighborhood park.

8. Other Government Participation:
City of Portland

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Special Ordinance Designating Disposition of Flavel Tax Foreclosed Property and Declaring an
Emergency.

The Multnomah County Board of Commissioners Finds:

- a. During the past year, the Brentwood Darlington Neighborhood Association worked with Portland Parks and Recreation with respect to obtaining the Flavel tax foreclosed property described in the attached Exhibit A (property) for use as a park.
- b. In January 2000, Portland Parks and Recreation considered suitability of the Flavel tax foreclosed property for public use and nominated the site for a park.
- c. The Board believes the site, because of its size, location and condition, is most appropriate for use as a park.

Multnomah County Ordains as follows:

Section 1. The Flavel property described in Exhibit A is designated for park use and shall be transferred to City of Portland Parks and Recreation Department rather than being processed as described in Multnomah County Code § 27.151.

Section 2. The Chair is hereby directed to execute all necessary documents to convey the property to the City of Portland Parks and Recreation Department in compliance with ORS 271.330 (3).

Section 3. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

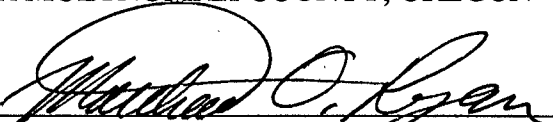

Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

R145071 (R19790-7060)

Part of Lot 2, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon, more particularly described as follows:

The South 40 feet of Lot 2, Block 25, DARLINGTON PLAT 3, in the County of Multnomah and State of Oregon, EXCEPTING THEREFROM the Northeasterly 100 feet when measured along the Northwesterly and Southeasterly lines of that portion of Lot 2, Block 25, DARLINGTON PLAT 3, lying Southeasterly of a line drawn 40 feet Northwesterly from and parallel with the lot line common to Lots 2 and 3, Block 25, Multnomah County, Oregon.

R145072 (R19790-7080)

Lot 3, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon.

R145073 (R19790-7100)

The Northeasterly 105 feet of the Southeasterly 50 feet of Lot 4, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon.

R145074 (R19790-7120)

Lot 4, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon.

EXCEPTING THEREFROM the Northeasterly 105 feet of the Southeasterly 50 feet.



September 24, 1998

Ms. Mary Davis
Brentwood-Darlington Community Center
7211 SE 62nd
Portland, OR 97206

**RE: GEOTECHNICAL INVESTIGATION
PROPOSED BRENTWOOD-DARLINGTON COMMUNITY CENTER
5416 S.E. FLAVEL
PORTLAND, OREGON
PBS JOB # 12613.00**

Dear Ms. Davis:

In general accordance with our proposal and subsequent work, PBS has completed a geotechnical investigation at the above referenced site. The purposes of this investigation were to evaluate subsurface conditions at selected locations on the site and to assist with the design as it relates to foundations, earthwork, pavements, and drainage. This report presents the results of our investigation, geotechnical engineering recommendations to be incorporated into the plans and specs, and related opinions for design and construction of the facility.

This report was prepared for your use in the design of the subject facility and should be made available to potential contractors and/or the Contractor for information on factual data only, i.e., field boring logs and samples. This report should not be used for contractual purposes as a warranty of interpreted subsurface conditions such as those indicated by the formal test pit logs and/or discussion of subsurface conditions contained herein.

ENVIRONMENTAL
MANAGEMENT
AND CONSULTING

PROJECT AND SITE DESCRIPTIONS

The proposed site is located just southeast of SE 52nd Street, on the west side of SE Flavel Drive in southeast Portland. The site is currently bare land, with the exception of a remnant concrete drive and adjacent 3-foot high retaining wall/medical dock, and a small wooden outbuilding near the southeast property corner. Based on historic topographic information shown in Figure 1, a swale or wide drainage channel crossed the site, has since been partially filled, and may have been filled prior to the topographic map development. In addition, we understand that a two to three story nursing home occupied the northern portion of the site (see Figure 1), was demolished some time ago, and filling of the site subsequently continued. A 12 to 18-inch diameter concrete storm line was evidenced in the explorations (TP-5), running parallel to the back property line, at an approximate offset of 15 to 20 feet, and located on the bench below the upper block retaining wall.

Site elevations included in this report are based on a reference elevation of 264.9 feet for the man-hole located near the intersection of SE Flavel Drive and SE Nehalem Street, taken from City of Portland Topographic base map data (see Figure 1). We should note that the City of Portland base map has not been updated in a number of years and is not representative of the site topography with the exception of the road. Based on relative boundary elevations, determined by W. B. Wells, site elevations vary approximately 28 feet from front to back.

In general, the site slopes gently towards the rear of the property where it has been filled and retained by three or more short retaining structures, resulting in an overall slope of approximately 1.5-Horizontal to 1-Vertical (1.5H:1V) along the back 25' of the property. The walls are performing poorly, and have failed in some locations.

We understand the proposed project may consist of low-rise affordable housing and community support facilities. The site topography lends itself to a daylight basement structure, and this report assumes that this may be the case.

FIELD EXPLORATIONS AND LABORATORY TESTING

The field exploratory program consisted of 14 Test Pits, advanced to depths between 7 and 17 feet. The test pits designated TP-1 through TP-14 were performed by a local excavation subcontractor using a small track-hoe, and extended to deeper depths utilizing a hydraulic auger attachment. A PBS geotechnical engineer was present throughout the explorations to

collect samples and log the borings. Approximate exploration locations are shown on the Site Plan, Figure 1, and were determined using a cloth tape from points of reference. Surface elevations shown on the test pits are also approximate and are based on the reference elevation (manhole) and our optical level survey.

In-situ probing and sampling at test pits was performed at 2 to 3-foot intervals. All samples were returned to our laboratory and visually examined to refine the field classifications in general accordance with the Unified Soil Classification system, visual-manual procedure as described in Table 1. Laboratory testing was limited to moisture content determinations for a majority of samples (ASTM D 4959). Moisture contents are shown graphically on the right side of the formal test pit logs provided in Figure 5 through Figure 18. In general, the majority of the soils encountered were near optimal moisture for compaction. Soil descriptions and interfaces shown on the left side of the logs are interpretive, and actual changes may be gradual.

Samples will be retained in our laboratory until construction commences and are available for observation by request.

SUBSURFACE CONDITIONS

The analysis, conclusions and recommendations contained in this report are based on site conditions as they presently exist and assume the explorations are representative of the subsurface conditions throughout the site. If, during construction, subsurface conditions differ from those encountered in the explorations are observed or appear to be present beneath excavations, we should be advised at once so that we may review these conditions and reconsider our recommendations where necessary.

The site is currently heavily vegetated on the back 25 feet of the lot where 1 to 2 feet of organic silt topsoil has been spoiled in the retaining wall backfills; little topsoil (<4 inches) was evidenced elsewhere on the site. The nursing home foundations and slabs appear to have been removed during demolition, with the exception of the concrete slab driveway and loading ramp retaining structure.

Explorations evidenced multiple sequences of fills, generally composed of loose silty sand and gravel with scattered pieces and pockets of demolition debris and organics. Native soils

beneath the fills generally consisted of medium dense to dense older catastrophic flood deposits (Troutdale formation) comprised of weathered silty sand and sandy gravel with cobbles.

Our interpretation of fill thickness is represented in the cross sections shown in plan view on Figure 1, and in section on Figure 2 through Figure 4. Several of the test pits encountered scattered to numerous concrete-asbestos siding shingles, interpreted to have been spoiled as non-organic particles with other concrete debris, and should be considered a hazardous material.

Groundwater was *not* encountered in the test pits, however, it should be anticipated to perch at the fill boundary near the old swale flow line approximated in Figure 1. The perched water may be absent in the spring to fall season, and vary based on rainfall.

GEOTECHNICAL DESIGN RECOMMENDATIONS

General

We recommend that the existing site fills be reconstructed prior to letting the facility construction contract, for the following rational:

- The fills present on site are unacceptable for shallow spread footings, and if not re-engineered, pile foundations and structural slabs or elevated floors will be required.
- The back slope of the property will require reconstruction to reduce the risk of slope instability impacting down-slope properties as a result of storm line breaks, plugged catch basins, etc., i.e. since the site used to be a local drainage swale, saturation of soils or excessive surface runoff should be anticipated.
- The presence of a considerable amount of concrete-asbestos siding may otherwise laden project construction with unacceptable risks and require all earthwork and utility contractors treat excavated soils as hazardous materials, requiring proper handling and disposal, and may affect contractor and subcontractor estimates accordingly.

As a result, the remainder of this report assumes that fill reconstruction combined with removal of hazardous materials is the preferred method of addressing the Geotechnical and Environmental issues associated with the site. Alternatively, the administration may want to consider another site.

Stripping - We recommend stripping and spoiling sod and organic soils, estimated to average 3-inches in thickness on average across the majority of the site, and 24 inches (includes broken concrete wall), in the vicinity of the retaining walls (25 feet width along back of property). We recommend designating a portion of the site outside of the proposed building and pavement footprints as an unsuitable fill stockpile/spoil location to reduce haul off quantities and issues. Boulders evident in the present landscape berm should also be stockpiled onsite for use in landscapes or retention.

We recommend a minimum set back of 40 feet from the back property line for structures; based on a 15 foot high slope at 2H:1V, level path near the back of the structure, and a few feet for future erosion or sloughing of the slope. The 2H:1V slope should be fenced to restrict pedestrian access (play); alternatively the slope may be placed at 3H:1V or in equivalent benches utilizing short segmental block or boulder gravity retaining walls.

Preliminary/Remedial Earthwork

We recommend performing fill reconstruction between early spring and late fall, when periods of dry weather are more prevalent. Work should be suspended during periods of moderate to heavy rain, as some of the fill soils will not be compactable if saturated. We recommend that any trees (not to be saved or transplanted on-site) and brush be hauled off site; however, organic soils and oversize concrete debris may remain provided they are placed in landscape or designated non-structural spoil areas and nominally compacted. This should also allow for plucking of hazardous materials and limit haul off of potentially hazardous materials. The majority of fills present should readily compact due to the granular nature of the soils; pockets of silt should be excavated and replaced in such a way that provides for mixing with other granular soils to improve moisture-compaction characteristics. Reconstructing the fills should be done in as few sections as practicable, and no more than four, to allow for removal of hazardous materials in thin spoil dumps and during thin lift fill placement. Fills should be placed in lifts not to exceed 4 inches to allow for removal of hazardous materials, and be constructed to structural fill compaction

standards discussed in the following section.

Environmental remediation is anticipated to consist of removing visible pieces of concrete asbestos siding during the cutting/spoiling/filling process, which is consistent with the standard of practice for this type of remediation. A hazardous materials handling and remediation specification will need to be developed for this work.

In our opinion, site excavations can be accomplished with conventional excavation equipment. Slope reconstruction should begin near the property line at the base of the last wall, and be reconstructed in horizontal lifts. Initial excavations will likely require trimming from above with an excavator due to the close proximity of the property line and the base of the block walls. We recommend that the use of the existing storm line be determined, and the line removed or replaced where loose or unsuitable fills underlie the pipe line (approximately 130 linear feet); if abandoned elsewhere, it should be filled with a low density slurry fill.

All slope areas, building footprints, and any areas where utility placement is anticipated during construction should be reconstructed; areas outside of these limits may remain provided similar care is taken during any future excavations. In any event, the final grade should be finished relatively flat with a minimum slope of 2% across the flatter portions of the site to allow for drainage, and a maximum slope of 3H:1V at the rear slope. The finish slope should be trimmed or track walked with a dozer to provide for a compact slope face.

An approximate finish grade should be determined prior to letting this early work, and may provide for placement of a one story grade step if a daylight basement structure is planned.

The reconstruction contract should be let on a lump sum basis, and the Contractor required to excavate all fills identified during excavations by the owners representative (Geotechnical Engineer or representative). The Contractor should determine his own cut/fill quantity for the purposes of his bid, and utilize available information such as test pit elevations and fill depths shown in the Formal Test pit logs, Figure 5 through Figure 17, and interpreted Cross Sections, Figure 2 through Figure 4. The Engineers estimate of in-place quantity to be

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reconstructed based on this information is 3500 cubic yards based on information included in this report. The estimated limits of reconstruction are shown in plan and section in Figure 1 through Figure 4.

Because of safety considerations and the nature of temporary excavations, the Contractor should be made responsible for maintaining safe temporary cut slopes and supports for utility trenches, etc. We recommend that the Contractor incorporate all pertinent safety codes during construction including the latest OR-OSHA revised excavation rules.

Structural Fill - On-site sands and gravels which make up the majority of site soils, may be used for structural fill. Structural fills should be placed in thin lifts and compacted to a dry density of at least 98 percent of the standard Proctor maximum dry density (ASTM D 698) within building areas, within a 2-foot depth of any pavement section, and in the outer 10 feet of the final fill slope. All general fills outside of these limits may be compacted to 95 percent of the standard Proctor maximum dry density or to a consistency or relative compaction acceptable to the geotechnical engineer. The thickness of the lifts will need to be determined in the field, but generally for self propelled compactors, the lifts should not exceed about 9 to 12 inches as measured in a loose condition. Reconstruction of fills placed during the initial earthwork should be a maximum of 4 inches.

Wet Weather Earthwork - Following the initial earthwork (reconstruction of fills) the site subgrades should be stable in all weather conditions, and allow for base and foundation placement in wet weather conditions. None-the less, a minimum 6-inch thick staging pad of imported granular base rock is recommended where concentrated hauling or equipment traffic is anticipated during construction to maintain a well drained stable surface during winter conditions.

Foundations

Foundation Design - Assuming that all fills within the building footprints are reconstructed, it is our opinion that the proposed structures can be satisfactorily supported on continuous spread footings founded on native soils or on compacted structural fill.

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We recommend an allowable net soil bearing pressure of 3,500 pounds per square foot (psf) for shallow footings located on compacted native sands, gravels or granular structural fill. For seismic loading, the allowable bearing pressure may be increased to 5,500 psf. In addition, we recommend that footings with maximum seismic loads be founded a minimum of 2 feet below the lowest adjacent grade. Based on our review of the latest Uniform Building Code, the building site is in Zone 3 ($Z=0.3$). A Site Coefficient of S_e is recommended.

Continuous wall footings should have a minimum width of 16 inches, and column footings should have a minimum width of 24 inches. All perimeter footings should be founded at least 24 inches below the lowest adjacent grade which should be taken as the finished floor elevation or exterior grade, whichever is lower. Interior footings may be founded at a depth of 18 inches below finished floor elevation. Stepped footings should have an equivalent slope of 3H:1V; and have a minimum of 6 feet horizontal and maximum 2 feet vertical steps.

Foundation Preparation - Each footing excavation should be evaluated by a qualified Geotechnical Engineer to confirm suitable bearing conditions and to determine that all loose native or fill materials if present, have been removed or compacted. If unsuitable fill soils are encountered at footing locations, we recommend that the unsuitable soil be over-excavated and backfilled with structural fill as defined above. We recommend a unit cost for over-excavation and backfill be included in the final construction bid documents, and as determined by in-place (bank) cubic yards. The limits of over-excavation should be determined in the field with the assistance of the Geotechnical Engineer or his representative.

Settlement - Based on site explorations and testing, for footings designed as described in the preceding paragraphs, we estimate a maximum settlement of $\frac{3}{4}$ of an inch or less for footings. Differential settlement will be in the order of 50 percent to 75 percent of the maximum. The settlement should occur as load is applied for these soils. Our settlement estimate assumes that footings are prepared as described in the preceding paragraphs.

Floor Slabs

All floor slabs on grade should be founded on a minimum 4-inch layer of free-draining well-graded sand or sand and gravel or crushed rock base with a maximum particle size of 1 inch or less, and containing not more than 7 percent passing the No. 200 sieve (based on a wet

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sieve analysis ASTM D 1140). The base should be compacted to a dry density of at least 98 percent of the standard Proctor maximum dry density (ASTM D 698).

We recommend concrete slabs and aprons be designed assuming a modulus of subgrade reaction, k , of 250 pounds per square inch per inch for compacted native sands combined with a minimum 4-inch thick layer of compacted granular base.

We recommend that slab aggregate base *subgrades* be compacted to at least 98% of the standard Proctor maximum dry density (ASTM D 698) for the upper 8 inches of the subgrade.

Retaining Walls

Our recommendations assume that the retaining walls and basements are backfilled with on-site sandy soils, and constructed as detailed in Figure 18. We recommend that unrestrained retaining walls be designed to resist an ultimate equivalent fluid pressure of 35H pcf. Basement walls restrained from movement about the top (fixed) should be designed assuming an ultimate equivalent fluid pressure of 55H pcf. Ultimate passive equivalent fluid pressure of 350H for cover depth in excess of 1 foot may also be utilized. We recommend an ultimate friction factor of 0.55 for the on-site sandy soils for base sliding resistance, and a maximum bearing pressure of 3500 psf for compacted soil subgrades.

AC Pavement Sections

A pavement section of 2-inches of AC over 6 inches of aggregate base is recommended, and is based on traffic consisting of automobiles, service vehicles and light busses.

Pavement section subgrades should be compacted to 98% of Standard Proctor maximum density (ASTM D 698) in the upper 12 inches. In addition, we recommend that all subgrades to receive imported aggregate or Asphalt Concrete be probed and/or proof-rolled with a heavy construction vehicle under observation of a qualified engineer prior to placement of imported materials.

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Quality Control

Pavement and slab section subgrades, foundation bearing surfaces, and the placement and compaction of all structural fill should be monitored by an individual experienced in earthwork and construction methods, as well as the recommendations included herein. We recommend that we provide this service, for obvious professional and liability considerations.

Drainage Considerations

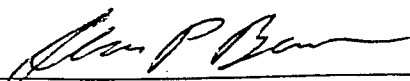
The site can be characterized as relatively free draining. Permanent groundwater is anticipated to be on the order of 45 feet or more below the surface. In any event, a foundation drain is recommended along the front of the structure to prevent detention or buildup of infiltrating surface water.

LIMITATIONS

If there is a substantial lapse of time between the submission of this report and the start of work at the site, if conditions have changed due to natural causes of construction operations at or adjacent to the site, or if the basic project scheme is significantly modified from that assumed, it is recommended that this report be reviewed to determine the applicability of the conclusions and recommendations considering the changed conditions and time lapse.

Unanticipated soil conditions are commonly encountered and cannot be fully determined by merely taking soil samples, or performing test excavations, particularly at sites containing fills of unknown origin. Such unexpected conditions frequently require that additional expenditures be made to attain a properly constructed project. Therefore, some contingency fund is recommended to accommodate the potential extra cost.

Sincerely,



Alan P. Bean, P.E.

Senior Geotechnical Engineer



Attachments: Table 1, Figures 1 through 19

RESOLUTION NO. 35195

Approve use by Multnomah County of three tax-foreclosed properties as a park or recreational area in conjunction with its Brentwood-Darlington Safety Action Team Office. (Resolution)

WHEREAS, ORS 275-320 provides for use of tax-foreclosed property by a County for park or recreational purposes with the approval of the incorporated city within whose boundaries the property lies; and

WHEREAS, Multnomah County has title to the following properties:

TL # 8 OF LOT 2, BLOCK 25, DARLINGTON (4,444 SF)

LOT 3, BLOCK 25, DARLINGTON (20,461 SF)

EXC NELY 105' OF SELY 50' OF LOT 4, BLOCK 25, DARLINGTON (14,250 SF); and

WHEREAS, the properties are wholly within the City of Portland, Oregon; and

WHEREAS, the properties will be developed by Multnomah County to take advantage of the proximity of the Brentwood-Darlington Safety Action Team office to provide community recreational facilities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portland, a municipal corporation of the State of Oregon, that the Council approves the designation of these properties by Multnomah County as a park or recreational area.

Adopted by Council, SEP 29 1993

Commissioner Hales
Fontaine Hagedorn
September 21, 1993

Barbara Clark

Auditor of the City of Portland

By

[Signature]
Deputy

SUNN

January 2000

Southeast Uplift Neighborhood News

PORTLANDERS TO HELP CHOOSE SITES FOR FUTURE PARKS

Over the next twenty years, Portland Parks & Recreation plans to acquire land for neighborhood parks, sport fields, recreation facilities, trails, and habitat areas - and Portland citizens are invited to participate in the selection process.

Portland's founders had the foresight to set aside land for parks, and those early park acquisitions helped establish the character of our City. As the population expands, we must add to the capacity of our park system for the benefit of present and future generations.

Most property acquired through this program will be set aside, or landbanked, for future park development. In the meantime, existing uses may well continue. Initial acquisitions are made possible with funds generated by the Systems Development Charge (SDC). These expenditures must be made in qualifying target areas.

By law, SDC funds must be used to address needs related to growth. They cannot be spent in park-deficient areas unless those areas are also experiencing growth. Right now, Portland's greatest growth areas are in outer east, southeast, and

northeast. These are the program's initial target areas. Within each target area, parks are needed to serve a variety of functions, from community playgrounds and sports fields to natural areas. Sometimes a park can include several functions. In other cases, a park is developed to serve one primary function, such as sports complex or a natural park. The following characteristics are considered in evaluating potential sites and determining the most appropriate functions to consider for each.

CRITERIA FOR SITE SELECTION

- Site size: Minimum of one acre and up to ten acres or more.
- Topography: Relative flat sites are needed for sports fields. Ideally, a slope of 15% or less is best for a community or neighborhood park. Natural areas can accommodate a wide range of topography.
- Zoning: Parks with active recreation must have a minimum of one to three acres that are not within the e-zone.
- Location: Additional consideration is given to sites located near schools, existing public land, or other compatible public facilities.
- Access: Collector or arterial street access is preferred to larger sites.
- Other features: Additional consideration is given to sites with special features that will enhance their use for a particular park function. For example, streams, varied topography, or wooded areas are a plus for neighborhood or natural area

parks. Heavily wooded sites are not ideal for consideration as sports fields.

The deadline for the nomination forms is January 31. Watch for a separate mailing from Parks & Recreation with further details.

PLEASE COME TO AN INFORMATIONAL SESSION

Get assistance in filling out and submitting the site nomination form.

Monday, January 24
at Southeast Uplift
3534 Southeast Main
7:00 - 8:30 p.m.



1120 SW Fifth Ave., Suite 1302
Portland, OR 97204
Phone (503) 823-PLAY
Fax (503) 823-6007



*Ensuring access to
leisure opportunities
and enhancing
Portland's natural beauty*

PORTLAND PARKS & RECREATION

March 3, 2000

Richard Hazeltine
6640 SE 70th Ave.
Portland, OR 97206

Dear Richard,

Thank you for nominating a site for potential park acquisition. The site is now in the process of being evaluated to determine if it meets the criteria for acquisition with System Development Charge (SDC) funds, which is our main source of funding for current acquisition efforts.

We also maintain a citywide database that includes potential park property of all types. The property you nominated will be included in our database whether or not it meets the SDC criteria for acquisition. This assures that the site will not be overlooked in the future, as other funding sources become available or the SDC target areas and priorities shift.

As you may know, the SDC funds are generated by a one-time fee that is charged to new residential development at the time the building permit is issued. Since SDC funds are generated only when new development occurs, the law requires that properties acquired with SDC funds be made in areas experiencing the greatest growth. At present, those areas are southeast, northeast and outer east. So, for the next year or more, this is where our acquisition efforts will be focused. We will continue to track building trends on an annual basis so that we can determine when the target areas should be adjusted.

Over the 20 year life span of the SDC Acquisition Program, three types of park lands will be acquired:

1. **Developed Parks:** Areas capable of being developed to provide active and passive recreation for all ages. Three categories of parks fall under this park type:
 - a) **Community Parks:** A large open space which provides a wide variety of community activities and facilities for groups and individuals; generally 10 acres or larger in size with level topography;
 - b) **Neighborhood Parks:** An open space that provides a focus for neighborhood recreational and social activities; generally one acre or larger in size with level topography;
 - c) **Urban Parks:** An open space that may provide some recreational opportunities within the central city or town centers; generally less than one acre in size with level topography.
2. **Natural Areas:** Landscapes with high quality natural resource functions and values, or the potential to provide them which may provide natural resource interpretation or education opportunities; use generally limited to trails and trailheads.
3. **Trails:** A linear active recreation and alternative transportation system which provides connections between parks, schools, commercial areas, trails and/or other transportation systems.

Initially, the SDC funds will be used to acquire sites that can be developed as Community Parks. The reason for this is that the type of property that is most suitable for Community Parks is also the most likely to be developed and, therefore, disappearing at a more rapid rate than other types of park land. In most cases, newly acquired properties will be land banked until funds are available for development.

If the parcel you nominated is acquired, we'll let you know and invite you to join us for the formal announcement. Acquisition of new parks will be an ongoing activity in the years ahead. Working in partnership with the community, we look forward to leaving behind an enhanced park system for today's citizens and future generations to enjoy.

Again, thank you for helping us identify potential future parks. If you have any questions, please call me at 823-5476.

Sincerely,

A handwritten signature in cursive script that reads "Judith Rees".

Judith Rees
Acquisitions Program Manager

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
HAVING THE SITE WHERE THE COMMUNITY POLICING CENTER IS
LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

9-9-00

DATE

NAME

ADDRESS

PHONE

Craig Beals	5047 SE Bybee	772-0995
Lindy Beals	5047 SE Bybee	772-0995
John Cunt	8514 S.E. 63	225-3405 5210
Ralph C. Thomas	6849 SE RAMONA	777-1915
Dang Cummings	4326 SE Woodstock #428	771-9613
Eugene Carver	6946 SE Nehalem	771-9613
Robert A. Loefer	5217 SE SE Thompson	771-1040
Stacy Bpl	12544 SE Sherman Portland OR	408-7286
Mary Millisap	3617 SE 40 th Portland OR.	771-7704
Martha Richards	6906 SE 48 th Ave. Portland 97206	772-3342
Lars Fjelstad	6906 SE 48 th Ave Portland OR 97206-7622	772-3342
Jan M. Mier	6826 SE 48 th Portland, OR 97206	777-3434

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
HAVING THE SITE WHERE THE COMMUNITY POLICING CENTER IS
LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

9-9-00
DATE

NAME

ADDRESS

PHONE

Von-Michelle Stemmers	6703 SE 70 th Ave, Portland, OR 97206	503-777-8687
MARVIN RICHARDSON Bonnie	5332 SE HENDERSON PTID OR 97206 97206	503-771-2015
Cunningham	7845 S.E. 65 th Portland OR	503-777-9256
Tira Walding-	5321 SE Henderson Portland OR 97206	503-777-9656
ROGER CUNNINGHAM	7845 SE 65 th Portland OR 97206	503-777-9256
DONNA DePaolo	9336 SE Alder PTID, OR 97216	503 408-7868
Glen Sheldon	296 NE 100 th PTID, OR 97220	
Pat Hicks	7131 SE 65 th	503 760 1007
Suzanne Richardson	5332 SE Henderson St 97206	503-771-2015
Zella Burke	7419 SE 51 st	503-788-9212
Donna Charlson	7021 S.E. 52 nd	503-774-0751
Mary Anello	7347 SE 51 st 97206	774-1441
Tommy	7240 SE 71 st	771-7996
Mimi Kennedy	7131 SE 65 th	774-7446

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
HAVING THE SITE WHERE THE COMMUNITY POLICING CENTER IS
LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

8-20-00

DATE

NAME

ADDRESS

PHONE

ail Kieley	6631 SE 70 th ave Portland 97206	788-6967
ob CARPON	6805 S.E. 70 th Portland 97206	774-0562
2/4/	7025 S.E. Tenino Portland 97206	
isa Kgo	7025 SE Tenino Portland 97206	
ore 904Y	7118 SE 71 st +	239-1245
inda Scher	9504 SE Tenino Ct. Pdx 97206	
Stephen Puljan	5807 S.E. 39 th Ave Portland	256-0618
WINE MCKINNEY	7405 SE Chittenden Troutdale, OR 97060	
David Wipen	7343 S.E. 71 st Portland, OR 97206	
Rebecca Slak	4343 SE Madison Ave 97215	775-7993
Thomas C. Jamieson	7117 S.E. Ramona St.	777-1190
oe Piercey	4309 SE 64 th Ave, 97206	788-2943
ott Piercey	4309 SE 64 th Ave, Pdx 97206	788-2943
Luis Reyes	6639 SE 71 st Port 0197206	771-8547

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
HAVING THE SITE WHERE THE COMMUNITY POLICING CENTER IS
LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

8-20-00

DATE

NAME

ADDRESS

PHONE

mylann Colrud	6534 SE 75th, Portland, Or	777-7086
Richard Kieky	6631 SE 70TH PORTLAND, OR 97206	788-6967
Jeth Moore	7912 SE Harold Port, Ore 97206	775-5795
Richard Moore	7912 SE Harold Port OR 97206	
McAllison	7912 SE Harold Port OR 97206	775-5795
Janet Price	6141 SE Woodstock ✓	779-6585
NORMAN VENTURA	7225 SE RURAL ST.	771-0646
Maria Blas	7225 SE Rural st	771-0642 0646
Stephany Cunningham	7718 SE Henderson st.	777-3970
Christy Parlsch	6125 SE PYBE	772-1506
Nancy Loschiavo	7333 SE Harold Portland 97206	771-4365
Alice Schatz	6335 SE 62nd 97206	777 4766 ^{pr}
Tette Orosk Nir	14122 SE Crystal Springs 97206	760-2456
Jim Turner	2013 SE 28th Pl 97202	238-1703

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
HAVING THE SITE WHERE THE COMMUNITY POLICING CENTER IS
LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

8-20-00

DATE

NAME	ADDRESS	PHONE
Lee	19202 E Burnside #2	674-9613
Barbara	8814 SE RURAL ST PORTLAND 97266	
Lola Sanchez	7032 SE 65 PHD 97206	772-1108
Amy Reagan	8316 SE Sheratt St. Port. OR 97266	777 5526
NORA PRICE	3674 SE Center #3 port 97202	774-2874
Marie Smith	6323 SE 85th Portland OR 97266	788 2007
Paul Davis	7422 SE Euclid ST	777-2878
Jolly Green	5855 SE Barney Dr	774-7444
Joey Loren	5359 SE Henry Dr	776-7444
Della Shelt	7033 SE Mitchell St.	775-4635
Anna A. Smith	7610 S.E. Holgate	775-9829
Ken Battams	7022 SE Mitchell St	775-7085
Inda Newman	3535 SE 72nd	771-6518
Said Dvoretzky	7703 SE. Martins St.	774-5426

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

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8-20-00

DATE

NAME

ADDRESS

PHONE

Samie ^{Cumington}	7845 S.E. 65th	777-9256
Christina	80 6639 SE 71st	771-8547
Christina	8100 SE 62nd	788-2755
Elua Trinity	8128 SE 80 87th	352-4553
Mrs. Smith	5325 SE Reedway St.	772-0622
Mrs. Merrill	2612 SE 28th #49	232-1127
JANE SWANSON	3612 SE 28th PLACE #37	239-6660
Michelle Turner	4006 S.E. Crystal Springs Blvd.	788-0674
Tina Woodruff	10835 SE Rowell Rd	762-6047
Prin Mr. Guter	7118 SE Melbourn	788-5117
Anna Aguda	6156 SE Knapp St	774-0570
Tayla Olson	6410 SE 81st Ave.	775-1876
Gail Hanks	8520 SE 62nd Ave	777 5012
Johanna	6125 SE Malden St	777-3367

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

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8-20-00

DATE

NAME

ADDRESS

PHONE

Lee	19202 E Burnside #2	674-9613
Barbara	8814 SE RURAL ST PORT	772-6666
Lola Sanchez	7032 SE 65 PHD 97206	772-1108
Amy Reagan	8316 SE Sherrett St. Port. 97206	777-5526
NORA PRICE	3674 SE Center #3 port 97202	774-2874
Marlene Smith	6323 SE 85th Portland 97206	788-2007
Paul Davis	7422 SE Euclid ST	777-2878
Jelly Greco	5855 SE Barney Dr	774-7444
Joseph Loren	5359 SE Harry Dr	776-7444
Della Shelt	7033 SE Mitchell St.	775-4635
Anna L. Brumby	7610 S.E. Holgate	775-9829
Ken Battams	7022 SE Mitchell St	775-7085
Inda Newman	3535 SE 72nd	771-6518
Said Dvoretzky	7703 SE. Martins St.	774-5426

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

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LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

8-28-00

DATE

NAME

ADDRESS

PHONE

Christy Bernick	16431 NE. Glisan	408-0839
Lyndell Culley	15455 SE Division	760-9557
DeAnna Green	7903 SE Tolman	777-5872
Rebi Alexander	6312 SE 88th Ave.	771-8404
Kathy Holcomb	5525 SE Malden St	777-4898
Anna Lane	7014 S.E. 92nd St	WK 614-5575
Nary Brackenbury	5634 SE 101st Ave	771-8420
Tami Spring	7610 SE Legum St	777-9195
Elsie Biggers	7427 SE Carlton St PHD 97206	288-7929
Joan Archie	7815 S.E. 68th	788-4055
Tami Archie	7815 S.E. 68th Port. 97206	788-4055
Angie Brown	6823 SE 88th Port 97206	775-1578
Michelle Denton	8805 SE Quail Port 97204	774-4125
C. Schuman	9917 SE Pardee 97266	760-4800

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
HAVING THE SITE WHERE THE COMMUNITY POLICING CENTER IS
LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

*Back to
School*

8-20-00
DATE

NAME	ADDRESS	PHONE
Donna Charlson	7021 SE 52nd	774-0751
Zella Berle	7419 SE 51st	788-9212
Juan Cordero	7609 S-E 88th	771-9375
Willie Lucero	4368 Imperial	650-7446
Debra Salazar	6623 SE 71st	788-3723
Lisa Murphy	2708 NE 205th	661-1620
Kris Ford	8438 S.E. Henderson	788-0265
Marie Young	S.E. Henderson	771-5823
Mame Omer	12337 SE Henderson	760-8715
Elyse Spencer	6705 SE 77	771-9341
Melinda Jones	5214 SE Lambert	777-6773
Laura Daniels	8645 SE Woodstock	251-2709
Aida Monge	8505 SE Glenwood St.	772-9837
Ladina Roman	5312 SE 96	760-3275

NEIGHBORHOOD PARK PETITION

8-19-00

DATE _____

[illegible]

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
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8-19-00

DATE

NAME

ADDRESS

PHONE

Wm Guyton	6647 SE 46	775-4706
FLEURETTE GROVES	8826 SE RURAL 97206	788-0550
Shara Bogan	6721 SE Duke St 97206	788-0036
Raymond Ward	8016 SE Ogden, Pld 97206	777-5345
Margie Sumner	5025 SE Rural, Pld 97206	774-7291
Dennis E. M. Nault	4305 SE Malden St, 97206	774-8159
James W. Wiff	4810 SE 48th Ave WCB	775-7687
Ray Bateman	6545 SE 69	788 5978
Robert Morris	7410 SE 51st Ave Port OR 97206	348-5439
Karen Young	6604 SE 46th Ave Port OR	774-5948
Harper Ray Johnston	5425 SE Knapp St Port OR	771-0854 <i>John</i>
SPENCER STEVENS	7200 SE 72 Portland OR	972-9294
Elizabern Wisher Graff	4205 SE Ramona Pdx 97206	774-2397 <i>W</i>
Jma Whittaker	6311 SE 49th 97206	775-5141

BRENTWOOD-DARLINGTON NEIGHBORHOOD ASSOCIATION

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN
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8-19-00

DATE

NAME

ADDRESS

PHONE

Summer	5028 SE Rural Portland 97206	774-7291
Kelle Jensen	7606 SE Harney Portland 97206	775-6059
K HAZELTINE	6640 SE 70 AVE PORTLAND 97206	771-8992
O Smith	3708 N.E. 18th Ave Portland 97212	281-2600
Q Guey	5031 SE CARLETON ST PORT 97206	481-1078
andon Neal	4404 SE Woodstock	358-4456
FOR	^{MBS} P.O. 6716 PDX 97228	NA
imp/Foreman	5815 SE Canton St. 97206	775-3367
andson	11651 King George Dr ^{King City} 97224	968-8056
artha Durham	6535 SE Tolman 97206	785-1776
x-DiGregorio	19723 Bennington Ct. West Linn OR 97068	557-5118
ra Acuña	3044 SW 36th Ave.	228-4145
Al Angus	5525 SE Ogden St 97206	715-5547
ROB CROUCH	3821 NE WISTARIA 97212	282-1282

NEIGHBORHOOD PARK PETITION

2-22-01
DATE

[illegible]

NEIGHBORHOOD PARK PETITION

THE FOLLOWING NEIGHBORHOOD INDIVIDUALS ARE INTERESTED IN HAVING THE SITE WHERE THE COMMUNITY POLICING CENTER IS LOCATED ON SE FLAVEL DR CONVERTED TO A NEIGHBORHOOD PARK.

DATE _____

ADDRESS

PHONE[illegible]

THARCO
Potompa
Submitted

Playground at Water Tower Park and Beyond

Project Description

During the spring of 1998, the Clackamas High School (CHS) Key Club entered into a partnership with North Clackamas Parks and Recreation District and launched a monumental project to build a children's playground at Water Tower Park in Milwaukie. The project enables students and adults to learn and work together to design, develop, install, operate and maintain the facilities and grounds at Water Tower Park.

The Water Tower Project includes tearing out dilapidated playground structures, leveling and resurfacing playground areas, selecting, building and installing new playground equipment that is handicapped accessible, building and installing picnic tables and benches, habitat restoration, and providing ongoing maintenance. Students, with the support of teachers and other adults, are designing the blueprint for the playground, raising funds, and recruiting and organizing volunteers.

Beginning with the first step of approaching the Parks District, students and staff have been collaborating with community members (including the children who live in the community) to plan and complete the project. As a result of the teamwork, the Water Tower Park project has spurred the creation of a CHS Community Service Coalition. Members of the coalition include representatives from the Parks District, Columbia Cascade Company, WestLake Engineering & Consultants, North Clackamas School District and many CHS staff and students. Students and teachers from academic and professional technical classes, Key Club, CAVCO (a school-based technology & construction enterprise), the Earth Club, the National Honor Society, OSSOM Club, Multicultural Club and Student Council have all pledged to contribute in some way to the development and continued maintenance of Water Tower Park.

The Water Tower Park Project's number one goal is provide a service that has a lasting impact on the community, and the playground will provide a pleasant and safe spot for the community to enjoy for years to come. In addition, the volunteer labor to build and install the equipment and prepare the grounds combined with the donation of funds acquired through fund raising and grants will save the North Clackamas Parks and Recreation District more than \$15,000 this year. Equally significant, the Water Tower Project unites CHS students, focuses learning around the common goal of improving the community, and provides an unlimited reservoir of cross-curricular, contextual teaching and learning experiences for students and teachers.

The CHS Community Service Coalition's vision and goals go "Beyond" the Water Tower Parks Project. Plans are underway to provide more cross-curricular, contextual learning and community service opportunities for students. The Coalition is extending their partnership with the Parks District and planning to build wheel chair accessible raised bed community gardens at Milwaukie Senior Citizens Center. This project should save the Parks District an additional \$15,000 next year. The Coalition is also currently involved in a project with BOORA Architects to build a scale-size prototype solar design model for airflow ventilation testing. The model is a replica of a classroom in the new high school scheduled to open in 2001. After testing is completed, materials used to build the solar model will be recycled and used for the community gardens.

Excellence in Student Learning

Students use the knowledge and skills they've learned in the classroom and apply them as they work on the Water Tower Park Project.

Mathematics

Students measure areas and volumes at the work site to make decisions regarding the selection of equipment, tables and benches; the building of playground equipment; and the plotting of garden areas. Students figured volume of postholes to estimate the amount of cement to purchase to set equipment. Students use their calculations to determine the numbers and kinds of plants to order and the amount of mulch and fertilizer to purchase.

Math teachers use the authentic work site problems to develop classroom problem-solving tasks that support student achievement on the State mathematics performance assessment.

Writing

Students write reports, business communications, grant applications (each application submitted has been awarded), and letters to school and community representatives informing them about project activities and events and inviting them to attend.

Reading

Students read technical manuals, supply catalogues, work orders, blueprints, etc. and use the information to complete specific tasks. Students use a variety of resources to identify potential grant sources and read application materials.

Speaking

Students make presentations to school and community groups for varied purposes.

Science

Students find ways to reduce toxins, water and invasive species by integrating native species in the landscaping design, they build understanding of the relationships among living things and between living things and their environments. A goal of the Project is to make Water Tower Park a "Green" model that is environmentally friendly.

Building Construction

Students used a variety of tools (i.e., levels, ratchet wrenches, tape measures and survey equipment) they practice with in class to complete a major construction project, including scale size playground equipment, tables and benches.

"Working on the Park Project gave me the opportunity to not only do work that I don't ordinarily get to do, but also work with students from CHS that I've never before had the chance to get to know. I used levels, allen wrenches, post-hole diggers, shovels and a variety of other tools and got hand-on experience in building. This is something I never get to do in an ordinary class. Also, I met more than 20 students that I didn't know before and improved my cooperation and communication skills."

Corrie Drakulich, CHS Senior

Personal Management

Students are collaborating with the Parks Department and WESTLAKE Consultants, Inc. to plan, organize and complete work on time. They have developed a comprehensive work plan for the project specifying tasks, identifying intended completion dates and including an ongoing accountability and quality control plan for decisions and actions.

Problem Solving

Students are initiating connections with necessary groups and organizations, both in the school and the community, to resolve problems using techniques that include personal, social, and ethical considerations. Students are required to identify alternatives to solve problems, assess the consequences of the alternatives, and select, explain and carryout proposed solutions and courses of action. For example, students collaborated with Columbia Cascade Company, manufacturers of playground equipment, to make recommendations for the design of playground equipment at Water Tower Park.

Communication

Students developed a publicity campaign to support partnerships with the community, raise funds, and celebrate their successes.

Teamwork

Students work together and use skills in negotiation, compromise, consensus building, conflict management, shared decision making and goal setting to improve team effectiveness and produce quality products.

"I think the project that we completed at Water Tower Park helped me meet some new people, and helped me have some great experiences with them. It was fun to build playground equipment and depend on one another for solutions to problems. I know that we made a great, positive impact on the community, and it will be an experience that will carry with us."

Kathlin Goodrich, CHS Student

Organizations and Systems

Students are learning about the nature of work, workplaces and work processes. On Saturday, October 2, after a year of planning and preparation, students built the playground at Water Tower Park! Students arrived at the work site at 7 A.M., reported to the registration desk, submitted the proper forms signed by parents, picked up their crew assignments and hard hats, and attended a general meeting to review safety regulations and receive instructions. Students worked side-by-side with contractors, supervisors, and teachers to build the playground.

Employment Foundations

Students must apply academic knowledge and technical skills, explain and follow requirements, security procedures and ethical practices, and follow workplace health and safety requirements.

Exceptional Innovation and Success in Creating Meaningful Learning Experiences

The Water Tower Park Project helps students to integrate the demands of six life roles: individual, learner, producer, consumer, family member and citizen. Students are connecting the personal side of their lives (learning to live) to educational growth (learning to learn) and career development (learning to work). Students are learning and applying academic and professional technical knowledge and skills in the context of the problems addressed by the Parks Project.

"The skills we are learning in school are actually being used after class when we work on the park project. We see and now understand the idea of contextual learning. We are the ones making decisions and implementing our solutions. This is on-the-job training for life. We are learning to work with people who have diverse experience, needs, and perspectives than we do. We've learned to follow through and fulfill the commitments we make."

Kristin Love, Past President Key Club

"The Water Tower Project has been a tremendous learning experience. It taught me the process of completing a large-scale project with a public office and specific construction knowledge. The Project has also generated enthusiasm for community service and civic pride in Clackamas High School."

Liz Eraker, National Honor Society President
Key Club Treasurer
Shield Editor and Chief

"I thought that the project was successful in all areas. Building the park not only helped the community but also helped the Key Clubbers get to know each other better and learn to work together. I really enjoyed learning to use the wrench thing, and it was exciting each time we got a piece of the playground perfectly level. Overall, it was a very good day for me and I had lots of fun."

Lori Pope, CHS Student

Connections Beyond the Classroom

The CHS Community Service Coalition facilitates enhanced learning opportunities by connecting business and community leaders with the classroom. Personnel from the Parks District and WestLake Engineering & Consultants visit CHS as guest lecturers and seminar leaders. Topics include landscape design, CAD, community involvement, training and career opportunities in architectural design and landscaping.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 959

Special Ordinance Designating Disposition of Flavel Tax Foreclosed Property and Declaring an
Emergency.

The Multnomah County Board of Commissioners Finds:

- a. During the past year, the Brentwood Darlington Neighborhood Association worked with Portland Parks and Recreation with respect to obtaining the Flavel tax foreclosed property described in the attached Exhibit A (property) for use as a park.
- b. In January 2000, Portland Parks and Recreation considered suitability of the Flavel tax foreclosed property for public use and nominated the site for a park.
- c. The Board believes the site, because of its size, location and condition, is most appropriate for use as a park.

Multnomah County Ordains as follows:

Section 1. The Flavel property described in Exhibit A is designated for park use and shall be transferred to City of Portland Parks and Recreation Department rather than being processed as described in Multnomah County Code § 27.151.

Section 2. The Chair is hereby directed to execute all necessary documents to convey the property to the City of Portland Parks and Recreation Department in compliance with ORS 271.330 (3).

Section 3. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING:

March 8, 2001

SECOND READING AND ADOPTION:

March 15, 2001



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver

Bill Farver, Interim Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

R145071 (R19790-7060)

Part of Lot 2, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon, more particularly described as follows:

The South 40 feet of Lot 2, Block 25, DARLINGTON PLAT 3, in the County of Multnomah and State of Oregon, EXCEPTING THEREFROM the Northeasterly 100 feet when measured along the Northwesterly and Southeasterly lines of that portion of Lot 2, Block 25, DARLINGTON PLAT 3, lying Southeasterly of a line drawn 40 feet Northwesterly from and parallel with the lot line common to Lots 2 and 3, Block 25, Multnomah County, Oregon.

R145072 (R19790-7080)

Lot 3, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon.

R145073 (R19790-7100)

The Northeasterly 105 feet of the Southeasterly 50 feet of Lot 4, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon.

R145074 (R19790-7120)

Lot 4, Block 25, according to the duly filed plat of DARLINGTON PLAT 3, in the City of Portland, filed July 25, 1921, in Plat Book 804, Page 89, Records of the County of Multnomah and State of Oregon.

EXCEPTING THEREFROM the Northeasterly 105 feet of the Southeasterly 50 feet.

MEETING DATE: March 15, 2001
AGENDA NO: R-4
ESTIMATED START TIME: 10:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Confirming Elected Official Interim Designee

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

REGULAR MEETING: DATE REQUESTED: Thursday, March 15, 2001
AMOUNT OF TIME NEEDED: 5 mins

DEPARTMENT: Non-departmental DIVISION: Cruz

CONTACT: Mary Carroll x85275 TELEPHONE #: (503) 988-5219
BLDG/ROOM #: 503-600

PERSON(S) MAKING PRESENTATION: Commissioner Cruz

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Confirming the Interim Designation for Multnomah County Commissioner District 2 in the
Event of a Vacancy

03/27/01 copies to Co Serena Cruz

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Serena Cruz

(OR)
DEPARTMENT
MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
01 MAR - 8 PM 3:27
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277

Commissioner Serena Cruz, District 2

MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Suite 600
Portland, Oregon 97214
(503) 988-5219 phone
(503) 988-5440 fax

MEMORANDUM

TO: Board Clerk Deb Bogstad

FROM: Commissioner Serena Cruz

Date: March 5, 2001

RE: Commissioner Designee

In accordance with Charter section 4.50(3) and MCC 5.005, I wish to designate Mary Carroll as the interim occupant of the District 2 Commission position should I have to leave my position for any reason. As this section states, Ms. Carroll would take over my position on an interim basis until a new Commissioner is appointed or elected. My current designee has moved out of the state and is no longer eligible to serve as the interim occupant.

Mary Carroll lives in the district and meets all of the Charter qualifications for appointees to the County Commission. She has served as my chief of staff since I took office in 1999 and is familiar with the County operations and district issues.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Confirming the Interim Designation for Multnomah County Commissioner District 2 in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. As required by Multnomah County Charter Section 4.50(3), Multnomah County Code 5.005 provides procedures for elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment.
- b. In accordance with MCC 5.005(B)(1), Serena Cruz, Multnomah County Commissioner District 2, designates Mary Carroll as interim occupant of the office.

The Multnomah County Board of Commissioners Resolves:

The Board confirms Mary Carroll to serve as interim occupant for Commission District 2 in the event of a vacancy in that office.

ADOPTED this 15th day of March, 2001.

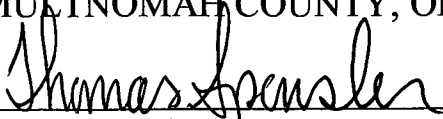
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver, Acting Chair

REVIEWED:

THOMAS SPONSLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Thomas Sponsler, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-025

Confirming the Interim Designation for Multnomah County Commissioner District 2 in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. As required by Multnomah County Charter Section 4.50(3), Multnomah County Code 5.005 provides procedures for elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment.
- b. In accordance with MCC 5.005(B)(1), Serena Cruz, Multnomah County Commissioner District 2, designates Mary Carroll as interim occupant of the office.

The Multnomah County Board of Commissioners Resolves:

The Board confirms Mary Carroll to serve as interim occupant for Commission District 2 in the event of a vacancy in that office.

ADOPTED this 15th day of March, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver

Bill Farver, Interim Chair

REVIEWED:

THOMAS SPONSLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Thomas Sponsler*
Thomas Sponsler, County Attorney

MEETING DATE: March 15, 2001
AGENDA NO: R-5
ESTIMATED START TIME: 10:05 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Declaring vacancies, setting elections dates and filing deadline for County elective offices

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

REGULAR MEETING: DATE REQUESTED: Thursday, March 15, 2001
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair's Office

CONTACT: Rhys Scholes TELEPHONE #: (503) 988-3928
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Rhys Scholes

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Declaring vacancies, setting election dates and filing deadline for County elective offices

03/27/01 copies to Vicki Ervin, Carol Kinoshita &
Rhys Scholes

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein

(OR)
DEPARTMENT
MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
MULTI-NOMINAL COUNTY
OREGON
01 MAR - 8 PM 3:27

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ (503) 988-3277



Beverly Stein, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214

Phone: (503) 988-3308
FAX: (503) 988-3093
Email: mult.chair@co.multnomah.or.us

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Rhys Scholes

DATE: March 7, 2001

RE: Declaring vacancies, setting election dates and filing deadline for County elective offices

1. Recommendation/Action Requested:
Adopt resolution.
2. Background/Analysis:
See attached memo from County Attorney and Director of Elections
3. Financial Impact:
The cost of a countywide election is approximately \$270,000. If a countywide runoff is required it would also cost approximately \$270,000.
4. Legal Issues:
See attached memo from County Attorney and Director of Elections
5. Controversial Issues:
None
6. Link to Current County Policies:
County Charter and Code require these actions.
7. Citizen Participation:
None
8. Other Government Participation:
None



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

THOMAS SPONSER
County Attorney

SANDRA N. DUFFY
GERALD H. ITKIN
Chief Deputies

1120 S.W. FIFTH AVENUE, SUITE 1530
PORTLAND, OREGON 97204-1977

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SCOTT ERIK ASPHAUG
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JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHOKI
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

March 12, 2001

To: Board of Commissioners

From: County Attorney
Director of Elections

Re: Filling Vacancies

County Chair Beverly Stein and County Commissioner Diane Linn have resigned from their offices. Charter section 4.50(3) provides that the person designated shall service as acting chair and acting commissioner until the offices are filled by election. In accordance with Multnomah County Code (MCC) section 5.005(B)(1), Bill Farver will serve as acting chair, and Pauline Anderson will service as acting commissioner for district one.

County Charter section 4.50(1)(a) provides that the vacancies in county elective offices will be filled at the next available election date. The Charter and MCC 5.007 require the Board of Commissioners to call the elections on the next available date established by state law. That date is May 15, 2001. We recommend that at its March 15, 2001 meeting the Board call the election for May 15.

State law and MCC 5.008 require that nominations to fill vacancies must be filed with the director of elections at least 47 days before the election. We recommend that the Board set the filing deadline for 5 pm on March 27, 2001. We further recommend that the Board set 5 pm on March 20, 2001 as the deadline for creating any additional vacancies subject to the May 15 election.

If candidates receive a majority of the votes cast at the May 15 election, they may take office on June 5, 2001. If they do not receive a majority of the votes cast for each office, then the Board must call a special runoff election. The names of the two candidates receiving the highest number of votes cast for each office will appear on that ballot. We recommend that the Board set July 10, 2001 for any required runoff election. Candidates receiving a majority of the votes cast at that election may take office on July 31, 2001.

Please contact us if you have questions.

March 6, 2001

To: Board of Commissioners

From: County Attorney
Director of Elections

Re: Filling Vacancies

County Chair Beverly Stein and County Commissioner Diane Linn have resigned from their offices. Charter section 4.50(3) provides that the person designated shall service as acting chair and acting commissioner until the offices are filled by election. In accordance with Multnomah County Code (MCC) section 5.005(B)(1), Bill Farver will serve as acting chair, and Pauline Anderson will service as acting commissioner for district one.

County Charter section 4.50(1)(a) provides that the vacancies in county elective offices will be filled at the next available election date. The Charter and MCC 5.007 require the Board of Commissioners to call the elections on the next available date established by state law. That date is May 15, 2001. We recommend that at its March 15, 2001 meeting the Board call the election for May 15.

State law and MCC 5.008 require that nominations to fill vacancies must be filed with the director of elections at least 47 days before the election. We recommend that the Board set the filing deadline for 5 pm on March 27, 2001. We further recommend that the Board set 5 pm on March 20, 2001 as the deadline for creating any additional vacancies subject to the May 15 election.

If candidates receive a majority of the votes cast at the May 15 election, they may take office on June 5, 2001. If they do not receive a majority of the votes cast for each office, then the Board must call a special runoff election. The names of the two candidates receiving the highest number of votes cast for each office will appear on that ballot. We recommend that the Board set July 10, 2001 for any required runoff election. Candidates receiving a majority of the votes cast at that election may take office on July 31, 2001.

Please contact us if you have questions.

C: Sheriff
Auditor
Department Directors

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring Vacancies, Setting Election Dates and Filing Deadlines For County Elective Offices

The Multnomah County Board of Commissioners Finds:

- A. The Multnomah County Charter and Code require that the Board of County Commissioners declare vacancies and set election dates and filing deadlines when elective offices become vacant.
- B. Beverly Stein has announced her resignation from the position of Multnomah County Chair effective March 14, 2001.
- C. Diane Linn has announced her resignation from the position of Multnomah County Commissioner, District 1 effective March 14, 2001.
- D. The Multnomah County Charter requires that an election to fill vacancies be held at "the next available election date".
- E. The next available election date is May 15, 2001.

The Multnomah County Board of Commissioners Resolves:

- 1. The elective office of Multnomah County Chair is declared vacant as of March 14, 2001
- 2. The elective office of Multnomah County Commissioner District 1 is declared vacant as of March 14, 2001.
- 3. An election is called for May 15, 2001 to fill the positions of Multnomah County Chair, Multnomah County Commissioner District 1 and any other vacancies that may occur by 5 PM on March 20, 2001.

4. The filing deadline for the May 15 elections is set as 5 PM, March 27, 2001.
5. This election date and filing date are certified to the Director of Multnomah County Division of Elections.

ADOPTED this 15th day of March, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver, Acting County Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Thomas Sponsler, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-026

Declaring Vacancies, Setting Election Dates and Filing Deadlines For County Elective Offices

The Multnomah County Board of Commissioners Finds:

- A. The Multnomah County Charter and Code require that the Board of County Commissioners declare vacancies and set election dates and filing deadlines when elective offices become vacant.
- B. Beverly Stein has announced her resignation from the position of Multnomah County Chair effective March 14, 2001.
- C. Diane Linn has announced her resignation from the position of Multnomah County Commissioner, District 1 effective March 14, 2001.
- D. The Multnomah County Charter requires that an election to fill vacancies be held at "the next available election date".
- E. The next available election date is May 15, 2001.

The Multnomah County Board of Commissioners Resolves:

- 1. The elective office of Multnomah County Chair is declared vacant as of March 14, 2001
- 2. The elective office of Multnomah County Commissioner District 1 is declared vacant as of March 14, 2001.
- 3. An election is called for May 15, 2001 to fill the positions of Multnomah County Chair, Multnomah County Commissioner District 1 and any other vacancies that may occur by 5 PM on March 20, 2001.

4. The filing deadline for the May 15 election is set as 5 PM, March 27, 2001.
5. This election date and filing date are certified to the Director of Multnomah County Division of Elections.

ADOPTED this 15th day of March, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver, Interim Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Thomas Sponsler, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-026

Declaring Vacancies, Setting Election Dates and Filing Deadlines For County Elective Offices

The Multnomah County Board of Commissioners Finds:

- A. The Multnomah County Charter and Code require that the Board of County Commissioners declare vacancies and set election dates and filing deadlines when elective offices become vacant.
- B. Beverly Stein has announced her resignation from the position of Multnomah County Chair effective March 14, 2001.
- C. Diane Linn has announced her resignation from the position of Multnomah County Commissioner, District 1 effective March 14, 2001.
- D. The Multnomah County Charter requires that an election to fill vacancies be held at "the next available election date".
- E. The next available election date is May 15, 2001.

The Multnomah County Board of Commissioners Resolves:

- 1. The elective office of Multnomah County Chair is declared vacant as of March 14, 2001.
- 2. The elective office of Multnomah County Commissioner District 1 is declared vacant as of March 14, 2001.
- 3. An election is called for May 15, 2001 to fill the positions of Multnomah County Chair and Multnomah County Commissioner District 1.

4. The filing deadline for the May 15 election is set as 5:00 PM, March 27, 2001.
5. This election date and filing date are certified to the Director of Multnomah County Division of Elections.

ADOPTED this 15th day of March, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver

Bill Farver, Interim Chair

REVIEWED:

THOMAS SPONSLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Thomas Sponsler*
Thomas Sponsler, County Attorney

SPEAKER SIGN UP CARDS

DATE 3/15/01

NAME LORATA BULLIS

ADDRESS FOSTER PETS OF
ORLEON

PHONE 503-469-8074

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ANIMAL CONTROL

GIVE TO BOARD CLERK