



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515

Portland, Or 97204-1914

Phone: (503) 248-3308 FAX (503) 248-3093

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

Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5220 FAX (503) 248-5440

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

Gary Hansen, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5219 FAX (503) 248-5440

Email: gary.d.hansen@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5217 FAX (503) 248-5262

Email: lisa.h.naito@co.multnomah.or.us

Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5213 FAX (503) 248-5262

Email: sharron.e.kelley@co.multnomah.or.us

ANY QUESTIONS? CALL BOARD CLERK DEB BOGSTAD @ 248-3277

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

**INDIVIDUALS WITH DISABILITIES
MAY CALL THE BOARD CLERK AT
248-3277, OR MULTNOMAH COUNTY
TDD PHONE 248-5040, FOR
INFORMATION ON AVAILABLE
SERVICES AND ACCESSIBILITY.**

NOVEMBER 3 & 5, 1998

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 am Tuesday DES Budget Briefing
Pg 2	9:30 am Thursday Health Department RESULTS Presentation
Pg 4	9:50 am Central City Summit Resolution
Pg 4	10:00 am Public Safety Planning Discussion
✳	The November 19 & November 26 Board Meetings are Cancelled
✳	No Board Meetings are Scheduled Between December 21, 1998 through January 6, 1999
✳	Check the County Web Site: http://www.multnomah.lib.or.us

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Tuesday, November 3, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET BRIEFING

- B-1 Department of Environmental Services Briefing and Work Session to Review Performance Trends and Key Results Measures and to Discuss Upcoming Issues and Opportunities. Presented by Larry Nicholas, Hank Miggins, Vicki Ervin, F. Wayne George, Tom Guiney, Kathy Busse, Bob Ellis, Kathy Tuneberg and Harold Lasley. 2.5 HOURS REQUESTED.
-

Thursday, November 5, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Appointments of Francis Landfair, Charles Kurtz, Charles Shi and Phyllis Rand and Reappointment of Claudia Robertson to the ELDERS IN ACTION COMMISSION

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-2 Amendment 4 to Intergovernmental Revenue Agreement 101618 with the State Mental Health Division, Revising Part III for the Implementation of Self Directed Individual and Family Support

SHERIFF'S OFFICE

- C-3 Bed & Breakfast Liquor License Renewal for BRICKHAVEN BED & BREAKFAST, 38717 E. Columbia River Highway, Corbett
- C-4 Package Store Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 E. Crown Point Highway, Troutdale

- C-5 Package Store Liquor License Renewal for LARSON'S MARINA, 14444 NW Larson Road, Portland
- C-6 Package Store Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-7 Package Store Liquor License Renewal for ROCKY POINT MARINA, 23586 NW St. Helens Highway, Portland
- C-8 Restaurant Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 E. Crown Point Highway, Troutdale

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-9 ORDER Cancelling Land Sale Contract 15244R2 with William and Dorothy Jelinek Upon Default of Payments and Performance of Covenants
- C-10 ORDER Cancelling Land Sale Contract 15455 with Arthur L. Jenkins and Estate of Lillian Jenkins Upon Default of Payments and Performance of Covenants
- C-11 ORDER Cancelling Land Sale Contract 15641 with Lynda L. Nelson Upon Default of Payments and Performance of Covenants
- C-12 CU 7-98/SEC 24-98/HV 11-98 Report the Hearings Officer Decision Regarding Approval of a Template Dwelling Conditional Use Permit and a Significant Environmental Concern for Wildlife and Streams Permit, and Minor Variance to Allow the Construction of a New Single Family Dwelling, Subject to Conditions, on Lands Designated Commercial Forest Use for Property Located at 21574 NW GILKISON ROAD, PORTLAND

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

DEPARTMENT OF HEALTH

- R-2 Results from RESULTS: Centralized Clinical Services Program Presentation by Linda Anthony, Sara Cruz and Others.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 PRE 4-998/PRE 5-98 Report the Hearings Officer Decision Regarding Denial of an Appeal of Two Administrative Decisions for Dwelling Approval Validation; Implementation of Approved Farm Management Plans on Lands Designated Exclusive Farm Use for Property Located at 12955 and 12989 NW SKYLINE BLVD., PORTLAND; and Requesting a De Novo Hearing Date of DECEMBER 10, 1998

NON-DEPARTMENTAL

- R-4 RESOLUTION Authorizing Multnomah County to Act as a Co-convenor of the Central City Summit of 1998 and Approving a Contribution of \$5,000

COMMISSIONER COMMENT

- R-5 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest. Comments Limited to Three Minutes Per Person.

Thursday, November 5, 1998 - 10:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

- B-2 Continued Public Safety Planning Discussion with Peter Ozanne, Sheriff Dan Noelle, Michael Schrunk, Judge Jim Ellis and Elyse Clawson. 1.5 HOURS REQUESTED.

MEETING DATE: NOV 05 1998
AGENDA NO: C-1
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointments and Reappointment to Elders in Action Commission

BOARD BRIEFING:

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

REGULAR MEETING:

DATE REQUESTED: 11/5/98
AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Appointments of Francis Landfair, Charles Kurtz, Charles Shi and Phyllis Rand and reappointment of Claudia Robertson to the Elders in Action Commission

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____

Beverly Stein

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

98 OCT 20 PM 4:54
MULTNOMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

MEETING DATE:

NOV-05, 1998

AGENDA NO:

C-2

ESTIMATED START TIME:

9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT County Acceptance of revision to 1997-99 Intergovernmental Agreement which adds a revised Part III for Residential Care Facilities, MHS 28 with Part III, Residential Treatment Facilities (RTF), MHS and revised Oregon Administrative Rule citations regulating the facilities.

BOARD BRIEFING

Date Requested: _____

Requested By: _____

Amount of Time Needed: 15 minutes

REGULAR MEETING

Date Requested: _____

Amount of Time Needed: 10 minutes

DEPARTMENT: Community and Family Services

CONTACT: Lorenzo Poe/Gloria Wang

DIVISION: Behavioral Health

TELEPHONE: 248-3691

BLDG/ROOM: B166/7th

PERSON(S) MAKING PRESENTATION: Lorenzo Poe/Gloria Wang

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE

Approval Of The Amendment To The Intergovernmental Agreement With The State Mental Health Division.

SIGNATURES REQUIRED:

11/9/98 ORIGINALS to JO Storesberg

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: _____

Lorenzo T. Poe Jr. Esq.

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 29 AM 3:21

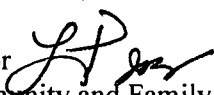


MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

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

DATE: September 25, 1998

SUBJECT: FY 1998-99 Amendment to Intergovernmental Revenue Agreement with State Mental Health Division

I. Recommendation/Action Requested: The Department of Community and Family Services recommends County Commissioner approval of the attached amendment to the intergovernmental revenue agreement, with the State Mental Health Division. The amendment becomes effective when signed by the authorized county representatives, and those of the Division and the Department of Justice and expires June 30, 1999.

II. Background/Analysis: Oregon is one of five states selected to receive funding through a three-year State Incentive Cooperative Agreement (SICA) from the federal Center for Substance Abuse Prevention as part of the National Youth Substance Abuse Prevention Initiative. This amendment replaces the 1997-99 Intergovernmental Agreement Part III, Residential Care Facilities (RCF), MHS 28 with Part III, Residential Treatment Facilities (RTF), MHS and revised Oregon Administrative Rule citations regulating the facilities.

III. Fiscal Impact: This amendment has no fiscal impact.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to current County Policies: Prevention programs will focus on benchmarks, science-based prevention practices, and outcomes. Collaborative planning efforts will involve Caring Communities and the Community Building Initiative.

VII. Citizen Participation: Collaborative planning will include advisory groups, neighborhood associations, other citizen groups, and existing prevention programs. Youth will be engaged in the planning process as well.

VIII. Other Governmental Participation: Regional Drug Initiative (RDI) has broad governmental participation (cities, State, and federal). Public school districts, and Oregon Health Science University will participate in the planning process.

Contract #: **101618**

Amendment #: **4**

[illegible]

1997-99
INTERGOVERNMENTAL AGREEMENT
PART I
AGREEMENT FINANCIAL SUMMARY,
SPECIAL CONDITIONS AND SIGNATURES
AMENDMENT # 023

RECEIVED
SEP 24 1998

DEPT. OF COMM &
FAM. SVCS./FISCAL

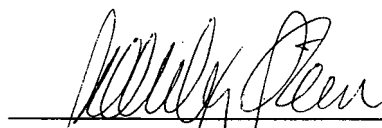
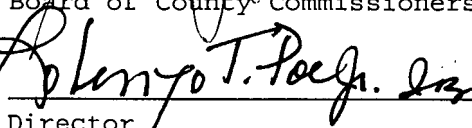
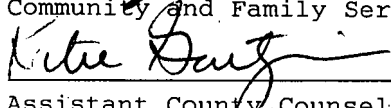
DATE ISSUED: 09/11/98
AGREEMENT NUMBER: 26-001
AGREEMENT PERIOD: JULY 1, 1997 THROUGH JUNE 30, 1999
LOCAL GOVERNMENT UNIT: MULTNOMAH COUNTY
SOCIAL SERVICES DIVISION
426 SW STARK ST, RM 160, 6TH FL
PORTLAND, OR 97204

AGREEMENT LIMITATION:

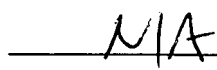
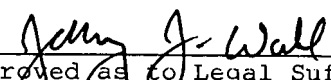
LOCAL ADMINISTRATION:	\$3,191,753.00
MENTAL HEALTH SERVICES:	\$40,100,236.00
DEVELOPMENTAL DISABILITY SERVICES:	\$78,027,912.00
ALCOHOL AND DRUG SERVICES:	\$20,256,313.00

AGREEMENT TOTAL: \$141,576,214.00

These limitation amounts may be paid based on authorization in Plan/Amendment Approval Forms (PAAF) signed by the designated county employee listed below and the Division Contract Officer.

 Chair Beverly Stein Board of County Commissioners	11/5/98 Date	MENTAL HEALTH AND DEVELOPMENTAL DISABILITY SERVICES DIVISION:
 Director Community and Family Services	10-26-98 Date	Division Contract Officer
 Assistant County Counsel	10/28/98 Date	Date

AND/OR

 CMHP Director or other Designated County Employee	Date	 Approved as to Legal Sufficiency Assistant Attorney General
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Printed Name

Title

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 11/5/98
DEB BOGSTAD
BOARD CLERK

1997-99
MENTAL HEALTH AND DEVELOPMENTAL DISABILITY SERVICES DIVISION
INTERGOVERNMENTAL AGREEMENT
FINANCIAL DETAIL

CONTRACT #: 26-001 CONTRACTOR: MULTNOMAH COUNTY
AMENDMENT#: 023

<u>DIVISION</u>	<u>PRIOR CONTRACTED AMOUNT</u>	<u>CONTRACT CHANGE</u>	<u>NEW CONTRACTED AMOUNT</u>
LOCAL ADMINISTRATION	3,191,753.00	\$0.00	3,191,753.00
MENTAL HEALTH SERVICES	40,100,236.00	\$0.00	40,100,236.00
DEVELOPMENTAL DISABILITY	78,027,912.00	\$0.00	78,027,912.00
ALCOHOL AND DRUG SERVICES	20,256,313.00	\$0.00	20,256,313.00
CONTRACT TOTAL	<u>141576214.00</u>	<u>\$0.00</u>	<u>141576214.00</u>

PURPOSE OF AMENDMENT:

This amendment replaces the 1997-99 Intergovernmental Agreement Part III, Residential Care Facilities (RCF), MHS 28 with Part III, Residential Treatment Facilities (RTF), MHS 28 and revised Oregon Administrative Rule citations regulating the facilities.

The changes in the Part III are shown by strike-outs for deletions, and double underlining for additions. This change follows the filing June 1, 1998 of amendments to OAR 309-035-0100 through 309-035-0190. Those requirements revise outdated definitions and reorganize and clarify licensing requirements. They update sections on administrative management, staffing, facility requirements, safety, sanitation, resident furnishings, admission to facility, termination of residency, resident rights, resident services and activities, food services, health services, civil penalties and criminal penalties. They create new sections addressing records, contracts and rates, grievances and appeals, resident assessment and residential service plan, and use of seclusion and restraints. The amendments include new requirements for crisis-respite services and secure residential treatment facilities. They incorporate revisions for consistency with client rights and abuse reporting statutes, recent building and fire code revisions, the Americans with Disabilities Act and fair housing law, and various health and sanitation regulations.

This amendment becomes effective when signed by the authorized county representative, and those of the Division and the Department of Justice.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITY SERVICES DIVISION
1997-99 Intergovernmental Agreement/Contract, Part III
Service Requirements and Payment Procedures

Service Name: RESIDENTIAL CARE TREATMENT FACILITY SERVICES (RCF)
(RTE)

Service ID Code: MHS 28

I. Service Description

Residential Care Treatment Facility (RCF)– (RTE) Services provide 24-hour care, supervision, medication supervision and administration and other services described in administrative rule to Priority I mentally and emotionally disturbed persons in need of continuing services to avoid hospitalization or who are a hazard to themselves or others or who otherwise require such long-term care to remain in the community.

Providers are licensed under OAR 309-035-100 through 309-035-190, "Community Residential Care- Treatment Facilities".

II. Performance Requirements

- A. 100% of the persons served with State funds will meet the eligibility criteria specified above and will be referred and approved by the Community Mental Health Program as measured through CPMS.
- B. Maintain at least 90% bed utilization as measured through CPMS.
- C. Maintain license as required in ORS 443.410.

III. Special Reporting Requirements

The provider must enroll all eligible clients on DIVISION's Client Process Monitoring System (CPMS) in MHS 28. All persons funded under MHS 28 enrolled in an RCF must also be enrolled in Adult Mental Health Services (MHS 20). Instructions for enrollment, periodic updates and terminations are to be followed per the most current version of the Office of Mental Health Services Client Process Monitoring System User's Manual.

IV. Payment Procedures

Payment is based on the dollar amounts and bed capacity specified in Plan/Amendment Approval Forms (PAAFs) signed by DIVISION's Contract Officer and the Community Mental Health Program (CMHP) director or other COUNTY designee, except that

payments will be reduced by the amount of "client resources" received by the licensee in support of services provided.

Funds are disbursed through monthly allotments which are adjusted to reflect receipt of "client resources" applied as an offset to DIVISION payments. The offsets will be shown on the Client Offset Report and the Preliminary Provider Financial Statement Report. The amounts will be assumed to be correct unless a request for correction to the total offset amount for COUNTY is sent to DIVISION no later than the 20th of the following month.

Allotments may also be adjusted by DIVISION when dollar amounts are changed in subsequent PAAFs.

Settlement will reconcile any discrepancies between payments and amounts due which may have occurred during the biennium.

All funds paid as described above must be expended on services approved by DIVISION.

MHS28/9-3-98

T:\PASSTHRU\MHS\PARTI\NIIMH28r.DOC



Oregon

John A. Kitzhaber, M.D., Governor

Department of Human Resources

*Mental Health and Developmental**Disability Services Division*

2575 Bittern Street NE

Salem OR 97310-0520

(503) 945-9499

FAX 378-3796

TTY 945-9836

September 18, 1998

The Honorable Beverly Stein, Chairperson
Board of County Commissioners
Multnomah County Courthouse
Portland, OR 97204

1997-99 INTERGOVERNMENTAL AGREEMENT

#26-001

AMENDMENT #023

NECESSARY ACTION:

COUNTY ACCEPTANCE OR REJECTION WITHIN 60 DAYS


Dear Commissioner Stein:

Please find enclosed an amendment to the 1997-99 Intergovernmental Agreement, adding a revised Part III for Residential Treatment Facility Services (MHS 28). This change reflects revised Administrative Rule citations regulating the facilities. This amendment must be accepted by the county in order to receive payments under a Plan Amendment Approval Form (PAAF) for these services.

This action constitutes an amendment to the 1997-99 Intergovernmental Agreement and necessitates the county's approval/disapproval as described in Part II, Section I, Subsection E. of the Agreement. If you have questions about this revision, please contact Sheri Gaines at (503) 945-9457 or me at (503) 945-9481.

Thank you for your continuing support of community mental health services.

Sincerely,



Mike Schrunk
Office of Finance

Assisting People to Become Independent, Healthy and Safe
An Equal Opportunity Employer

MEETING DATE: NOV 05 1998

AGENDA #: C-3

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Rick Barnett TELEPHONE: 251-2441
BLDG/ROOM: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Brett Elliott

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

☐ OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Bed & Breakfast License Renewal application for :

Brickhaven Bed & Breakfast
38717 E. Columbia River Highway
Corbett, Oregon 97019

11/9/98 ORIGINAL to Rick Barnett

The backgrounds have been checked on applicants: Phyllis L. Thiemann and Edward D. Thiemann and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
OCT 29 AM 12:52

Oregon Liquor Control Commission
PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1998

License Type: Bed & Breakfast	District: 1	County/City: 2617	RO#: R26715A	425/204
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**BRICKHAVEN LLC
BRINKHAVEN LLC
PO BOX 324
CORBETT, OR 97019**

Licensee(s) BRICKHAVEN LLC

**Tradename BRICKHAVEN BED & BREAKFAST
38717 E COLUMBIA RIVER HWY
CORBETT, OR 97019**

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1998 to avoid late fees.

Operational Questions	Responses										
(1) Please list a daytime phone number.	Phone Number: (503) 695-5126										
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Name</th> <th style="width: 20%;">Offense</th> <th style="width: 20%;">Date</th> <th style="width: 20%;">City/State</th> <th style="width: 20%;">Result</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">none</td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	none				
Name	Offense	Date	City/State	Result							
none											
(3) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(5) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC

Multnomah County recommends that this license be GRANTED X REFUSED _____ on (date) 11/5/98

Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash		Dollar Amount (\$)
License Fee for Bed & Breakfast	(2.0 Units at \$ 5.0/Unit)	10.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<		10.00
Late Fees		
IF Renewal Application Is Received After December 11, 1998 but before January 01, 1999		Add 2.50 To Total Due
IF Renewal Application Is Received On or After January 01, 1999.		Add 4.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Phyllis L. Thiernann	<u>Phyllis L. Thiernann</u>	10/13/98	533-64-4046	9-23-54
Edward D. Thiernann	<u>Edward D. Thiernann</u>	10/13/98	541-50-3708	7-29-44

MEETING DATE: NOV 05 1998

AGENDA #: C-4

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Rick Barnett TELEPHONE: 251-2441
BLDG/ROOM: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Brett Elliott

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for :

Big Bear Crown Point Market
31815 E. Crown Point Highway
Troutdale, Oregon 97060
11/9/98 original to Rick Barnett

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 29 AM 12:55

The backgrounds have been checked on applicants: Phillip J. DuFresne and Judy K. DuFresne and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: *J. Ladd*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

Oregon Liquor Control Commission
PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1998

License Type: Package Store	District: 1	County/City: 2600	RO#: R00236A	421/203
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BIG BEARS CROWN POINT MARKET INC
31815 E CROWN POINT HWY
TROUTDALE OR 97060

Licensee(s) BIG BEARS CROWN POINT MARKET INC

Tradename BIG BEARS CROWN POINT MARKET
31815 E CROWN POINT HWY
TROUTDALE OR 97060

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1998 to avoid late fees.

Operational Questions:	Responses:										
(1) Please list a daytime phone number. <u>695-2255</u>	Phone Number:										
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Name</th> <th style="width: 15%;">Offense</th> <th style="width: 15%;">Date</th> <th style="width: 15%;">City/State</th> <th style="width: 40%;">Result</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="height: 40px;"></td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result					
Name	Offense	Date	City/State	Result							
(3) Will anyone share in the profits who is not a licensee <u>of this business</u> ? If yes, please give name(s) and explain.	<input type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year? <u>NO</u>	<input type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.

The County of MULTNOMAH recommends that this license be GRANTED X REFUSED on (date) 11/5/98

Signed: Beverly Stein Title of Signer: BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Package Store	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<	50.00
Late Fees	
IF Renewal Application Is Received After December 11, 1998 but before January 01, 1999	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 1999.	Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Phillip J. DuFresne	<u>Phillip J. DuFresne</u>	<u>10-6-98</u>	<u>543-48-9303</u>	<u>Nov-28-44</u>
Judy K DuFresne	<u>Judy K DuFresne</u>	<u>10-6-98</u>	<u>543-54-1223</u>	<u>8-19-45</u>

MEETING DATE: NOV 05 1998

AGENDA #: C-5

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office

DIVISION: _____

CONTACT: Rick Barnett

TELEPHONE: 251-2441

BLDG/ROOM: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Brett Elliott

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

☐ OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License With Pumps Renewal application for :

Larson's Marina
14444 NW Larson Road
Portland, Oregon 97231

11/9/98 ORIGINAL to Rick Barnett

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 29 AM 12:52

The backgrounds have been checked on applicants: Martin D. Larson and Elizabeth Larson and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED

OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: J. Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

Oregon Liquor Control Commission
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1998

License Type: Package Store with Pumps	District: 1	County/City: 2600	RO#: R24534A	421/203
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LARSON'S MARINA, INC.
 14444 NW LARSON RD
 PORTLAND OR 97231

Licensee(s) LARSON'S MARINA, INC.

Tradename LARSON'S MARINA
 14444 NW LARSON RD
 PORTLAND OR 97231

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1998 to avoid late fees.

Operational Questions:	Responses: FAX 503-286-4422
(1) Please list a daytime phone number.	Phone Number: 503-286-1223
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name Offense Date City/State Result NONE
(3) Will anyone share in the profits who is not a licensee <u>of this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(5) Package Store Licenses with Gas Pumps: Report actual grocery inventory at cost (DO NOT INCLUDE BEER OR WINE).	\$ 1800.00

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC

The County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/05/98

Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Package Store with Pumps	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<	50.00
Late Fees	
IF Renewal Application Is Received After December 11, 1998 but before January 01, 1999	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 1999.	Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
MARTIN D. LARSON	<u>Martin D. Larson</u>	10-5-98	543-64-2505	2-17-52
ELIZABETH A. LARSON	<u>Elizabeth A. Larson</u>	10-5-98	550-76-1934	10-20-50

MEETING DATE: NOV 05 1998

AGENDA #: C-6

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office

DIVISION: _____

CONTACT: Rick Barnett

TELEPHONE: 251-2441

BLDG/ROOM: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Brett Elliott

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for :

Plainview Grocery
11800 NW Cornelius Pass Road
Portland, Oregon 97231

11/9/98 ORIGINAL TO RICK BARNETT

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 29 AM 12:53

The backgrounds have been checked on applicant: Steven J. Linden and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: J. Barnett

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

Oregon Liquor Control Commission
PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1998

License Type: Package Store	District: 1	County/City: 2600	RO#: R00285A	421/203
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LINDEN STEVEN A
11800 NW CORNELIUS PASS RD
PORTLAND OR 97231

Licensee(s) **LINDEN STEVEN A**

Tradename **PLAINVIEW GROCERY**
11800 NW CORNELIUS PASS RD
PORTLAND OR 97231

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1998 to avoid late fees.

Operational Questions:	Responses:															
(1) Please list a daytime phone number.	Phone Number:															
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th><th>Offense</th><th>Date</th><th>City/State</th><th>Result</th></tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name	Offense	Date	City/State	Result										
Name	Offense	Date	City/State	Result												
(3) Will anyone share in the profits who is not a licensee <u>of this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:															
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:															

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.

The County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/5/98

Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.		Dollar Amount (\$)
License Fee for Package Store		50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<		50.00
Late Fees		
IF Renewal Application Is Received After December 11, 1998 but before January 01, 1999		Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 1999.		Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Steven A. Linden	<u>Steven A. Linden</u>	10/14/98	540-52-9329	3/12/47

MEETING DATE: NOV 05 1998

AGENDA #: C-7

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office

DIVISION: _____

CONTACT: Rick Barnett

TELEPHONE: 251-2441

BLDG/ROOM: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Brett Elliott

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for :

Rocky Point Marina
23586 NW St. Helens Hwy
Portland, Oregon 97231

11/9/98 ORIGINAL to Rick Barnett

The backgrounds have been checked on applicants: Richard H. Tonneson and Janie Johnson-Tonneson and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED

OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____

J. Gadden

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 29 AM 12:52

Oregon Liquor Control Commission
PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1998

License Type: Package Store	District: 1	County/City: 2600	RO#: R26109A	421/203
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ROCKY POINTE MARINA, LLC
23586 NW ST. HELENS HWY
PORTLAND OR 97231

Licensee(s) **ROCKY POINTE MARINA, LLC**

Tradename **ROCK POINTE MARINA**
23586 NW ST. HELENS HWY
PORTLAND OR 97231

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1998 to avoid late fees.

Operational Questions:	Responses:										
(1) Please list a daytime phone number.	Phone Number:										
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th><th>Offense</th><th>Date</th><th>City/State</th><th>Result</th></tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">None</td></tr> </tbody> </table>	Name	Offense	Date	City/State	Result	None				
Name	Offense	Date	City/State	Result							
None											
(3) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.

The County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/5/98

Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.		Dollar Amount (\$)
License Fee for Package Store		50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<		50.00
Late Fees		
IF Renewal Application Is Received After December 11, 1998 but before January 01, 1999		Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 1999.		Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Richard H. Tonnepson	<u>[Signature]</u>	<u>10/5/98</u>	<u>540-38-6302</u>	<u>2-20-37</u>
Janis Johnson Tonnepson	<u>[Signature]</u>	<u>10/5/98</u>	<u>542-40-0586</u>	<u>1/8/38</u>

MEETING DATE: NOV 05 1998

AGENDA #: C-8

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office

DIVISION: _____

CONTACT: Rick Barnett

TELEPHONE: 251-2441

BLDG/ROOM: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Brett Elliott

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Restaurant License Renewal application for :

Big Bear Crown Point Market
31815 E. Crown Point Highway
Troutdale, Oregon 97060

11/9/98 original to Rick Barnett

The backgrounds have been checked on applicants: Phillip J. DuFresne and Judy K. DuFresne and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED

OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER:

J. L. Smith

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 29 AM 12:18

Oregon Liquor Control Commission
PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1998

License Type: Restaurant	District: 1	County/City: 2600	RO#: R00236B	421/205
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BIG BEARS CROWN POINT MKT INC
31815 E CROWN POINT HWY
TROUTDALE OR 97060

Licensee(s) **BIG BEARS CROWN POINT MKT INC**

Server Education Designee(s)
DUFRESNE, PHILLIP J

Tradenname **BIG BEAR CROWN POINT MARKET**
31815 E CROWN POINT HWY
TROUTDALE OR 97060

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1998 to avoid late fees.

Operational Questions:	Responses:															
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number.	Name _____ SS# _____															
(2) Please list a daytime phone number. 695-2255	Phone Number: _____															
(3) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th><th>Offense</th><th>Date</th><th>City/State</th><th>Result</th></tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name	Offense	Date	City/State	Result										
Name	Offense	Date	City/State	Result												
(4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of NO LESS THAN \$300,000 . Please list Insurance/Bonding Company and Policy/ID # and attach insurance certificate listing the OLCC as a certificate holder.	Insurance/Bonding Company _____ Policy # _____															
(5) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: _____															
(6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year? NO	<input type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: _____															
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling? NO	<input type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: _____															

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.

Multnomah County recommends that this license be GRANTED X REFUSED _____ on (date) 11/5/98

Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.		Dollar Amount (\$)
License Fee for Restaurant		200.00
Server Education student fee		2.60
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<		202.60
Late Fees		
IF Renewal Application Is Received After December 11, 1998 but before January 01, 1999		Add 50.00 To Total Due
IF Renewal Application Is Received On or After January 01, 1999.		Add 80.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Phillip J Dufresne	Phillip J. Dufresne	10-14	543-48-9303	11-28-47
Judy K Dufresne	Judy K Dufresne	10-14	543-54-1223	8-19-45

MEETING DATE: NOV 05 1998

AGENDA NO: C-9
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15244R2 to WILLIAM & DOROTHY JELINEK.

Cancellation Order and Copy of Default Notice attached

11/9/98 certified true copies to tax title

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: *ht [signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
98 OCT 26 PM 11:25
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 98-174

Cancelling Land Sale Contract 15244R2 with WILLIAM & DOROTHY JELINEK upon Default of Payments and Performance of Covenants

The Multnomah County Board of Commissioners Finds:

- a) Contract purchaser, WILLIAM & DOROTHY JELINEK, by contract dated August 9, 1995, book 95 and Page 94905, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

LOTS 5 & 6, BLOCK 1, GRAYBROOK ADD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

- b) The purchaser is now in default of the terms of contract in that purchaser

Failed to make monthly payments of \$105.42 since August 9, 1996 for a total of \$2,319.24.

Failed to pay delinquent taxes for tax years 95/96 & 96/97 for a total of \$2,409.51.

Failed to pay delinquent City Liens in the amount of \$6,974.65.

Failure to correct code violations.

Failure to provide homeowner's owner and fire insurance as required by contract.

- c) ORS 275.220 provides that upon default, the Board may cancel the contract:

- d) The County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

The Multnomah County board of Commissioner Orders:

1. The subject contract be and is declared CANCELLED.
2. The Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.
3. The MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

WILLIAM & DOROTHY JELINEK, 7522 N OMAHA ST, PORTLAND OR 97217

Approved this 5th day of November, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By Matthew O. Ryan

Matthew O. Ryan, Assistant County Counsel

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

July 22, 1997

WILLIAM & DOROTHY JELINEK
7522 N OMAHA ST
PORTLAND OR 97217

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15244R2

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15244R2 RECORDED ON August 9, 1995, BOOK 95, PAGE 94905 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, WILLIAM & DOROTHY JELINEK AND FOR THE PROPERTY LEGALLY DESCRIBED AS:

LOTS 5 & 6, BLOCK 1, GRAYBROOK ADD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon, also known as 7522 N OMAHA ST (R-33950-0050).

This contract is in Default because:


- 1) Starting from August 9, 1996, no installments have been paid on Contract 15244R2. As of September 22, 1997, the amount due on the contract will be \$2,319.24. This figure includes interest and principal.
- 2) The delinquent taxes have not been paid for tax years 95/96 & 96/97 for a total of \$2,409.51. This figure includes taxes, interest, and fees through September 22, 1997.
- 3) The delinquent City liens have not been paid, a total of \$6,974.65 is owned to the City of Portland Auditor's office. You will need to call (503) 823-4090 for payoff instructions. **PROOF OF PAYMENT MUST BE PRESENTED TO OUR OFFICE (copy of receipt showing paid).**
- 4) Correct all code violations and bring structure to code.
- 5) Provide proof of homeowner's insurance as required per your contract.

TOTAL OF DEFAULT IS \$11,703.40. You have 60 days to cure this default, deadline is September 22, 1997.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE September 22, 1997, (60 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,



Vanessa Witka
Senior Office Assistant
MULTNOMAH COUNTY ASSESSMENT & TAXATION

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



8.00

97110409 1:26pm 07/23/97

014 60004074 06 02
A90 1 0.00 5.00 3.00 0.00 0.00

cc: CITY OF PORTLAND, BUREAU OF BUILDINGS, 1120 SW 5TH AVE, PORTLAND OR 97204-1992
CHIEF, SPECIAL PROCEDURES FUNCTION, INTERNAL REVENUE SERVICES, PO BOX 3550, PORTLAND OR 97208
DEPARTMENT OF REVENUE, 955 CENTER ST, SALEM OR 97310

AFTER RECORDING RETURN TO 166/300/TAX TITLE

MEETING DATE: NOV 05 1998

AGENDA NO: C-10

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15455 to ARTHUR L JENKINS.

Cancellation Order and Copy of Default Notice attached

11/16/98 certified true copies to tax title

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: *ht [signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
98 OCT 26 PM 11:26
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 98-175

Cancelling Land Sale Contract 15455 with ARTHUR L JENKINS and ESTATE OF LILLIAN JENKINS upon Default of Payments and Performance of Covenants

The Multnomah County Board of Commissioners Finds:

- a) Contract purchaser, ARTHUR L JENKINS and ESTATE OF LILLIAN JENKINS, by contract dated December 23, 1988, book 2166 and Page 568, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

LOT 5, BLOCK 28, ALBINA HOMESTEAD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

- b) The purchaser is now in default of the terms of contract in that purchaser

Failed to make monthly payments of \$95.98 since February 27, 1995 for a total of \$4,031.16.

Failed to pay delinquent taxes for tax years 95/96, 96/97, & 97/98 for a total of \$1,485.49.

Failed to pay delinquent City Liens in the amount of \$6,415.53.

Failure to secure homeowner & fire insurance as required by contract.

- c) ORS 275.220 provides that upon default, the Board may cancel the contract:

- d) The County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

The Multnomah County board of Commissioner Orders:

1. The subject contract be and is declared CANCELLED.
2. The Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.
3. The MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

ARTHUR L. JENKINS, 3945 N WILLIAMS AVE, PORTLAND OR 97227
(Husband & Personal Representative of Lillian Jenkins)

Approved this 5th day of November, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Spönsler, County Counsel
for Multnomah County, Oregon

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

plu 5-4-98

April 27, 1998

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



8.00

98074574 09:32am 05/04/98

014 20016623 02 12
A90 1 0.00 5.00 3.00 0.00 0.00

ARTHUR L JENKINS
ESTATE OF LILLIAN JENKINS
3945 N WILLIAMS AVE
PORTLAND OR 97227

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15455

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15455 RECORDED ON December 23, 1988, BOOK 2166, PAGE 568 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, ARTHUR L JENKINS AND ESTATE OF LILLIAN JENKINS FOR THE PROPERTY LEGALLY DESCRIBED AS:

LOT 5, BLOCK 28, ALBINA HOMESTEAD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon, also known as 3935-3939 N WILLIAMS AVE (R-01050-5740).

This contract is in Default due to:

- 1) Starting from February 27, 1995, no installments have been paid on Contract 15455. As of July 27, 1998, the amount due on the contract will be \$4,031.16. This figure includes interest and principal.
- 2) The delinquent taxes have not been paid for tax years 95/96, 96/97, & 97/98 for a total of \$1,485.49. This figure includes taxes, interest, and fees through July 27, 1998.
- 3) The delinquent City liens have not been paid. A total of \$6,415.53 is owed to the City of Portland Auditor's office. You will need to call (503) 823-4090 for payoff instructions. **PROOF OF PAYMENT MUST BE PRESENTED TO OUR OFFICE (copy of receipt showing paid).**
- 4) Failure to provide proof of homeowner & fire insurance as required per contract. **PROOF OF HOMEOWNER & FIRE INSURANCE MUST BE PRESENTED TO OUR OFFICE.**

TOTAL OF DEFAULT IS \$11,932.18. You have 90 days to cure this default. The deadline is July 27, 1998.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED BY THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE July 27, 1998, (90 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,

GARY THOMAS
FORECLOSED PROPERTY COORDINATOR

cc: George G. & Bonnie Gutfleisch
Ward E. & Rosemary Walker
S. Jane Patterson, Attorney at Law

MEETING DATE: NOV 05 1998

AGENDA NO: C-11
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15641 to LYNDIA L. NELSON.

Cancellation Order and Copy of Default Notice attached

11/9/98 certificate copies to tax title

98 OCT 26 PM 11:26
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONERS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: *ht [signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 98-176

Cancelling Land Sale Contract 15641 with LYNDA L. NELSON upon Default of Payments and Performance of Covenants

The Multnomah County Board of Commissioners Finds:

- a) Contract purchaser, LYNDA L. NELSON, by contract dated December 27, 1991, book 2491 and Page 350, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

AS DESCRIBED IN ATTACHED EXHIBIT "A", also known as 838 N ALBERTA ST (R-52070-7150).

- b) The purchaser is now in default of the terms of contract in that purchaser

Failed to make monthly payments of \$80.00 since May 8, 1994 for a total of \$4,000.00.
Failed to pay delinquent taxes for tax years 94/95, 95/96, 96/97, & 97/98 for a total of \$3,375.31.
Failure to provide proof of homeowner & fire insurance as required per contract.

- c) ORS 275.220 provides that upon default, the Board may cancel the contract:

- d) The County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

The Multnomah County board of Commissioner Orders:

1. The subject contract be and is declared CANCELLED.
2. The Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.
3. The MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

LYNDA L. NELSON, 838 N ALBERTA ST, PORTLAND OR 97217

Approved this 5th day of November, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

EXHIBIT "A"

The East 30 feet of the North 100 feet of the West 290 feet of the Lot lettered "N" in M. PATTON'S TRACT, in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

Commencing at a point of intersection of the East line of N. Michigan Avenue (60 feet wide) with the South line of N. Alberta Street (60 feet wide); thence East along the South line of said N. Alberta Street, 290 feet to the true point of beginning; thence South parallel with the said East line of N. Michigan Avenue, 100 feet; thence West parallel with the said South line of N. Michigan Avenue, 100 feet to the said South line of N. Alberta Street; thence East 30 feet to the true point of beginning.

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

P/M 3-18-98

March 18, 1998

LYNDA L. NELSON
838 N ALBERTA ST
PORTLAND OR 97217

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15641

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15641 RECORDED ON December 27, 1991, BOOK 2491, PAGE 350 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, LYNDA L. NELSON FOR THE PROPERTY LEGALLY DESCRIBED AS:

AS DESCRIBED IN ATTACHED EXHIBIT "A", also known as 838 N ALBERTA ST (R-52070-7150).

This contract is in Default due to:

- 1) Starting from May 8, 1994, no installments have been paid on Contract 15641. As of June 15, 1998, the amount due on the contract will be \$4,000.00. This figure includes interest and principal.
- 2) The delinquent taxes have not been paid for tax years 94/95, 95/96, 96/97, & 97/98 for a total of \$3,375.31. This figure includes taxes, interest, and fees through June 15, 1998.
- 3) Failure to provide proof of homeowner & fire insurance as required per contract. **PROOF OF HOMEOWNER & FIRE INSURANCE MUST BE PRESENTED TO OUR OFFICE.**

TOTAL OF DEFAULT IS \$7,375.31. You have 90 days to cure this default. The deadline is June 15, 1998.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED BY THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE June 15, 1998, (90 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,

Gary Thomas

GARY THOMAS
FORECLOSED PROPERTY COORDINATOR

cc: INTERNAL REVENUE SERVICE

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



13.00

98043025 4:43pm 03/18/98

014 20015553 02 14
A90 2 0.00 10.00 3.00 0.00 0.00

2

EXHIBIT "A"

The East 30 feet of the North 100 feet of the West 290 feet of the Lot lettered "N" in M. PATTON'S TRACT, in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

Commencing at a point of intersection of the East line of N. Michigan Avenue (60 feet wide) with the South line of N. Alberta Street (60 feet wide); thence East along the South line of said N. Alberta Street, 290 feet to the true point of beginning; thence South parallel with the said East line of N. Michigan Avenue, 100 feet; thence West parallel with the said South line of N. Michigan Avenue, 100 feet to the said South line of N. Alberta Street; thence East 30 feet to the true point of beginning.

SPEAKER SIGN UP CARDS

DATE Nov 5, 1998

NAME Marquetta Mitchell

ADDRESS 21560 NW Gilkison Rd

Scappoose, OR 97056

PHONE 503 / 543-2071

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC C-12

GIVE TO BOARD CLERK

Meeting Date: NOV 05 1998
Agenda No: C-12
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board the Hearings Officer's decision on **CU 7-98, SEC 24-98 & HV 11-98.**

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

REGULAR MEETING Date Requested: November 5, 1998
 Amt. of Time Needed: 5 minutes

DEPARTMENT: DES **DIVISION:** Transportation & Land Use Planning
CONTACT: Derrick Tokos **TELEPHONE:** 248-3043
 BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Stuart Farmer

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding an **Approval** of CU 7-98, SEC 24-98 & HV 11-98 with conditions to allow the construction of a new single family dwelling, subject to the applicant/owner satisfying specific conditions as listed in the decision.

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: KB Lou E. Nicholas

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 26 PM 11:20



CASE NAME: CONDITIONAL USE PERMIT FOR TEMPLATE DWELLING, SIGNIFICANT ENVIRONMENTAL CONCERN FOR WILDLIFE AND STREAMS PERMIT, AND MINOR VARIANCE

**NUMBER: CU 7-98
SEC 24-98 & HV 11-98**

1. Applicant Name/Address:

Robert Huseby
3385 SW 87th Avenue
Portland, Oregon 97225

2. Action Requested By Applicant:

Applications for a "Template Dwelling" Conditional Use Permit, Significant Environmental Concern for Wildlife and Streams Permit, and Minor Variance to allow a single family dwelling to be constructed on Commercial Forest Use zoned property.

Action Requested Of Board

- ☒ **Affirm Hearings Officer Decision**
☐ **Hearing/Rehearing**
Scope of Review
☐ **On the Record**
☐ **De Novo**
☐ **New Information Allowed**

3. Planning Staff Recommendation:

Approval of the application subject to specific conditions listed in the staff report.

4. Hearings Officer Decision:

Approve the proposed "Template Dwelling" Conditional Use Permit, Significant Environmental Concern for Wildlife and Streams Permit, and Minor Variance to allow the construction of a new single family dwelling, subject to the applicant/owner satisfying specific conditions as listed in the decision.

5. If Recommendation And Decision Are Different, Why?

The Hearings Officer's decision is consistent with the staff recommendation.

6. Issues:

None are apparent.

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



BEFORE THE HEARINGS OFFICER FOR MULTNOMAH COUNTY, OREGON FINAL ORDER

This Decision Consists of Conditions, Findings of Fact and Conclusions

October 19, 1998

**CU 7-98/SEC 24-98
HV 11-98:**

A "Template Dwelling" Conditional Use, Significant Environmental Concern for Wildlife and Streams, and Minor Variance to allow a new single family dwelling on Commercial Forest Use zoned property.

Location:

21574 NW Gilkison Road
Tax Lot 37, Sec 26, T3N, R2W, W.M (R-98226-0370)

**Applicant and
Owner:**

Robert Huseby
3385 SW 87th Avenue
Portland, Oregon 97225

Site Size:

17.80 acres

Present Zoning:

Commercial Forest Use (CFU)
Significant Environmental Concern (SEC)

Approval Criteria:

Multnomah County Code (MCC): MCC 11.15.2042
Commercial Forest Use; MCC 11.15.6400 Significant
Environmental Concern; MCC 11.15.7105 Conditional
Use; MCC 11.15.8505 Variances; Comprehensive Plan
Policies 13, 14, 22, 37, 38, & 40

Hearings Officer Decision:

Approve the proposed "Template Dwelling" Conditional Use Permit, Significant Environmental Concern for Wildlife and Streams Permit, and Minor Variance to allow the construction of a new single family dwelling, subject to the conditions stated herein.

Conditions:

1. This Conditional Use approval shall be specific to the use(s) described together with the limitations or conditions as determined herein. Any change of use from the use described in the land use application or modification of limitations or conditions shall be subject to approval by the approval authority and may require a public hearing.

MULTNOMAH COUNTY
PLANNING SECTION

98 OCT 20 PM 12:49

RECEIVED

2. A forest stocking survey shall be submitted prior to issuance of a building permit in accordance with the procedures and provisions of MCC 11.15.2052 (A)(6).
3. Prior to issuance of a building permit, the applicant is to provide verification that the proposed driveway from the public road to the home has been constructed to the specified width, grade, and location and that the surface can support 52,000 lbs. GVW. [MCC 11.15.2074 (D).] That verification shall be provided, in writing, from a qualified professional engineer.
4. Prior to issuance of a building permit, the applicant is to provide verification that the proposed driveway, as constructed, meets the access requirements of the Scappoose Fire District.
5. The applicant is to submit a copy of an approved septic permit from the City of Portland Sanitarian. Additionally, a revised copy of sheet #2 of the site plan is to be submitted illustrating the final location for the septic system, including its relationship to neighboring water sources and the proposed french drain system. Both of these items are to be provided prior to building permits being signed-off for the proposed dwelling.
6. Prior to issuance of a building permit and as long as the property is under forest resource zoning, the applicant is to maintain primary and secondary fire safety zones around all new structures, in accordance with MCC 11.15.2074 (A)(5).
7. The dwelling shall have a fire retardant roof and all chimneys shall be equipped with spark arresters. The dwelling shall also comply with Uniform Building Code, be attached to a foundation for which a building permit has been obtained, and have a minimum floor area of 600 square feet.
8. Prior to the issuance of a building permit, a well report shall be submitted demonstrating compliance with MCC 11.15.2074(C), and at that time, persons entitled to notice will again be notified that the water service part of the approval criteria is being reviewed and there is the opportunity to comment and appeal of those particular findings.
9. A Hillside Development Permit (HDP) has been applied for and must be obtained prior to issuance of a building permit for the proposed dwelling. The HDP Permit will be required only for areas of soil or earth disturbance not covered under the Oregon Department of Forestry (ODF) permit.
10. The nuisance plants listed in Finding #9G shall not be planted on the property and shall be removed from cleared areas of the property.
11. Prior to issuance of a building permit the applicant is to provide supplemental evidence further describing the re-vegetation plan proposed on sheet #4 of the site plan (Exhibit A19). Such supplemental evidence shall include descriptions of the types and amounts of native vegetation to be planted, installation methods to be used, and a timeframe within which the work is to be completed. Additionally, a monitoring plan is to be prepared consistent with Finding #11D, to ensure the survival of the new plantings.

12. Soil disturbing activities within the Stream Conservation Area as depicted on sheet #4 of the site plan shall be limited to the period between June 15th and September 15th. Revegetation/ soil stabilization must be accomplished no later than October 15th. Best Management Practices related to erosion control shall be conducted within a Stream Conservation Area.
13. Approval of this Conditional Use shall expire two years from the date of the Board Order unless "substantial construction" has taken place in accordance with MCC 11.15.7110(C) or the subject proposal is completed as approved. For the purposes of this decision, "completion" of the development under this conditional use review will involve, at a minimum, the following (summarized actions) to have taken place prior to the expiration date of the Conditional Use:
- A. Applying for and approval of a Hillside Development Permit, if necessary;
 - B. Forest stocking survey report submitted;
 - C. Fire safety zones cleared and inspected by Planning staff;
 - D. Submittal of a well drilling report, then 10 day opportunity for parties entitled to notice to appeal determination that the well report satisfies the service requirements of Comprehensive Plan Policy 37, Utilities.
 - E. Application for Right-of-Way permits for a new driveway, if applicable, and construction of the driveway to the design and specifications shown on plans submitted with the Conditional Use application, and;
 - F. The conditions of approval relating to the fire retardant roof, chimney spark arresters, foundation, and floor area are shown on the building plans.
 - G. The constructed building shall be a single family dwelling based on the following characteristics: be lawfully established under required building permits; have intact interior walls and roof structures inspected under that building permit; has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to an approved and permitted sanitary waste disposal system; has interior wiring for interior lights inspected under an electrical permit; and has a heating system.
 - H. If the dwelling is not completed, then the method of determination that "substantial construction" has taken place is an application to the Planning Director. The application must be submitted on a General Application Form with supporting documentation at least 30 days prior to the expiration date. The decision of the Planning Director will be a land use decision that may be appealed to a Hearings Officer by a party entitled to notice [MCC 11.15.7110 (C)(3)].

Findings of Fact

Written responses by the applicant, demonstrating compliance with code criteria, are *italicized*. Planning staff comments and analysis follows applicant responses. Where this occurs, the notation "Staff" precedes such comments. The Hearings Officer, analysis and discussion will follow the staff comments. Where I concur with staff, or when no additional comment is needed, no discussion will be added to the staff comments.

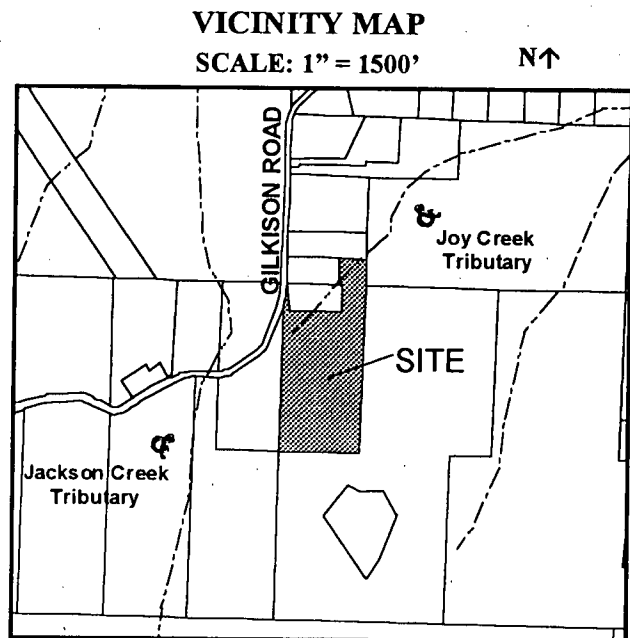
1. Project Description:

Staff: The applicant's request is for approval of a "Template Dwelling" to allow the placement of a single family dwelling, and new private driveway on a Commercial Forest Use zoned parcel. A Significant Environmental Concern for Wildlife Habitat and Streams has been requested for development activities within these zoning overlay districts. The minor variance has been requested to permit a 150 foot structural setback from the western property line.

This application is consistent with what was submitted and approved under Case #CU 10-94 and #HV 28-95 (Exhibit A5). This request is necessary in that the previous approvals have expired.

2. Site and Vicinity Characteristics:

Staff: The parcel upon which the improvements are proposed is approximately 17.80 acres in size. Access to the parcel is available off of Gilkison Road along an existing logging road. The logging road extends south and east from Gilkison Road, across the northeast corner of the adjoining parcel to the west, then extends south into the site. A private access easement contains the road where it crosses the adjoining parcel (Exhibit A14). The property is roughly rectangular in shape, with an extension to the northeast and a small extension to the northwest to obtain frontage on Gilkison Road. Topography generally slopes down from southwest to northeast, although the terrain is uneven and contains ridges, bowls and drainageways. The site is currently un-developed.



A logging road currently extends from the property to the west, south into the parcel as illustrated on the applicant's site plan (Exhibit A17). The property has been logged within the last ten (10) years. The property contains a number of branching logging roads in poor condition. There appear to be several easements attached to the property, both for logging roads and water, but the exact location of these are somewhat unclear. One of the easements is to allow a water line from a spring to an adjoining property. Another nearby property obtains domestic water from the tributary of Joy Creek that runs through the northeast corner of the subject property.

Gilkison Road exists in the far northwest corner of the County. Property in the vicinity of the site consists of a number of small lots with residences adjacent to Gilkison Road, backed by larger parcels containing forest land. Dwellings currently exist on parcels immediately to the north and west of the applicant's property. All other adjoining parcels are undeveloped and forested.

3. Testimony and Evidence Presented :

- A. Derrick Tokos testified for the County, summarized the staff report and discussed the approval criteria.
- B. Robert Huseby, Matt Harrell, Jeffrey Richards and Don Henry spoke in favor of the application.
- C. Marquette Mitchell spoke in opposition to the application and presented written testimony on behalf of herself and Paul Wright.
- D. Sue Durrett and Dale Skaggs spoke in opposition to the application, and expressed concerns regarding water quality, wildlife and septic issues.
- E. The exhibits considered as evidence for the hearing is listed on the attached Exhibit "A" which is incorporated by this reference herein.

4. Conditional Use (CU) Permit Required:

11.15.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

* * *

11.15.2050 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

* * *

(B)A Template Dwelling pursuant to the provisions of MCC .2052 and .2074.

* * *

Staff: As established under MCC 11.15.2050(B) a "Template Dwelling" request requires Conditional Use approval in the Commercial Forest Use zone district.

5. Compliance with MCC 11.15.2052 Template Dwelling Requirements:

Per MCC .2052(A), a template dwelling may be sited on a tract, subject to the following:

- A. **MCC .2052(A)(1), The lot or lots in the tract shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;**

The parcel meets the lot of record provisions of 11.15.2062(A) and (B) as per the Staff Report (CU 10-94) issued for September 20, 1995 Public Hearings pages 19 and 20 (Exhibit A 10).

Staff: This criterion has been addressed. Compliance with Lot of Record requirements of MCC .2062 was established with Hearing's Officer's Decision on Case #CU 10-94 (Exhibit A5) and is discussed in detail under Finding #5.

- B. MCC .2052(A)(2), The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent County Maintained road and 200 feet to all other property lines. Variances to this standard shall be pursuant to MCC .8505 through .8525, as applicable;**

The lot is 17.80 acres. The site plan illustrates the exact location of the homesite. This location was used due to a previous submittal and a minor variance granted for 150 feet of distance from the south property line to the homesite. All other distances conform to standards of at least 200 feet to a property line.

Staff: This criterion has been addressed. Compliance with MCC .2074 is established under Finding 6. As illustrated on the applicant's scaled site plan (Exhibit A19) the yard requirements of the Commercial Forest Use district have been met, with the exception of the setback from the west property line which is to be reduced to 150 feet. This reduction to the 200 foot yard requirement requires a minor variance, the criteria for which are contained in Finding #15.

- C. MCC .2052(A)(3)(c), The tract shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and**

(i) The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

(ii) At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square.

The site's soils are Cornelius Silt Loam, 8 to 15 percent slopes (symbol 10C) and Globe Silt Loam, 15 to 30 percent slopes (symbol 17E) and are capable of producing 176cf/ac/yr of Douglas Fir timber. Therefore, there must be eleven other lots with at least five dwellings within a 160-acre square. Fifteen other lots or parts of lots exist within a 160-acre square and six dwellings exist within the prescribed square (Exhibit A10).

Staff: Compliance with this criterion was established with Case #CU 10-94, the previous "Template Dwelling" approval for this site. The staff report prepared for that case, and adopted in the Hearing Officer's decision (Exhibit A5), indicated that all or part of 16 parcels and 6 houses existed prior to January 1, 1993, within a 160 acre square template centered on the subject tract.

- D. **MCC .2052(A)(3)(d), Lots and dwellings within urban growth boundaries shall not be counted to satisfy...(c) above.**

This standard is not applicable because this site and adjacent properties are not near or within the Urban Growth Boundary.

Staff: None of the lots or dwellings used fall within an urban growth boundary.

- E. **MCC .2052(A)(3)(e), There is no other dwelling on the tract,**

There are currently no other dwellings on the site.

Staff: The subject property constitutes the tract and does not currently contain a dwelling.

- F. **MCC .2052(A)(3)(f), No other dwellings are allowed on other lots (or parcels) that make up the tract;**

There are currently no other dwellings on the site.

Staff: No other parcels exist within the tract.

- G. **MCC .2052(A)(3)(g), Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and**

There are currently no other dwellings on the site and applicant accepts the fact that no additional dwellings will be placed on the parcel.

- H. **MCC .2052(A)(3)(h), No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;**

There are currently no other dwellings on the site. The qualifying of the tract is with the use of other parcels and homes from adjacent properties.

Staff: None of the parcels used to qualify this dwelling are part of this tract or any other tract containing a template dwelling.

- I. **MCC .2052(A)(4), The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.**

A corner of the parcel not the homesite may be within a big game winter habitat area. The ODFW has certified that an additional dwelling will be acceptable. See Exhibit 8.

Staff: As evidenced in the previous Hearing's Officer decision (Exhibit A5), the proposed dwelling site is located outside of a Multnomah County Sensitive Big Game Wintering Areas map.

Hearings Officer: Some of the neighbors, who testified at the hearing, expressed concern that the parcel was in a big game habitat and that the animals would be adversely effected by the proposal. However, this criteria is fully satisfied by the certification by the ODFW that this dwelling is acceptable.

- J. MCC .2052(A)(5), Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;**

A prior owner has had an easement recorded with the County Recorders Office that allows future owners to cross a triangularly shaped parcel adjacent to Gilkison Rd. This easement is at least a twenty (20) foot wide access easement across the parcel, to Gilkison Rd. The access easement contains an improved road surface that the fire district has determined is satisfactory (Exhibit A14).

Staff: Easement documents submitted do not indicate a twenty (20) foot access width, referencing only the use of the existing roadway. However, the roadway easement is perpetual, therefore, the requirements of this criterion have been met. As documented with Exhibit A7, the Scappoose Fire District has indicated that the roadway, as currently constructed, does not meet their requirements. As referenced in the easement documents, maintenance of the access road is the applicant's responsibility.

- K. MCC .2052(A)(6), A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:**

(a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

(b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not

meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;

This property meets the stocking requirements of the Department of Forestry. See Exhibit #7. In addition, the OAR supersedes the county requirements.

Staff: A condition of approval has been included to ensure that the requirements of MCC .2052(A)(6) are met.

- L. **MCC .2052(A)(7), The dwelling meets the applicable development standards of MCC .2074;**

The applicant has submitted a design plan in accordance with MCC.2074.

Staff: Compliance with this criterion is demonstrated under Finding #6.

- M. **MCC .2052(A)(8), A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;**

The applicants have submitted a form that has been recorded with the Division of Records that allows nearby property owners to conduct reasonable forest practices (Exhibit A16).

- N. **MCC .2052(A)(9), Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;**

Applicants will meet this criterion by compliance.

Staff: This requirement is only applicable when two or more parcels exist within the tract. Since the subject property is a one parcel tract, an "Exhibit A" restriction need not be filed.

Hearings Officer: I find that the application complies with the Template Dwelling requirements.

6. **Compliance with MCC 11.15.2062, Lot of Record Requirements:**

Per MCC .2062(A)(3), for the purposes of this district, a Lot of Record is a group of contiguous parcels of land:

- A. **MCC .2062(A)(3)(a), For which deeds or other instruments creating the**

parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

Staff: As evidenced in the previous decision, and referenced in the excerpt from the staff report prepared for Case #CU10-94 (Exhibit A10) the parcel was created in its current form by deed in 1967. Therefore, this criterion has been met.

- B. **MCC .2062(A)(2)(b), Which satisfied all applicable laws when the parcels were created;**

Staff: As evidenced with Exhibit A10, the parcel satisfied applicable laws when it was created. County zoning for the area at the time the parcel was created was "F-2 Agricultural," a district with a minimum lot size standard of 2 acres.

- C. **MCC .2062(A)(2)(c), Does not meet the minimum lot size requirements of MCC .2058; and**

Staff: This criterion has been met. The parcel subject to this request is approximately 17.80 acres in size, well below the minimum lot size of 80 acres established under MCC .2058.

- D. **MCC .2062(A)(2)(d), Which is not contiguous to another substandard parcel or parcels under the same ownership, or**

Staff: Staff is not aware of any contiguous parcels that are currently under the same ownership as that of the subject property.

Hearings Officer: I find that the application complies with the Lot of Record Requirements.

7. **Compliance with MCC 11.15.2074, Commercial Forest Use Zone District Development Standards:**

- A. **Per MCC .2074(A)(1), the dwelling or structure shall be located such that it has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);**

The dwelling can be located so that it has the least impact on nearby or adjoining forest and agricultural lands and still satisfy the minimum yard and setback requirements. The dwelling will be sited away from the property lines which separates this lot from adjacent forest lands...The amount of forest land for the dwelling and access road is minimized. The amount of land necessary to site the structure requires less than one acre. There is no need to use additional forest land to access the site. Access to the proposed dwelling site is serviced by an existing logging road.

The applicant's site is surrounded by homesites on two sides. There are four residences with adjoining property lines. There is a fifth residence across Gilkison Road. The other two property lines that are furthest from Gilkison Road are

surrounded by commercial forest properties. There is no agricultural farmland adjacent to the applicant's property. Therefore the applicants site plan demonstrates how small the impact would be to adjoining properties.

Staff: Compliance with the minimum yard requirements of MCC .2058 will be met provided the minor variance to allow a 50' foot reduction to the 200' setback from the west property line is granted as requested herein.

- B. Per 11.15.2074(A)(2), the dwelling or structure shall be located such that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.**

There will be no adverse impacts on forest operations. The reforested trees will be encouraged to regrow the forest on the tract. Impacts to farming practices will be minimized since the only form of farming on the tract is the regrowing of the forest.

- C. Per 11.15.2074(A)(3), the dwelling or structure shall be located such that the amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized.**

The amount of forest land for the dwelling and access road is minimized. The dwelling and driveway to the existing access road will require less than one acre. The amount of forest land used is minimized for two reasons. First, the applicants using an existing access road. Second, the proposed dwelling site size is minimal; 50'x100' lot size.

Staff: In siting the structure in a cleared area and by incorporating an existing logging as the new driveway, the applicant has taken steps to minimize disturbance of on-site forest lands.

- D. Per 11.15.2074(A)(4), the dwelling or structure shall be located such that any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

The access road to the dwelling site is less than 500 feet, but is also an existing road.

The Applicant's property is characterized by slopes ranging from 2% slope to 20% slope. The Applicant proposes to place the dwelling in the area identified as having the least slope (12%) on the property and is the most stable, as determined by the geotechnical consultants. The physical limitations of the property's extreme slopes require that the nonfarm dwelling be sited as depicted in the attached site plan and that the existing access road exceed 500 feet. The road is existing to the proposed dwelling site.

Staff: This requirement has been satisfied. As evidenced on the site plan (Exhibit A19), the distance from Gilkison Road to the location of the proposed dwelling is less than 500 feet. The road extends beyond 500 feet only so far as to provide a turn around for emergency vehicles. The location of the proposed dwelling is

consistent with what was approved under the previous conditional use (CU #10-94).

E. Per 11.15.2074(A)(5), the dwelling or structure shall be located such that the risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

(i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope In Feet	Distance
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.

No requirement in (i), (ii), or (iii) above may restrict or contradict a

forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

(d) The building site must have a slope less than 40 percent.

The Applicant will comply with these requirements intended to reduce risk of wildfire. As per the site plan there is a primary fire break shown at 50 feet and a secondary fire break shown at 100 feet. The dwelling site has a slope of less than 20 %. Furthermore, the applicant has demonstrated that he does or can comply with criteria relevant to prevention of fire. The fire district has indicated that it can serve this site at the proposed dwelling site is also located more than 150 feet away from the parcel's boundaries, thus minimizing the danger of fire spreading to adjacent parcels.

Staff: To ensure that the requirements of these criteria are met evidence must be submitted prior to building permit sign-off that the access road has been constructed to the standards of MCC .2074(D) which will satisfy fire district concerns as documented with Exhibit A7. The on-going maintenance responsibility for primary and secondary fire safety zones, as delineated on the site plan, must also be clearly established. These concerns have been addressed with conditions of approval contained herein.

F. Per MCC .2074(B), the dwelling shall:

- (1) Comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) Be attached to a foundation for which a building permit has been obtained;
- (3) Have a minimum floor area of 600 square feet;
- (4) Have a fire retardant roof; and
- (5) Have a spark arrester on each chimney.

The dwelling will comply with Uniform Building Code standards. The dwelling will be attached to a foundation for which a building permit has been obtained. The dwelling will have a minimum floor area of 600 feet and will have roof and chimney that conform to criteria (B)(4) (5). A floor plan has been submitted (Exhibit A17).

Staff: Evidence of compliance with each of the elements of MCC 2074(B) must be verified at time of building permit review and inspection. A condition of approval has been included herein addressing this concern.

G. Per MCC .2074(C), the applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department

of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

* * *

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

The water will be provided to this site from a well located on the property and not a Class II stream. The well constructors report shall be submitted to the county upon completion of the well.

Staff: To address this criterion a copy of the well constructor's report must be submitted prior to building permit sign-off. A condition of approval addressing this concern has been included herein.

Hearings Officer: The issue of water was of significant concern to many of the neighbors. Both oral and written testimony was presented by neighbors indicating that water quality and quantity for wells in the area was problematic. The neighbors were concerned that the drilling of a well on the subject property would adversely affect the existing wells in the area. The applicant, however, does have the right to drill a well and this criteria is met by the submittal of the well report.

Since the well report has not been presented, the condition relating to the report will also contain the requirement that the parties entitled to notice of this proceeding will be notified that the water service part of the approval criteria is being reviewed and that there will be an opportunity to comment and appeal those particular findings.

H. Per MCC .2074(D), a private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

(2) Provide an all-weather surface of at least 20 feet in width for a private

road and 12 feet in width for a driveway;

- (3) Provide minimum curve radii of 48 feet or greater;
- (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
- (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
 - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
 - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
 - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
 - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

The dwelling site will be accessed by an existing logging road which will be upgraded to conform to the standards (D) (1)-(7). The dwelling site obtains access from Gilkison Road via an easement. The access easement will serve only the proposed dwelling on this site (Exhibit A14). As per the site plans the driveway to the dwelling will conform to the driveway specifications (D) (1)-(7). The engineered driveway plans were also submitted with the Hillside Development Permit which is pending. In addition, the Fire Chief for the Scappoose Rural Fire District has signed the form entitled "Multnomah County Minimum Design Standards for Residential Driveways and Privately Maintained Roads" Furthermore final approval and acceptance will be done by the Fire Chief (Exhibit A7).

Staff: The requirements of MCC .2074(D) appear to be either the same or slightly more restrictive than the requirements of the Scappoose Fire District (Exhibit A7), with the exception of maximum road grade. The Fire District requirements allow a maximum grade of fifteen (15) percent (proposed maximum grade is (14) fourteen percent). Therefore, recognizing the maximum road grade exception allowed by the District, evidence must be provided prior to building permit sign-off demonstrating that the access road has been engineered and constructed to all of the other standards specified under MCC .2074(D). This concern has been addressed with a condition of approval attached herein.

Hearings Officer: I find that the applicant has met all of the requirements of the Commercial Forest Use Zone Development Standards.

8. Significant Environmental Concern (SEC) Permit Required:

Per MCC 11.15.6404(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.

Staff: The subject property has been identified as being within a Significant Environmental Concern overlay zone district as identified on Sectional Zoning Map No. 2, a copy of which is included as part of the permanent record (Exhibit B6).

9. Compliance With MCC 11.15.6420, SEC General Approval Criteria:

Per MCC 11.15.6420, the SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

- A. MCC .6420(A), the maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.**

The applicant has planned to conform to the prior approved variance; which includes the relocation of the homesite to provide adequate distance set-backs from any and all rivers, streams, lakes, or floodwater storage areas. In addition, the applicant has not even planned to do site grading in any of the above mentioned areas.

Staff: This criterion has been met. The existing logging road is the only improvement within the SEC stream conservation area as demonstrated on sheet #4 of the site plan (Exhibit A19). The road lies just inside the conservation area, in excess of one hundred (100) feet from a stream feature. Disturbance of vegetated areas adjacent to the driveway attributed to roadway improvements required to accommodate the proposed dwelling should be minimal. The landscaping proposed downstream from the roadway constitutes an enhancement provided that the types and amounts of native vegetation to be planted are identified, installation methods for plantings are described, and a timeframe within which the work is to be completed is established. This concern has been addressed with a condition of approval contained herein.

- B. MCC .6420(B), agricultural land and forest land shall be preserved and maintained for farm and forest use.**

The applicant plans to maintain all forest land for forest use. The applicant has no intention of removing any trees located outside of the approved 5000 square foot

homesite area. In addition, the applicant plans to conform to all primary and secondary fire break requirements.

- C. **MCC .6420(C), a building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

The applicant has planned to preserve and protect areas of environmental significance by locating the homesite in a non-harmful manner. This homesite has prior approval with a variance. In addition, the only known areas that may be "winter habitat areas" is only located at the southwesterly property lines.

Staff: This criterion has been met. The proposed location of the dwelling takes advantage of existing site disturbances (i.e. the logging road) while respecting on-site topographic limitations as identified in the geotechnical evaluation prepared by LaVielle Geotechnical, P.C. (Exhibit A15).

- D. **MCC .6420(D), recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.**

The applicant has planned to maintain recreational needs as necessary with a single family home and plans to stay within the carrying capacity of the land.

Staff: Not applicable. This development is neither recreational in nature nor does not generate a demand for recreational services.

- E. **MCC .6420(E), the protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

The applicant will protect public and private property once the homesite has been completed. Prior to Certificate of Occupancy from the City of Portland, the applicant can only protect public and private property by posting "no trespassing" signs at all entrances to the property and visiting the site un-announced. Currently, the applicant has posted "no trespassing" signs at all entrances to the property to promote less vandalism and trespassing. This appears to be working.

- F. **MCC .6420(F), significant fish and wildlife habitats shall be protected.**

Wildlife habitats will be protected by the small impact a 5000 square foot building site will have on a 17.8 acre lot. All natural native plants will be encouraged to come back in any disturbed areas. The encouraged regrowth of the forest on the entire property will help to protect and expand the wildlife habitat on the applicant's property.

Staff: Wildlife habitat issues are addressed under Finding #9. As previously indicated, the only improvement within the stream conservation area is an existing logging road that is to be converted for use as a private driveway. Improvements to the road should not have any significant impact on fish habitat in that; (a) the work involved will require minimal new land disturbance within the conservation

area; (b) the road is more than one hundred (100) feet from a stream feature and; (c) a significant amount of existing vegetation exists as a natural buffer between the logging road and the closest stream feature.

Hearings Officer: The neighbors who testified at the hearing were concerned about the wildlife. I do find that this criteria is met.

- G. **MCC .6420(G), the natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

There are no additional disturbances of the Stream Conservation Areas on the applicants proposed site plan. The biggest enhancement will be leaving the Stream Conservation Areas untouched and allow the natural forest to continue to develop. The applicants Sec S site plan does show several small areas for replanting if deemed necessary. See Vegetation Notes on the site plan.

Staff: The landscaping proposed downstream from the roadway constitutes an enhancement provided the types and amounts of native vegetation to be planted are identified, installation methods for plantings are described, and a timeframe within which the work is to be completed is established. This concern has been addressed with a condition of approval contained herein. Erosion control measures are to be identified with the Hillside Development Permit application currently under review by the County.

Hearings Officer: Paul Wright and Marquetta Mitchell submitted written testimony their concerns about erosion. Marquetta Mitchell also testified at the hearing concerning potential erosion. The applicant has applied for a Hillside Development Permit which will require the applicant to apply specific erosion control measures. The implementation of the HDP measures should alleviate the conditions described by the neighbors.

- H. **MCC .6420(H), archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

The applicants parcel has no archaeological areas; therefore, this criterion does not apply to this application.

Staff: We are not aware of any inventoried archeological sites on or adjacent to this property.

- I. **MCC .6420(I), areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

The applicants parcel has no areas of annual flooding, floodplains, water areas, nor wetlands; therefore, this criterion does not apply to this application.

- J. **MCC .6420(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.**

The applicants parcel has no identified areas of erosion. The proposed dwelling will require some earth moving. Best Management Practices will be used during all phases of development to ensure soil remains on site and not washed onto adjacent properties. This will be done with silt fencing, bio-bags and straw bales.

Staff: Measures for protecting areas of erosion or potential erosion shall be identified through the course of review of the applicant's Hillside Development Permit request. An approved Hillside Development Permit will be required prior to land disturbing activities occurring on-site.

Hearings Officer: Paul Wright and Marquetta Mitchell submitted written testimony regarding this criteria. Marquetta Mitchell also testified at the hearing concerning potential erosion. The applicant has applied for a Hillside Development Permit which will require the applicant to apply specific erosion control measures. The implementation of the HDP measures should alleviate the conditions described by the neighbors

- K. **MCC .6420(K), the quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

There will be no unusual activities associated with the development of the proposed dwelling. The quality of the air, water and land resources and ambient noise levels will be preserved. Exhaust from chimneys will meet DEQ standards, water resources will not be polluted, the septic system will receive approval from the City of Portland Sanitarian, a Conditional Use dwelling is permitted in the CFU District, and this application addresses the SEC concern of wildlife habitat. The site will be maintained and cleared of construction debris, waste, and solid waste material during and after construction of the proposed dwelling.

Hearings Officer: Wright and Mitchell submitted testimony on this issue. I do find that the proposed building site is located far enough from water resources so as to provide an adequate level of protection for those resources.

- L. **MCC .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.**

The areas of concern are wildlife habitat. The design and bulk of the proposed dwelling as well as the construction materials will be compatible with the area. The colors and lighting will not be obtrusive, but will be in harmony with those of the area.

- M. **MCC .6420(M), an area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.**

The applicant's parcel has not been identified as having the characteristics stated above; therefore this criteria does not apply to this application.

Staff: We are not aware of any fragile or endangered plant habitat or other sensitive vegetative features existing on this site.

- N. **MCC .6420(N), The applicable policies of the Comprehensive Plan shall be satisfied.**

Staff: Comprehensive Framework Plan policies applicable to this request are addressed in Finding #16.

Hearings Officer: I do find that this application complies with the SEC General Approval Criteria.

10. **Compliance With MCC 11.15.6426(B), SEC Wildlife Habitat Standards:**

- A. **MCC .6426(B)(1), Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.**

No cleared areas exist on the applicant's parcel. The county has an arial photo of the applicant's property showing it shortly after being logged (Exhibit A20). No new disturbance has occurred since the site was logged.

Staff: This criterion has been met. Most of the development is to occur within existing no-forested cleared areas.

- B. **MCC .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.**

We cannot meet this criteria therefore we have proposed the single family development to be deeper within the property

Staff: Given the configuration of the property and yard requirements of the Commercial Forest Use district it is not possible for the applicant to meet this requirement.

- C. **MCC .6426(B)(3), The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

The applicants proposed driveway will not be in excess of 500 ft. Furthermore, this access road is existing and continues on through the property parcel.

Staff: As illustrated on the site plan, the distance from Gilkison Road to the location of the proposed dwelling is less than 500 feet (Exhibit A19).

- D. **MCC .6426(B)(4), The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.**

The applicants proposed driveway will be located within 100 feet of the property boundary.

- E. **MCC .6426(B)(5), The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.**

The proposed development is within 300 feet of the property boundary.

- F. **MCC .6426(B)(6), Fencing within a required setback from a public road shall meet the following criteria:**

(a) **Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**

(b) **Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.**

(c) **Cyclone, woven wire, and chain link fences are prohibited.**

(d) **Fences with a ratio of solids to voids greater than 2:1 are prohibited.**

(e) **Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.**

The applicant does not propose any fencing of any type.

Staff: No fencing currently exists or is proposed with this project.

- G. MCC .6426(B)(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:

<u>Scientific Name</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Common Name</u>
Chelidonium majus	Lesser celandine	Lemna minor	Duckweed, Water Lentil
Cirsium arvense	Canada Thistle	Loentodon autumnalis	Fall Dandelion
Cirsium vulgare	Common Thistle	Lythrum salicaria	Purple Loosestrife
Clematis ligusticifolia	Western Clematis	Myriophyllum spicatum	Eurasian Watermilfoil
Clematis vitalba	Traveler's Joy	Phalaris arundinacea	Reed Canary grass
Conium maculatum	Poison hemlock	Poa annua	Annual Bluegrass
Convolvulus arvensis	Field Morning-glory	Polygonum coccineum	Swamp Smartweed
Convolvulus nyctagineus	Night-blooming Morning-glory	Polygonum convolvulus	Climbing Binaweed
Convolvulus seppium	Lady's nightcap	Polygonum sachalinense	Giant Knotweed
Cortaderia selloana	Pampas grass	Prunus laurocerasus	English, Portugese Laurel
Crataegus sp. except C. douglasii	hawthorn, except native species	Rhus diversiloba	Poison Oak
Cytisus scoparius	Scotch broom	Rubus discolor	Himalayan Blackberry
Daucus carota	Queen Ann's Lace	Rubus laciniatus	Evergreen Blackberry
Elodea densa	South American Waterweed	Senecio jacobaea	Tansy Ragwort
Equisetum arvense	Common Horsetail	Solanum dulcamara	Blue Bindweed
Equisetum telemateia	Giant Horsetail	Solanum nigrum	Garden Nightshade
Erodium cicutarium	Crane's Bill	Solanum sarrachoides	Hairy Nightshade
Geranium robertianum	Robert Geranium	Taraxacum officinale	Common Dandelion
Hedera helix	English Ivy	Utricularia vulgaris	Common Bladderwort
Hypericum perforatum	St. John's Wort	Utica dioica	Stinging Nettle
Ilex aquafolium	English Holly	Vinca major	Periwinkle (large leaf)
Laburnum watereri	Golden Chain Tree	Vinca minor	Periwinkle (small leaf)
		Xanthium spinosum	Spiny Cocklebur
		Various genera	Bamboo sp.

The applicant has no intentions of planting the "nuisance plants". Furthermore the applicant will comply with the fire beak regulations.

Staff: The requirements of this criterion have been addressed with a condition of approval contained herein.

Hearings Officer: I find that this application does comply with the SEC Wildlife Habitat Standards.

11. Compliance with MCC 11.15.6426(C), Wildlife Conservation Plan Standards:

- A. **MCC .6426(C)(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; or**

The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property.

Staff: We concur that the applicant cannot meet the standards of MCC .6426(B)(2), due to the configuration of the property, a physical characteristic unique to the site. The re-vegetation plan proposed on sheet #4 of the site plan (Exhibit A19) constitutes a Wildlife Conservation Plan, provided the types and amounts of native vegetation to be planted are identified, installation methods for plantings are described, and a timeframe within which the work is to be completed is established. This concern has been addressed with a condition of approval contained herein.

- B. **MCC .6426(C)(3)(a), The wildlife conservation plan must demonstrate 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 applicant has met this criterion because no further removal of trees will occur outside the proposed homesite area. As for the trees that have been planted in the homesite area in order to satisfy the Oregon Dept. of Forestry re-forestation plan, the applicant plans to remove these trees and to transplant and relocate to a more suitable location, outside the primary fire break.

Staff: We concur that the wildlife conservation plan, as included on sheet #4 of the site plan (Exhibit A19) and as conditioned herein, will contain necessary measures to minimize the developments impacts on forested areas.

- C. **MCC .6426(C)(3)(b), The wildlife conservation plan must demonstrate 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 required for fire safety purposes.**

The applicant has met this criterion because the proposed clearing will not be in excess of 5000 sq. ft.

- D. **MCC .6426(C)(3)(c), The wildlife conservation plan must demonstrate that no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.**

The applicant has met this criterion because the proposed development will NOT have any fencing.

- E. **MCC .6426(C)(3)(d), The wildlife conservation plan must demonstrate 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.**

The applicant has met this criterion because the proposed development site doesn't have any existing cleared areas. The county has an arial photo of the applicant's property showing it shortly after being logged. No new disturbance has occurred since the site was logged.

Staff: We concur. As evidenced with the photographs taken during our site inspection (Exhibit B3) and the arial photograph provided with the previous Conditional Use Permit request (Exhibit A20) no existing cleared areas appear to exist on-site.

- F. **MCC .6426(C)(3)(e), The wildlife conservation plan must demonstrate that revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.**

The applicant plans to use an existing logging road, very little if any disturbance of the Stream Conservation Area will occur. The Applicants site plan shows this. If deemed necessary the site plan shows several areas for planting natural vegetation per the USA Stream and Wetland Enhancement Guide. See Vegetation Notes on the applicants site plan.

Staff: The wildlife conservation plan, as included on sheet #4 of the site plan (Exhibit A19) and as conditioned herein, constitutes an enhancement of the riparian area.

Hearings Officer: The application complies with the Wildlife Conservation Plan Standards.

12. Compliance With MCC 11.15.6428(C), Significant Stream (SEC-s)
Approval Criteria for "3-C" Designated Stream Resources:

Per MCC 11.15.6428(C)(1), for stream resources designated "3-C" the applicant shall demonstrate that the proposal will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

- A. **MCC .6428(C)(1)(a), A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC .6428(B);**

This criterion is shown on the applicants site plans (Exhibit A19).

- B. **MCC .6428(C)(2)(b), A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;**

The applicant has had interaction with a variety of local, State, and Federal agencies.

City of Portland Sanitarian; City of Portland Building Department; Oregon Department of Forestry; Portland General Electric; Phone company; Multnomah County Planning; Right-of-Way, Records and Transportation; Scappoose Rural Fire District; and Oregon Department of Water Resources

- C. **MCC .6428(C)(2)(c), A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC .6428(C)(1);**

Staff: The wildlife conservation plan included on sheet #4 of the site plan (Exhibit A19) and as conditioned herein, constitutes a mitigation plan.

- D. **MCC .6428(C)(2)(d), An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.**

Staff: The wildlife conservation plan does not currently include a monitoring plan. A condition of approval has been included to address this requirement.

Hearings Officer: I find that the application complies with MCC 11.15.6428(C).

13. Compliance With MCC 11.15.6428(D), SEC-s Design Specifications:

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

- A. **MCC .6428(D)(1), A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.**

The applicant has no bridge or arched culverts planned.

Staff: No land disturbing activities are proposed that would require crossing a stream feature, therefore, this criterion is not applicable.

- B. **MCC .6428(D)(2), All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and**

reduce peak stream flows.

Storm water runoff from the proposed development will be minimal per the drainage plan submitted.

Staff: Stormwater generated by the new dwelling is to be collected and infiltrated using a french drain as illustrated on sheet #5 of the plan. Driveway runoff is to be infiltrated via overland sheet flow. Both of these methods emphasize groundwater recharge.

- C. **MCC .6428(D)(3), Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area.**

The applicant has proposed no lighting of the Stream Conservation Area.

- D. **MCC .6428(D)(4), Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.**

No trees over six inches in caliper are proposed to be removed in the Stream Conservation Area.

- E. **MCC .6428(D)(5), Satisfaction of the erosion control standards of MCC .6730.**

Erosion control standards are met and shown on the applicants site plan.

Staff: The erosion control standards of MCC .6730 are Hillside Development Permit approval criteria. The applicant currently has a Hillside Development Permit application on file with the County. Compliance with MCC .6730 is required prior to approval of a Hillside Development Permit.

- F. **MCC .6428(D)(6), Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.**

Staff: This criterion has been addressed with a condition of approval contained herein.

- G. **MCC .6428(D)(7), Demonstration of compliance with all applicable state and federal permit requirements.**

The applicants proposed site development is within all known applicable State and Federal permit requirements.

Hearings Officer: The application does comply with the SEC-s Design Specification criteria.

14. Variance to CFU Zone District Dimensional Standards Required:

MCC 11.15.2058 Dimensional Requirements

* * *

(C) Minimum Yard Dimensions - Feet:

Frontage on County Main- tained Road	Other Side Front	Rear
60 from centerline	200 200	200

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

These yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to MCC.8505 through .8525, as applicable.

Staff: As evidenced under MCC .2058(C) the minimum setback from the west property line is 200 feet. The applicant is requesting a setback of 150 feet. Therefore, a variance to this dimensional standard is required pursuant to MCC 8505.

15. Determination that the Requested Variance Meets the Threshold for Classification as a "Minor Variance":

Per MCC 11.15.8515(B), a Minor Variance is one that is within 25 percent of an applicable dimensional requirement...

The Applicant's request a minor variance to the required 200 foot front yard setback to 150 feet... This is a reduction in the required standard of 25 percent. The variance qualifies for the minor variance process set forth in MCC 11.15.8515(B).

16. Compliance With MCC 11.15.8505, Minor Variance Approval Criteria:

Per MCC 11.15.8505(A), the Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter... A Minor Variance shall met criteria (3) and (4).

- A. MCC .8505(A)(3), The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.**

The Applicants seek a minor variance to reduce the required 200 foot front yard set back to 150 feet. This minor variance is in response to adjoining property owners concerns that the proposed dwelling should be sited closer to NW Gilkison Road. To accommodate these concerns, a variance to the front yard setback is required. This variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district of the Applicant's proposed dwelling. [Footnote: The Applicant's pending application for a conditional use contains evidence that the original building site will not interfere with the development of adjoining properties.] The variance is similar to the setbacks of some of the existing dwellings on NW Gilkison Road. The approval authority can insure that the proposed dwelling will not adversely affect the appropriate development of adjoining properties.

Staff: Exhibit A11 is the staff report for Case #HV 28-95, supporting this variance request. We concur with the findings contained in this report. As with the prior Conditional Use Permit, the approval granted under HV #28-95 has expired (Exhibit A5).

- B. **MCC .8505(A)(4), The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.**

The reduction of the front yard setback does not adversely affect the realization of the Multnomah County Comprehensive Plan. The Applicant's request simply reduces the front yard setback by 50 feet, a 25 percent reduction of the required standard. Sitting the dwelling closer to NW Gilkison further reduces the potential impacts that a dwelling might have on adjacent forestry practices.

Staff: We concur.

Hearings Officer: I find that the application meets the requirements for approval of a minor variance to the yard dimensional standards.

17. Compliance With Applicable Comprehensive Plan Policies:

A. Policy 13: Air, Water And Noise Quality

It is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

The applicant will comply with Policy #13 entirely. The applicant's property will comply with all noise levels compatible with surrounding land uses. The applicant is not proposing any adverse activities other than construction activities necessary of single family home development.

Staff: Water quality issues are to be addressed through stormwater runoff mitigation, an issue addressed in the course of reviewing a Hillside Development Permit such as that which the applicant currently has under review with the

County. Air quality and noise level impacts related to single family dwellings are negligible.

Hearings Officer: The neighbors were concerned about water quality and the potential impact the septic system might have on the stream resource. The Sanitarian will be reviewing the application for the septic permit to assure that water quality is protected. This plan policy simply requires a statement from the "appropriate agency". The septic permit would constitute a statement from the appropriate agency that the septic system would not impact water quality.

B. Policy 14: Developmental Limitations

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

A. Slopes exceeding 20%;

The applicant's homesite is not located within a 20% or greater slope area. Therefore, this criterion is met.

B. Severe soil erosion potential;

The applicant's homesite is not located within a severe soil erosion area. The applicant does however plan to provide erosion control measures during single family homesite development and after completion of the homesite development. In addition, the submitted site plan shows all proposed erosion control measures necessary. Therefore, this criterion is met.

C. Land within the 100 year flood plain;

The applicants parcel is not located within the 100 year floodplain.

D. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;

The applicants proposed homesite is not located within an area which has a water table within 0-24 inches of the surface. Therefore, this criterion is met.

E. A fragipan less than 30 inches from the surface;

There is no fragipan less than 30 inches from the surface located within the homesite area.

F. Land subject to slumping, earth slides or movement.

The applicants homesite is not located within an area subject to slumping,

earth slides or movement. The maximum slope on the proposed homesite is 12%. Furthermore, the submitted HDP-1 Permit and site plan has additional information supporting this.

Staff: A Hillside Development Permit application addresses on-site development limitations.

C. **Policy 22: Energy Conservation**

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The county shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered:

A. **The development of energy-efficient land uses and practices;**

The proposed new home for the homesite will be well insulated and energy efficient. It will have an electric heat pump.

B. **Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**

The homesite is in an area that is rural, therefore this criteria doesn't apply.

C. **An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**

The homesite is in an area that is rural, therefore this criteria doesn't apply.

D. **Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**

Applicant is using an existing roadway for a driveway this is the best way to help minimize adverse conditions to the land.

E. **Finally, the county will allow greater flexibility in the development and use of renewable energy resources.**

Applicant will do whatever energy conservation measures that are feasible and make sense.

Staff: The factors listed under this policy have been considered in the review of this application. These factors are tailored to address energy resource issues related to urban development and, therefore, are not applicable to this request.

D. Policy 37: Utilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. There is an adequate private water system, and a public sewer with adequate capacity.**
- E. There is adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off can be handled on the site or adequate provisions can be made; and**
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**
- H. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- I. Communications facilities are available.**

Furthermore, the County's policy is to continue cooperation with DEQ, for the development and implementation of a groundwater quality plan to meet the needs of the county.

The applicant plans to use a well for it's water source. The DEQ will approve the subsurface sewage disposal system. Already the City of Portland Sanitarian (Jason Abraham) has approved a septic system for a five bedroom home. The water runoff will be handled on the site and will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands. The runoff water from the proposed homesite will be minimal. The water runoff will be handled on the site and will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands. The runoff water from the proposed homesite will be minimal. Power and telephone lines both come up Gilkison road and will adequately support the homesite.

Staff: Conditions of approval have been included herein, requiring that the

applicant provided evidence that the proposed use has an adequate private water system and that the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site. The City of Portland Sanitarian is the DEQ licensed approval authority for on-site sewage disposal systems, therefore, evidence of an approved septic permit from the Sanitarian will be required.

The City of Portland Sanitarian, per Land Feasibility Study #5-96 (Exhibit A6), has indicated that the site is suitable for a disposal system. However, they noted that neighboring water sources and easement issues must be satisfactorily addressed before they will issue a permit. The proposed french drain for stormwater infiltration will also be of concern to the Sanitarian if it is located to close to the septic system.

As illustrated on the sheet #2 of the site plan (Exhibit A19), the septic system illustrated is not acceptable to the Sanitarian. A revised copy of this plan must be provided illustrating the final location for the septic system, including its relationship to neighboring water sources and the proposed french drain system. This concern has been addressed with a condition of approval contained herein.

Hearings Officer: The proposed septic system and its location was of significant concern to the neighbors. The opponents contend that the contours of the land limit suitable sites, and they questioned whether a septic system could be located on the property in manner that would not negatively impact water quality. They also contended that this application should be denied because a septic disposal system design had not been approved.

The owner testified that he had spoken to the Sanitarian regarding the proposed septic system plan. The owner contended that the only problem with the plan was that the location of the lines appropriately in relation to the contours.

The site evaluation report for the septic system indicates that the site is suitable for a sand filter system. As a condition of approval, the applicant will be required to submit a copy of an approved septic permit from the City of Portland Sanitarian. In addition, a revised copy of sheet #2 of the site plan is to be submitted illustrating the final location for the septic system, including its relationship to neighboring water sources and the proposed french drain system. No building permits will be issued until the applicant complies with this condition.

E. Policy 38: Facilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**

A single family dwelling will not have any major affect on the local school district.

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

The applicant has provided a site plan that the Scappoose Rural Fire District has reviewed and approved.

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

The proposed homesite will receive police protection from the Multnomah County Sheriffs Department the same as all adjoining properties.

Staff: The Fire District has indicated that they will need to conduct a final inspection of the driveway to ensure that it meets their access requirements (Exhibit A7). This concern has been addressed with a condition of approval contained herein.

F. Policy 40: Development Requirements

The county's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.**

The proposed dwelling site lies in a rural area that doesn't need bike paths as people can safely ride there bikes on the roadway which is a dead end road. These criteria's don't apply to the subject property.

- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.**

The proposed dwelling site lies in a rural area that doesn't need bike paths as people can safely ride there bikes on the roadway which is a dead end road. These criteria's don't apply to the subject property

- C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.**

The proposed dwelling site lies in a rural area that doesn't need bike paths as people can safely ride there bikes on the roadway which is a dead end road. These criteria's don't apply to the subject property

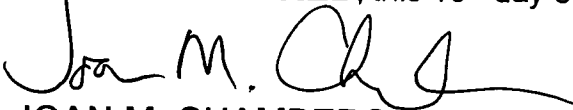
Staff: This proposal does not impact any existing or planned park and recreation areas or bicycle facilities.

Hearings Officer: This Comprehensive Plan policy has been given the level of review and consideration appropriate for a single family home.

Conclusion

Considering the findings and other information provided herein and the testimony and evidence provided at the hearing, this application for approval of a "Template Dwelling" Conditional Use Permit, Significant Environmental Concern Permit for Wildlife and Streams, and Minor Variance to allow the construction of a new single family dwelling on Commercial Forest Use zoned property, as conditioned, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements. Accordingly, the issuance of the aforementioned permits is approved, subject to all conditions imposed herein.

IT IS SO ORDERED, this 19th day of October, 1998


JOAN M. CHAMBERS, Hearings Officer

Case CU 7-98/SEC 24-98/HV 13-98 - Application Timeline and Exhibit List

Timeline:

- Pre-Application Conference (PA 15-98): May 27, 1998
- Application received with full fees: June 10, 1998
- Application determined to be complete: August 21, 1998 (**Begin "120 day timeline"**)
- Staff Report available: September 9, 1998 (seven days before hearing)
- Public Hearing before Hearings Officer: September 16, 1998 (**Day 27 of timeline**)
- Final Order: October 19, 1998 (**Day 59 of timeline**)

Exhibit List:

Applicant Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
A1	1	General Land Use Application Form
A2	1	Assessment And Taxation (A&T) Sheet for Parcel
A3	1	A&T Map of the Property
A4	1	Applicant's Submittal Cover Letter
A5	8	Copy of Final Order Approving Previous Conditional Use on the Subject Property (CU 10-94/HV 28-95)
A6	2	Certification of Private On-Site Sewage Disposal (LFS 5-96)
A7	2	Scappoose Fire District Review
A8	32	Applicant's Written Responses to Applicable Approval Criteria
A9	33	Applicant's Supplemental Responses Dated August 20, 1998
A10	2	Excerpts From Staff Report CU 10-94 Regarding the Lot of Record Status of the Subject Property
A11	9	Copy of Staff Report HV 28-95 Supporting Variance Request
A12	1	Letter From Department of Forestry Dated August 29, 1995
A13	1	Letter From Department of Fish and Wildlife dated July 29, 1993
A14	7	Roadway Easement Documents
A15	11	Geotechnical Evaluation Prepared By LaVielle Geotechnical, P.C., Dated January 23, 1996
A16	1	Copy of Recorded Right to Farm/Forest Practices Covenant
A17	1	Copy of Floor Plan for the Proposed Residence
A18	1	Copy of Significant Environmental Concern Map From Previous Conditional Use Permit Application (CU 10-94)
A19	7	24" x 36" Copy of Revised Site Plan (Received August 21, 1998)
A20	1	Arial Photograph From Previous Conditional Use Approval
A21	1	Affidavit of Posting (Received September 9, 1998)

Staff Information:

B1	8	30 Day Review Letter (July 9, 1998 Letter From Staff)
B2	3	Hearing Date/Posting Instructions Letter
B3	18	Notice of Public Hearing
B4	1	List of Adjoining Property Owners Receiving Notice of The Hearing
B5	3	Photographs from August 28, 1998 Site Inspection
B6	1	8 ½"x11" Significant Environmental Concern Zoning Overlay Map
B7	29	Staff Report For Hearing

Documents Submitted At Hearing:

C1	1	Letter from Nancy and Richard Winters
C2	8	Written Testimony and Argument submitted by Paul Wright and Marquetta Mitchell

Good Morning

I appreciate the opportunity to address the Board this morning. I would like to comment on the Consent Agenda C-12 that deals with CU7-98/ SEC24-98/HV 11-98, the Hearings Officer's Decision to allow a template dwelling on 17.8 acres located along N.W. Gilkison Road in the far northwestern portion of unincorporated Mult. Co. and zoned Commercial Forestry Use (CFU). I would like the Board to intercede and put on record a modification of this decision, which would direct that all interested parties of record be notified when the various conditions of use are being considered prior to approval of a building permit. We want the opportunity to review and comment on the satisfactory completion of conditions of use. This is especially important to us in the matter of approval for a septic system.

I have a vested interest in the quality of my drinking water, as do we all. I get my drinking water from a spring adjacent to this property. Many people in the area of Gilkison Road are dependent upon surface water for their domestic water supply. I have noted the 5 registered springs that are directly impacted by the proposed development. These springs feed into Joy Creek. I personally know of other domestic water sources from Joy Creek. Not all of these water sources are registered with the state. Surface water is more fragile than ground water and there are few if any regulations protecting it. We are simply asking the Board to extend the same protection to the citizens that depend on surface water as is extended to those that depend on ground water. In the same way that there is a provision for public comment and appeal at the point that the conditions of use for a well is being considered, I am requesting notification of plans for compliance for other conditions of use, especially septic (condition 5).

I have enjoyed a good working relationship with the Board. My neighbors and I have worked with the Board and with Gordon Howard, when he was then a planner with the County, in establishing an accurate map of Joy Creek. This resulted in corrections to the 1995 West Hills Reconciliation Report in an effort to conserve and protect this watershed. We hope to continue this good working partnership in these efforts.

The West Hills Wildlife Conservation plan (SRI/Shapiro 8/30/95) describes the property as "generally bowl shaped and slopes to the north and east toward the North Tributary of Joy Creek. The property is the origin of the North tributary, and there are three drainages running across the property into the tributary." The Hearings Officer Decision (page 4) also states "There appear to be several easements attached to the property, both for logging roads and water, but the exact location of these is 'somewhat unclear'. One of the easements is to allow a water line from a spring to an adjoining property. Another nearby property obtains domestic drinking water from the tributary of Joy Creek that runs through the northeast corner to the subject property." We have grave concerns that any construction on this property will endanger this significant environmental feature

My neighbors and I want to continue in partnership with the Board to have accurate information made available so informed and proper decisions can be made in any allowed development on this property. We do not want to see any disruption or degradation in domestic drinking water. We also want the least negative impact as possible on Joy Creek. We respectfully request that the Board continue to uphold the purpose of MCC 11.15.2042 to conserve and protect watersheds by directing the planning division, or appropriate agencies, to notify interested parties as the proposed conditions of use are being considered, thus allowing an opportunity for comment and appeal as the actual particulars of development are available.

Marquetta Mitchell
21560 NW Gilkison Rd
Scappoose, OR 97056

Nov 5, 1998

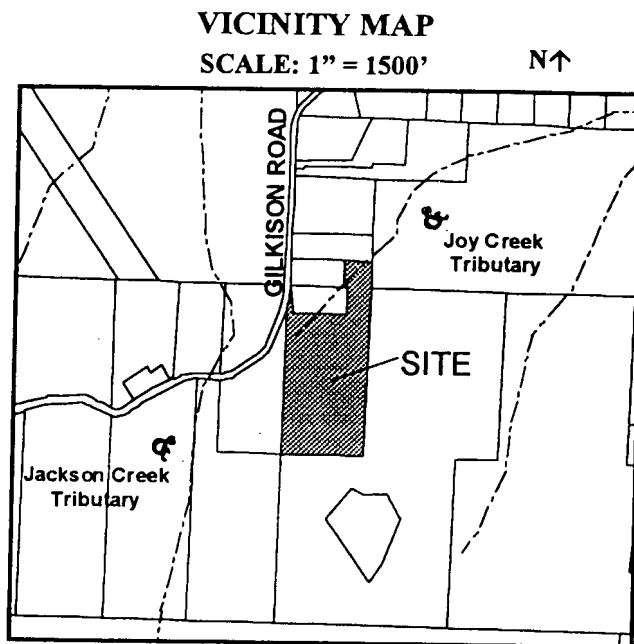
Project Description:

Staff: The applicant's request is for approval of a "Template Dwelling" to allow the placement of a single family dwelling, and new private driveway on a Commercial Forest Use zoned parcel. A Significant Environmental Concern for Wildlife Habitat and Streams has been requested for development activities within these zoning overlay districts. The minor variance has been requested to permit a 150 foot structural setback from the western property line.

This application is consistent with what was submitted and approved under Case #CU 10-94 and #HV 28-95 (Exhibit A5). This request is necessary in that the previous approvals have expired.

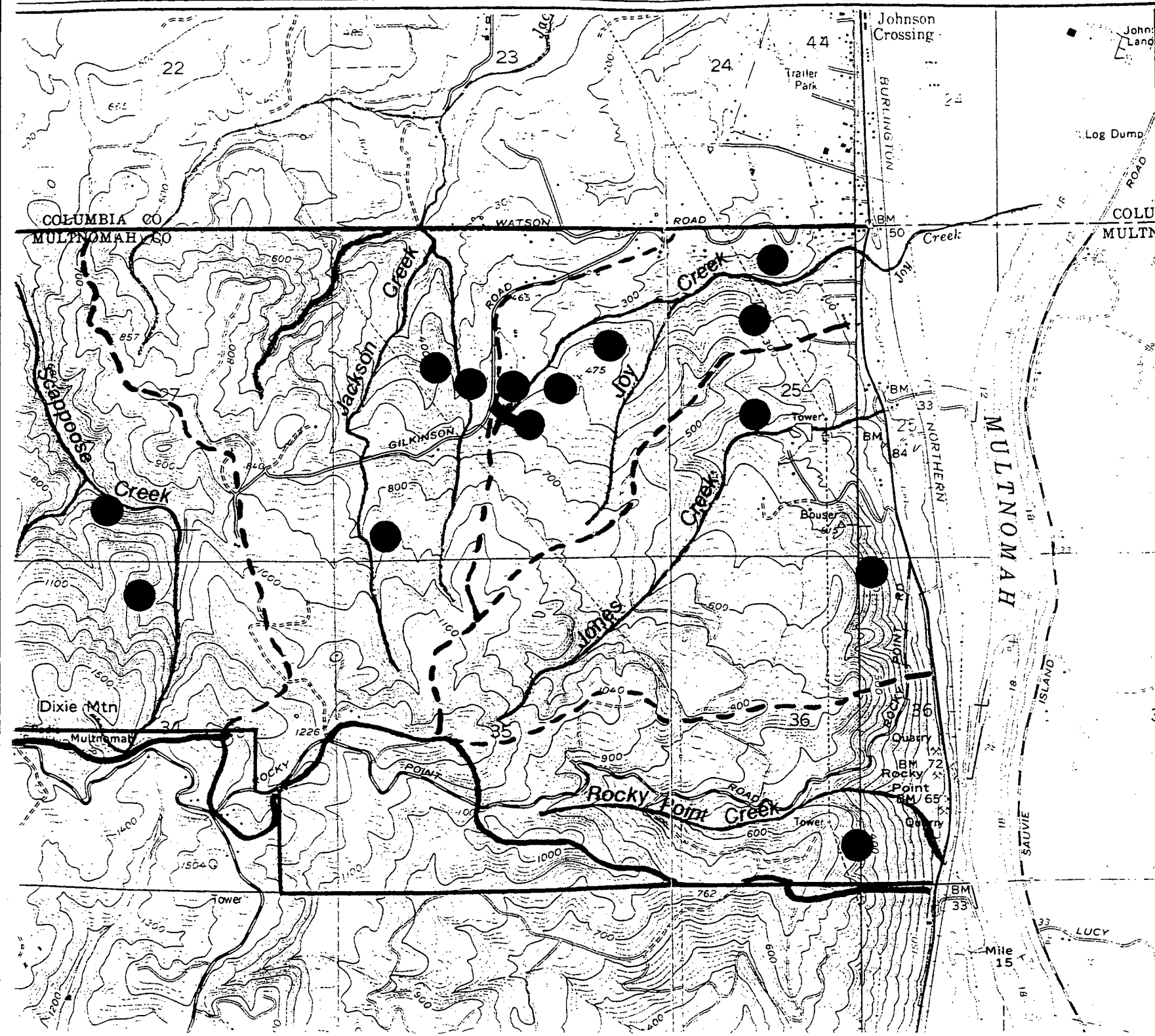
2. Site and Vicinity Characteristics:

Staff: The parcel upon which the improvements are proposed is approximately 17.80 acres in size. Access to the parcel is available off of Gilkison Road along an existing logging road. The logging road extends south and east from Gilkison Road, across the northeast corner of the adjoining parcel to the west, then extends south into the site. A private access easement contains the road where it crosses the adjoining parcel (Exhibit A14). The property is roughly rectangular in shape, with an extension to the northeast and a small extension to the northwest to obtain frontage on Gilkison Road. Topography generally slopes down from southwest to northeast, although the terrain is uneven and contains ridges, bowls and drainageways. The site is currently un-developed.



A logging road currently extends from the property to the west, south into the parcel as illustrated on the applicant's site plan (Exhibit A17). The property has been logged within the last ten (10) years. The property contains a number of branching logging roads in poor condition. There appear to be several easements attached to the property, both for logging roads and water, but the exact location of these are somewhat unclear. One of the easements is to allow a water line from a spring to an adjoining property. Another nearby property obtains domestic water from the tributary of Joy Creek that runs through the northeast corner of the subject property.)

Gilkison Road exists in the far northwest corner of the County. Property in the vicinity of the site consists of a number of small lots with residences adjacent to Gilkison Road, backed by larger parcels containing forest land. Dwellings currently exist on parcels immediately to the north and west of the applicant's property. All other adjoining parcels are undeveloped and forested.



Significant Streams Study for Multnomah County

GILKISON ROAD AREA

LEGEND

- Water rights permit
- Study area boundary
- Watershed boundary
- ~ Stream segment inventoried

DWR Water Rights Data: for Joy Creek

Permit No.
S 27915
S 31305
S 23139
S 26316
S 37402



Base map from U.S.G.S. 7.5-minute quadrangles (Linnton, Sauvie Island, ...)

MEETING DATE: November 5 1998
AGENDA NO: R-2
ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Health Department RESULTS Team Presentation

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

REGULAR MEETING: DATE REQUESTED: 11/5/98
AMOUNT OF TIME NEEDED: 15-20 minutes

DEPARTMENT: Health DIVISION: Primary Care

CONTACT: Linda Anthony TELEPHONE #: 248-3663 ext. 29210
BLDG/ROOM #: 161/100

PERSON(S) MAKING PRESENTATION: Linda Anthony, Sara Cruz, et al

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Results from RESULTS: Centralized Clinical Services Program

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Billi Odegaard

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
98 OCT 29 PM 8:47
MULTNOMAH COUNTY
OREGON

Multnomah County Health Dept.

In keeping with Multnomah County's benchmarks for providing health care services, the Central Services Unit was developed to improve health care access and improve the quality of service delivery in a more cost-effective manner.

CENTRAL APPOINTMENTS

BACKGROUND

Central Appointments has been operational since August 1, 1997, scheduling appointments for six primary care clinics. Staffing consists of one Operations Supervisor, five permanent, full-time OA2s, and 2.0 FTE on-call clerical assistants.

BENEFITS/EFFICIENCIES

- Cost savings through reduction in staff (7 FTE vs. 13 FTE previously scheduling appointments).
- Focused education and training of operators
- Consistent scheduling practices
- Operators are "experts" because of volume of calls related to same issues.
- Volume = approx. 9,000 calls/month
- Dedicated customer service, since operators are focused on telephones and not handling other tasks
- Extended hours of operation (7 a.m. – 8 p.m. (incl. lunchtime coverage – Monday-Friday)
- Four major languages
- Average speed of answer = 1.14 minutes (goal = 2 minutes)
- Average "talk time" = 2.88 minutes (goal = calls completed within 4 minutes)
- Continuous monitoring capability of patient queue and wait time through telephone equipment and reports.

ISSUES/OPPORTUNITIES

- Difficult to recruit and retain on-call bilingual staff because of pay scale
- Civil service process too slow and ineffective for responding to real time staffing needs
- Possible union contract conflicts
- Enhanced technology opportunities possibly not available due to funding limitations

CENTRAL TRIAGE

BACKGROUND

Central Triage has been operational since October 30, 1997. The function of this unit is to provide comprehensive telephone triage practice for six primary care clinics. Staffing consists of one Lead CHN and 6.0 FTE registered nurses, as well as 3.5 on-call nurses.

BENEFITS/EFFICIENCIES

- Cost savings through increased efficiencies and decreased emergency room visits
- Standardization of advice
- Able to manage urgency care more effectively with more effective use of resources (increased awareness of capacity across clinic sites, allowing diversion of patients to other sites if necessary for urgent care)
- Increased access potential through home care advice, appropriate scheduling of more ill patients with providers
- Decrease in wait time to speak with an advice nurse (<3 minutes compared to 2-4 hours previously)
- Centralization allows more ability to monitor and assess quality of triage advice and scheduling with a comprehensive quality improvement plan.
- Continuous monitoring capability of patient queue and wait time through telephone equipment and reports.
- Extended hours (7am-9pm, 365 days/year)

ISSUES/OPPORTUNITIES

- Language – lack of nurses who are bilingual, bicultural
- Cost of supporting the language needs when 50% of patients are non-English speaking
- AT&T not able to support all of our language needs.
- Lack of ability to do flexible staffing within union contract
- Through standardization and patient education, we project as a new unit, that we are going to be able to impact County benchmarks.

CENTRALIZED CLINICAL SERVICES
PROJECT IMPROVEMENT TEAM

GOAL:

**A more efficient and consistent approach to scheduling
appointments and providing medical advice in our
primary care clinics**

PROJECT TIMELINE

- **Start of project – January, 1997**
- **Central Appointments Live – August, 1997**
- **Central Triage Live – October, 1997**

PROJECT TEAM MEMBERS

20 members + several ad hoc, including:

- Medical Director**
- Nurse Practitioners**
- Office Assistants**
- Data Systems staff**
- Information & Referral rep**
- Operations Supervisors**
- Clinic Managers**
- Health Assistants**
- Language Services rep**

Sub-groups:

- Provider Issues**
- Interpretation Issues**
- Staffing**
- Training**
- Facilities/Equipment**
- System Flow**

WHAT WAS WORKING

- **Staff Expertise**
- **Commitment to our patients and to the health of the Community**

WHAT WE NEEDED TO IMPROVE

- **Access to care**
- **Ability to provide service with fewer resources**
- **Consistency in scheduling practices**
- **Consistency in medical advice**
- **Fewer visits to ER**
- **Language available at time of call**
- **Patient satisfaction**

PROCESS

- **Gathered information on # of appointments being scheduled in clinics, # of advice calls, # of staff**
- **Visited private institutions**
- **Developed a provider profile data base**
- **Developed recommended appointment guidelines for clinics & providers**
- **Assembled protocol & procedure manuals for schedulers & advice nurses**

- **Established goals for response times based on similar operations and national “best practices” averages for health care institutions**
- **Designed data system enhancements to facilitate faster access to patient information**
- **Designed a telephone system to improve access**
- **Developed staffing recommendations & a plan to reallocate current clinic staff**

RESULTS

BEFORE

NOW

Appointment Schedulers: 13	Appointment Schedulers: 7
Nurses: 20	Nurses: 20
Wait time to schedule appointments: 5-10 minutes	Wait time to schedule appointments: Less than 2 minutes
Wait time to speak with a nurse: 2-4 hours	Wait time to speak with a nurse: Less than 3 minutes
No knowledge of how many callers waiting or for how long	Continuous monitoring of wait times through telephone "queue monitor" and daily telephone reports
Call Volume: Unknown (data not collected)	>100,000 calls since January, 98; 54,000 appointments scheduled
Hours of operation: Appointments: 8:00-5:00 Mon-Fri Advice Nurse: 8:00-5:00 Mon-Fri (Clinics) 5:00p-8:00a 365 days a year (After Hours)	Hours of operation: Appointments: 7:00a-8:00p Mon-Fri Advice Nurse: 7:00a-9:00p (Central) 9:00p-7:00a 365 days a year (After Hours)
Language Accessibility: limited	Language Accessibility: 4 major languages available for scheduling appointments and advice
Quality: No consistent monitoring	Quality: Continuous monitoring of quality through review of appointments scheduled and advice notes
Visits to Emergency Room: Data not available	Visits to Emergency Room: Still collecting data. Central Triage giving more home health advice, diverting patients to other clinics, scheduling more appropriately for urgent same day needs.
Patient Satisfaction: Frequent complaints about wait times	Patient Satisfaction: 3 surveys, indicating improvement over previous system

FUTURE PLANS

- **Continue to improve response time performance**
- **Continue to decrease ER visits**
- **Improve utilization of resources through increased awareness of clinic capacity**
- **Improve language access for less frequently used languages**
- **Continue to monitor quality of appointments scheduled and advice given and provide training as needed**

Meeting Date: NOV 05 1998
Agenda No: R-3
Est. Start Time: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board the Hearings Officer's decision on **PRE 4 & 5 -98** and a request for a DeNovo hearing date of December 10, 1998.

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

REGULAR MEETING Date Requested: November 5, 1998
 Amt. of Time Needed: 5 minutes

DEPARTMENT: DES **DIVISION:** Transportation & Land Use Planning
CONTACT: Chuck Beasley **TELEPHONE:** 248-3043
 BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Stuart Farmer

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding a **Denial** of an appeal of two administrative decisions PRE 4 & 5-98 for dwelling approval validation; implementation of approved farm management plans and requesting a DeNovo hearing date of December 10, 1998.

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

KB Lou E. Nicholas

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 OCT 23 PM 11:18



MULTNOMAH COUNTY

BOARD HEARING OF November 5, 1998

TIME 9:30am

CASE NAME: Western States Development Corp.

NUMBER: PRE 4-98 and PRE 5-98

1. Applicant Name/Address

Western States Development Corp.
Kevin Bender
20285 NW Amberwood Dr.
Hillsboro, OR 97124

2. Action Requested by Applicant

Dwelling Approval Validations for two contiguous EFU zoned parcels that have farm management plans approved in 1989. These two applications are the first to be processed under the new ordinance provisions intended to resolve the old farm management plan approvals which have no expiration date.

3. Planning Staff Recommendation

Administrative Planning Director Decision was approval with conditions.

4. Hearings Officer Decision

Approval with conditions.

5. If the Planning Director Decision and the Hearings Officer Decision are different, why?

The decisions differ in primarily one aspect that arises from a lot line adjustment between the two parcels after the farm management plans were approved. The result of the lot line adjustment is that the cropping areas shown on the original farm management plan are not the same on the lot line adjusted parcels. One parcel has somewhat more crop area and trees than originally required, the other parcel has less. The administrative decision finds that each parcel must individually meet the state mandated test of being currently employed for farm use because each parcel will receive a dwelling. The Hearings Officer decision takes a narrower view finding that the lot line adjustments did not amend the farm management plans, and that the applicant demonstrated that the trees were planted consistent with the crop areas of the original farm plan.

ISSUES

(who raised them?)

6. The following issues were raised:

The appellant argues that the applicant has not demonstrated that the farm management activities were not all implemented as required, both due to the issue in 5. above, and because

Action Requested of Board

☒ Affirm Hearings Officer Dec.

☐ Hearing/Rehearing

Scope of Review

On the record

☐ De Novo

☐ New information allowed

the evidence submitted is inadequate. He also maintains that the farm dwelling must meet the new Oregon Administrative Rule and Multnomah County Code implementing provisions for new dwellings on High-value farmland. This argument essentially says that the Dwelling Approval Validation ordinance is invalid. Note that the appellant has appealed the County approval of the Dwelling Validation ordinance to LUBA, and the appeal is still pending.

7. Do any of these issues have policy implications? Explain:

The Board policy as documented in the Dwelling Validation ordinance is that holders of property that has old PRE farm management plans should have two years to implement the plans in order to obtain building permits. The administrative decision and Hearings Officer decision do not require strict compliance with the approved plans finding that the "substantial compliance" language of the ordinance essentially means that the applicant must have established enough trees to reasonably meet a "currently employed for farm use" conclusion.

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

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

October 16, 1998

PRE 4-98 & PRE 5-98

Appeals of two Administrative Decisions of two applications for Dwelling Approval Validation (Implementation of Approved Farm Management Plans). The appeals were combined for purposes of hearing and this decision.

**Legal Description
& Location of
Properties:**

PRE 4-98: 12955 NW Skyline Blvd.
Parcel 1 of Partition Plat 1993-4, 2N-2W Section 36
PRE 5-98: 12989 NW Skyline Blvd.
Parcel 2 of Partition Plat 1993-4, 2N-2W Section 36

Zoning Designation:

EFU (Exclusive Farm Use)

Owner/Applicant:

Western States Development
20285 NW Amberwood Dr.
Hillsboro, OR 97124

Applicant's Attorney:

Jeff Bachrach
O'Donnell Ramis Crew Corrigan & Bachrach
1727 NW Hoyt Street
Portland, OR 97209

Appellants:

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

Christopher Foster
15400 NW McNamee Rd.
Portland, OR 97231

MULTNOMAH COUNTY
PLANNING SECTION

98 OCT 20 PM 12:49

RECEIVED

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.

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 applicant contends that the appellant's substantial evidence challenge concerning MCC 11.15.2031 is barred because the issue was not raised with sufficient specificity in the Notice of Appeal.

The Notice of Appeal for both applications contained the following language:

"A farm dwelling is wrongly approved without determination of compliance with OAR 660-33-135 or implementing provisions of MCC .2010. Compliance with an approved farm plan is not established by the substantial evidence (See MCC 11.15.2010(D)).

The applicant contends that the second sentence of the grounds for the Notice of Appeal appears to apply to MCC 11.15.2010(D). Appellants contend that it should be obvious that the substantial evidence reference was not intended to apply to .2010, since 11.15.2010 does not relate to approved farm plans.

Section 11.15.2031 relating to dwelling approval validation provides that approvals described in MCC .2031(B) shall continue to be valid if:

- (B) The property owner applies for determination of substantial compliance with the approved farm plan management plan.

This appears to be the issue that the second sentence of the appeal notice was questioning. I do find that the Notice of Appeal is sufficiently specific to raise the question of whether the requirements of 11.15.2031(B) of Multnomah County Code were met.

At hearing, the appellant contended that a Hearings Officer had inherent authority to consider issues not raised in a Notice of Appeal. I disagree. Where as here, a Code requires a Notice of Appeal to raise the specific grounds relied on for the appeal, the appeal is limited to the grounds cited in the Notice of Appeal. See, Johns vs. City of Lincoln City, 146 Or App 594 (1997), also Smith vs. Douglas County, 308 Or 191 (1989).

APPLICATION TIMELINE

The applications herein were deemed complete by staff on July 15, 1998. The hearing before the Hearings Officer was held on September 16, 1998. September 16, 1998 constituted the 63rd day on the 150-day clock.

At the hearing, the property owner, acting by and through his attorney, Jeff Bachrach, of O'Donnell Ramis Crew Corrigan & Bachrach, requested seven days in order to submit additional argument. Pursuant to ORS 197.763(6)(e), the local government shall allow the applicant at least seven days after the record is closed to submit final written argument. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. The seven day period shall not be subject to the limitations of ORS 215.428 or 227.178. Accordingly, I find that the application timeline for purposes of ORS 215.428 did not continue to run during the seven days. On September 23, 1998, the applicant's attorney did in fact submit additional argument. Accordingly, on that date the clock again started to run.

Since the subject property is not within an Urban Growth Boundary, I find that pursuant to Section 2, Chapter 414, Oregon Laws 1997, a governing body must take final action on the application within 150 days after the application is deemed complete.

Accordingly, I find that September 30th was 70th day on the clock and that today's date, October 16, 1998, would constitute the 86th day on the 150 day clock.

I also reviewed Mr. Bachrach's submittal to determine if any new evidence was presented. I found that the submittal was simply legal argument. Therefore, I will not receive or consider additional submittals from Appellants.

FACTS

1. Applicant's Proposal

A. PRE 4-98

The applicant's May 7, 1998 Introduction describes the application and gives a brief history of farm dwelling approval on the subject parcel (see Exhibit A1, pg1 of Staff Report). In addition to the farm management plan approval in PRE 26-89, a lot line adjustment was approved between the subject parcel and parcel 2 in PLA 16-95. This approved lot line adjustment results in two potential dwelling sites and crop areas for the subject parcel as indicated in Exhibit A2 of Staff Report.

B. PRE 5-98

The applicant's May 7, 1998 Introduction describes the application and gives a brief history of farm dwelling approval on the subject parcel (see Exhibit A1, pg1 of Staff Report). In addition to the farm management plan approval in PRE 27-89, a lot line adjustment was approved between the subject parcel and parcel 1 in PLA 16-95. This approved lot line adjustment results in two potential dwelling sites and crop areas for the subject parcel as indicated in Exhibit A2 of Staff Report.

2. Procedural History

In 1989, Western States Development Corporation, as applicant, received approvals in the matter of PRE 26-89 and 27-89. The approvals related to Parcel 1 and Parcel 2 of LD 26-89. Approvals were issued in accordance with the County ordinance provisions in effect at the time. Subsection 11.15.2010(C) of the Multnomah County Code, as it existed in 1989, allowed the approval of a residence in conjunction with farm use when certain conditions were met, including that the proposal be conducted according to a farm management plan, containing approved elements as specified in the ordinance. The approvals did not contain any expiration dates. As an administrative matter, it had been a practice of staff to treat these old approvals as valid approvals.

On appeal, the Board of County Commissioners has affirmed decisions of Hearings Officers which held that approvals for farm dwellings issued pursuant to the Code provisions in effect in 1989 and 1990 are still valid approvals. See Final Order 97-215.

Since the time of the original PRE approvals in 1989, State law and County Code have been amended. In 1994, the State adopted OAR 660-33-135. That administrative rule has a fairly stringent farm income test. The County implemented the standards set forth in the OAR in MCC 11.15.2010(D), in 1997. The new requirements now codified in 11.15.2010(D) did not apply when the old PRE permits were approved and the income test was not applied to the old PRE approvals.

The County adopted MCC 11.15.2031, the dwelling approval validation ordinance, in order to set an expiration date for all unbuilt farm management plan approvals (PRE's) and to insure that the property meets the statutory requirement of ORS 215.203, that the property is "currently employed" for farm use. That ordinance amendment became effective May 4, 1998. The applicant herein filed for dwelling approval validation pursuant to 11.15.2031, for both case file number PRE 4-98 and PRE 5-98, relating respectively to PRE 26-89 and 27-89, on May 8, 1998.

3. Site and Vicinity Information

These two parcels are located on the East Side of Skyline Blvd., approximately one mile northwesterly of its intersection with NW Cornelius Pass Road. The property varies in slope from nearly level to over 30° and has been used for various agricultural purposes for a number of years prior to receiving approvals in PRE 26-89 and 27-89.

The majority of soils on this and surrounding properties are Cascade Silt Loam. Properties in the surrounding area range in size from less than one to over 80 acres.

4. Testimony and Evidence Presented

- A. Chuck Beasley testified for the County, summarized the history of the application, and the administrative decisions and subsequent appeals therefrom.
- B. Arnold Rochlin, the appellant submitted oral and written testimony on behalf of himself and co-appellant Christopher Foster.
- C. Christopher Foster also testified in regards to the appeal.
- D. Jeff Bachrach, attorney for applicant, testified at the hearing and subsequently submitted written argument.

STANDARDS, CRITERIA, ANALYSIS AND FINDINGS OF FACT

The appellants in this proceeding appear to be most concerned about the validity of Ordinance 903, partially codified as Section 11.15.2031 of the Multnomah County Code. They currently have an appeal pending to LUBA relating the validity of the ordinance. I will be discussing the effect of that appeal on this decision in more detail, later in this opinion.

As pointed out above in the discussion on the scope of the appeal, the appellant raised two issues in the Notices of Appeal. The first issue related to whether the provisions of OAR 660-33-135 and the current implementing Code provisions of MCC .2010 apply to this application. The second issue related to whether there was substantial evidence demonstrating compliance with an approved farm plan.

In arguing the appeal, the appellants have submitted both oral and written testimony containing various subissues related to each of the two main issues on appeal.

In discussing these issues, I will discuss the various sub-issues under each primary question in this appeal proceeding.

1. Are the standards set forth in MCC 11.15.2010(D) and OAR 660-33-135 applicable to an application for dwelling approval validation filed pursuant to MCC 11.15.2031?

Appellants contend that the provisions of OAR 660-33-135, as implemented by MCC 11.15.2010(D) are applicable in the instant proceeding. Basically, appellants are arguing that Multnomah County Ordinance 903, which is codified as MCC 11.15.2030 and .2031, is invalid. The appellants submitted a written memorandum at hearing, which memorandum was marked Exhibit "H-2". The memorandum reiterated much of the argument appellants submitted in LUBA Case 98-067, wherein they challenged the validity of Ordinance 903.

Duration of Permits

Appellants contend that development rights conferred by existing permits cannot survive significant new requirements with which the existing permits do not comply.

Appellants further contend that the Multnomah County ordinance unlawfully sustains rights to dwellings in conjunction with farm use without establishing compliance with OAR 660-33-135 and MCC 11.15.2010(D).

The appellants further contend that unimplemented permits are not irrevocable. In support of that position, appellants cited the case of Struve vs. Umatilla County, 12 Or LUBA 54 (1984), as well as a number of other cases. In Struve, the applicant had obtained a permit from Umatilla County to build a road. Certain ordinance changes occurred, the City and County entered a Joint Agreement relating to planning responsibilities, the Pendleton Planning Commission became the Pendleton Urban Growth Area Planning Commission, and the Pendleton Comprehensive Plan and Zoning Ordinance became applicable to the proposed use. Thus, in essence, the question in Struve was whether a permit issued by one jurisdiction would avoid the need to obtain a permit from another jurisdiction that had authority over the proposed use. Thus, the factual background in Struve, is not analogous to the applications on review herein.

Similarly, I do not find the other cases cited by Appellants persuasive on this issue. ORS 215.428 and ORS 215.130, protect both applications in process and previously approved uses from changes in the law. The adoption of OAR 660-33-135 did not revoke permits PRE 26-89 and 27-89.

PRE 26-89 and 27-89 were approved based on a farm plan with a 10 year duration. Although the ordinance in effect at the time of approval of these two permits only required the submittal of a five-year plan, the applicant did in fact submit a 10-year farm plan. It does not seem logical that the dwelling approvals based on that plan would expire before the 10 years contemplated in the farm plan had passed.

A finding that permits 26-89 and 27-89 are valid is consistent with Multnomah County precedent on this issue. Prior to adoption of Multnomah County Ordinance #903, the Multnomah County Board of Commissioners had ruled on the validity of a PRE approval issued pursuant to the provisions of MCC 11.15.2010(C), as that ordinance existed in 1989 and 1990. In Final Order 97-215, the Multnomah County Board of Commissioners, consistent with prior decisions, found that the PRE approval retained its validity.

As a Hearings Officer for Multnomah County, and subordinate to the Board of County Commissioners, I must defer to that determination by the Board. Accordingly, regardless of the effect of .2030 and .2031 on this application, I find that the PRE approvals 26-89 and 27-89 are valid approvals which have not expired.

Validity of 11.15.2031

As indicated above, the appellants contend that 11.15.2031 is unlawful, and that the hearings officer must apply OAR 660-33-135 and MCC 11.15.2010(D). I disagree.

Multnomah County adopted 11.15.2030 to provide an expiration date for certain single family dwelling approvals that had been issued by the County, based on applications received before August 7, 1993. Section .2030 provides that applications for residences in conjunction with a farm use under MCC .2010(C), which were received between August 14, 1980 and February 19, 1990, would expire two years from the effective date of 11.15.2030, except as provided in .2031. A process for recognition of the continued validity of the approvals was adopted in Section 11.15.2031.

By definition, Section 11.15.2031 does not require a new application for a farm dwelling under 11.15.2010, relating to uses permitted under prescribed conditions.

Rather, .2031 provides a process for recognizing the continued validity of existing permits. The statute is a procedural statute that related solely to existing permits, it does not establish approval criteria for new permits. The Multnomah County Board of Commissioners adopted the ordinance. I will defer to the Board and enforce the ordinance as written. Accordingly, I find that the provisions of OAR 660-33-135 and the implementing provisions of MCC .2010 are not applicable to a dwelling approval validation process under MCC 11.15.2031. Under the provisions of .2030, PRE approvals 26-89 and 27-89 are valid approvals, which have not expired.

Although County Ordinance # 903 has been appealed to LUBA, ORS 197.625 provides that the ordinance is effective at this time. Accordingly, for purposes of this proceeding, I find that MCC 11.15.2031 is the effective land use regulation relating to dwelling approval validation. The dwelling validation application does not propose to approve a new use or otherwise alter the land use approval issued in 1989 pursuant to an acknowledged land use regulation. Accordingly, I find that neither ordinance No. 903 or the dwelling validation approvals issued thereunder implicate the statewide planning goals.

2. Is there substantial evidence relating to PRE 4-98 and 5-98 to support a finding of substantial compliance with the approved farm management plan

Appellants contend that compliance with an approved farm plan is not established by substantial evidence. The actual standard that will be addressed is whether there is substantial evidence in the record to establish "substantial compliance" with the approved farm management plan.

The following section of this decision will discuss the dwelling approval validation criteria set forth in 11.15.2031(B).

A. Dwelling Approval Validation

11.15.2031 Dwelling Approval Validation

Approvals described in MCC .2030(B) shall continue to be valid if:

*** * ***

(B) The property owner applies for a determination of substantial compliance with the approved farm management plan. That determination shall be initiated and processed as follows:

(1) Application shall be made on appropriate forms and filed with the Planning Director prior to two years after the effective date of this Ordinance;

Staff Comments as to applications PRE 4-98 and 5-98: The Dwelling Approval Validation ordinance provisions became effective May 4, 1998, 30 days after adoption by the Board of County Commissioners. The applications were filed on the appropriate forms on May 8, 1998.

Hearing Officer: The evidence on this issue is undisputed, I find that the applicant made timely application on appropriate forms for both PRE 4-98 and 5-98.

(2) The Planning Director shall find substantial compliance with the approved farm management plan, based on evidence provided by the applicant, if the activities provided for in the first two years of the farm management plan have been implemented.

Staff: The applicant's submittals described the measures taken to substantially comply with the management activities for the first two years as set out in the plan. A copy of the approved plan is included in the file exhibits. The plan is actually a 10-year plan, with a pre-planting soil conditioning phase in the year prior to planting. The "year 1" activities listed in the plan are therefore actually the second year management activities.

At the hearing, the staff discussed the "substantial compliance" standard. Staff stated that the County does not consider the substantial compliance requirement a strict compliance standard. The applicant had implemented the activities generally described in the first two years of the farm plan.

Staff had also viewed the trees after planting and stated that the trees had survived the summer and were growing.

Issues Raised by Appellants:

Was the number of trees planted sufficient to establish substantial compliance with the approved farm plan for PRE 5-98?

The appellants contend that the farm plan requires the planting of 9,000 trees on 6 acres in the first 2 plan years for parcel 2. 7,000 trees were planted on 4 acres of parcel two, as that parcel is now configured.

Appellants also argue that a plan approved under 1989 standards can not be reapportioned to accommodate new lot lines. Appellants contend that the planting does not comply with the plan and can not support a finding of substantial compliance unless, at least 9,000 trees spread over at least six acres of parcel two as that parcel is now configured has occurred.

The applicant submitted credible evidence indicating that 21,000 trees were planted (the number called for in the farm plan). The trees were planted in the exact locations called for in the 1989 approved farm management plan. The plan called for planting approximately 12,000 Christmas trees on parcel 1 and 9,000 trees on parcel 2, as those lots were configured in 1989. The trees were planted in accordance at the locations specified in the plan. The trees were planted in the projected numbers for each parcel as those parcels were described and configured in 1989. As the result of a 1995 lot line adjustment, the parcels were reconfigured, resulting in 14,000 trees on parcel 1 and 7,000 trees on parcel 2 as those lots are now configured.

The lot line adjustment did not amend, modify or alter the approved farm management plan. The applicant has established substantial compliance with the approved farm plan both as to the number and location of trees planted.

Was there substantial Evidence of Implementation of Pre-planting Activities?

The appellants contend that there is no substantial evidence indicating that the described pre-planting activities were carried out.

Substantial evidence is evidence a reasonable person would rely on in reaching a decision. Brandt vs. Marion Co., 23 Or LUBA 316 (1992). In a case where the relevant facts are not in dispute, the choice between different

reasonable conclusions based on evidence in the record belongs to the County. Dority III vs. Clackamas Co., 23 Or LUBA 384 (1992).

The appellants contend that the cancelled check to Chaparral Reforestation is insufficient to establish that pre-planting activity occurred on the site. Appellants also contend that the BTN statement only addresses only herbicides not the balance of planned pre-planting activities.

At the hearing, the appellants did not present any evidence directly contradicting the factual evidence submitted by applicants. Rather, the appellants chose to question the adequacy and accuracy of the information presented by the applicants.

Christopher Foster testified in regards to pre-planting activities carried on by the applicant. Mr. Foster questioned whether the applicants had adequately prepared the soil and fully complied with the farm plan pre-planting requirements. However, when I asked Mr. Foster if he had any direct knowledge if any of the activities had occurred to not, or the manner in which the soil had been prepared, he indicated he did not. He simply doubted that the applicant had actually done all the work claimed.

The applicant's farm management plan is general in nature. The plan lists the type location and quantity of crops needed, and then analyzes the financial viability of the plan.

The anticipated work schedule for the first two years of the plan was to prepare for planting and plant the seedlings. The applicant states in the plan:

"The ground to be planted with Noble fir seedlings is already cleared, but must be prepared in the year before planting. As outlined on the cost sheet, there will be some leveling, spraying, plowing and cultivating, and subsoiling to 18 inches. The spraying may be done by backpack or by helicopter."

The plan contemplated "some" leveling, spraying, plowing and cultivating and subsoiling. There is no indication that all of these tasks were required for the entire acreage to be planted. The basic plan has been accomplished, under a somewhat compressed time line.

The written materials submitted by applicant, together with the credible testimony does provide substantial evidence that pre-planting activity occurred. The written and oral testimony by appellants is not sufficient to

controvert the substantial evidence submitted by applicant. The substantial compliance standard is not a strict compliance standard. The substantial evidence presented by applicant does demonstrate that there is substantial compliance with the farm management plan.

(3) If the applicant applies for a dwelling location other than that approved by the management plan or an approved and active lot line adjustment, the new location shall:

(a) Satisfy all applicable setback and siting standards including MCC .2016, MCC.6400 through .6425, MCC .6700 through .6735, and MCC 9.40, and

(b) Be on a portion of the property with a soil classification of no higher value than the original approved location.

Staff Comments as to PRE 4-98: The subject parcel has an approved and active lot line adjustment, which is described in Exhibit A2. The applicant states that either the dwelling location of the original parcel 1 or the location shown in the lot line adjustment may be used for the dwelling location.

Staff Comments as to PRE 5-98: The subject parcel has an approved and active lot line adjustment, which is described in Exhibit A2 of the Staff Report. The applicant states that either the dwelling location of the original parcel 2 or the location shown in the lot line adjustment may be used for the dwelling location.

B. Quasi-Judicial Framework Plan Policies

The appellants have not challenged the staff findings in relation to the Comprehensive Plan policies discussed by staff in the decisions on appeal. Accordingly, I will adopt staff's findings in relation to the Framework Plan Policies for both decisions by this reference herein.

CONCLUSION

Based on the findings and the substantial evidence cited or referenced herein, I conclude that both applications satisfy all applicable approval criteria, subject to the conditions of approval set forth below. Neither Ordinance 903 or the dwelling validation approvals issued thereunder implicate the Statewide Planning Goals

because the dwelling validation does not approve a new use or otherwise alter the land use approval issued in 1989 pursuant to an acknowledged land use regulation. The Planning Director's approvals of PRE 4-98 and PRE 5-98, finding substantial compliance with an approved farm management plan, is affirmed and the appeal of those decisions is denied.

Conditions of Approval:

A. PRE 4-98

1. The applicant or property owner shall satisfy the provisions of MCC 11.15.2031(B)(6) for obtaining a Building Permit. Failure to follow the procedures for obtaining a Building Permit, and for keeping it valid, will result in voiding of this decision.
2. The applicant shall demonstrate that stormwater runoff generated from development of the parcel will be controlled on site prior to approval of the building permit.
3. The property owner shall obtain a fire and life safety review prior to final Building Permit approval.

B. PRE 5-98

1. The applicant or property owner shall satisfy the provisions of MCC 11.15.2031(B)(6) for obtaining a Building Permit. Failure to follow the procedures for obtaining a Building Permit, and for keeping it valid, will result in voiding of this decision.
2. The applicant shall demonstrate that stormwater runoff generated from development of the parcel will be controlled on site prior to approval of the building permit.
3. The property owner shall obtain a fire and life safety review prior to final Building Permit approval.

IT IS SO ORDERED, this 16th day of October, 1998.



JOAN M. CHAMBERS, Hearings Officer



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

11#
ZONING

530.00

TOTAL

0000-001
8910 LISA

530.00
10/26/98
9:34AM

NOTICE OF REVIEW

1. Name: Rochlin, Arnold
2. Address: PO Box 83645, Portland, OR 97283
3. Telephone: (503) 289-2657

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

myself, and
Christopher Foster, 15400 NW McNamee Rd,
Portland, OR 97231 (503) 621-3564

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

PRE 4-98 + 5-98 approving requests for
determination of substantial implementation of ~~far~~ farm plans
purportedly justifying dwellings in conjunction with farm use

6. The decision was announced by the Planning Commission on October 16, 1999 and
mailed to parties 10/20/98. Hearings Officer

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

See Attachment.

8. Grounds for Reversal of Decision (use additional sheets if necessary):

See Attachment.

9. Scope of Review (Check One):

(a) ☒ On the Record

(b) ☐ On the Record plus Additional Testimony and Evidence

(c) ☐ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

Signed: Arnold Rocklin Date: 10/26/98

For Staff Use Only

Fee:

Notice of Review = \$525.00

Transcription Fee:

Length of Hearing _____ x \$3.50/minute = \$ _____

Total Fee = \$ 530.00

Received by: Lisa Estrin

Date: 10/26/98

Case No.

PRE 4-98

PRE 5-98

**Attachment to Notice of Review of the Hearings Officer's Decision
in Pre 4-98 and 5-98 mailed to parties October 20, 1998.**

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

As provided by MCC 11.15.8225(A)(2) and (B), appellants appeared before the Hearings Officer, in person and in writing on September 16, 1998, and "demonstrat[ed] to the approval authority at its hearing ... that they could be aggrieved or have interests adversely affected by the decision." A statement supporting standing was submitted to the Hearings Officer and not disputed or rejected (September 16th testimony, pages 17-20).

8. *Grounds for Reversal of Decision ... :*

- a. Nine year old unimplemented permits for "dwellings customarily provided in conjunction with farm use", which were never implemented, are decided to be valid without determination of sufficient farming to justify farm dwellings, as required by current OAR 660-33-135 or MCC 11.15.2010(D).
- b. Alternatively, if the Board holds that determination of adequate farming is not subject to these current county or state standards, then the applications must be judged by the standards for farming activity that were in effect in 1989, the year of the original applications for the unimplemented permits. There is no evidence of compliance with former criteria, including OAR 660-05-030(4) (ef. 5-7-86) which requires that "the day-to-day activities on the subject land be principally directed to the farm use of the land". The decision makes no findings on this issue.
- c. The evidence in the record is insufficient to prove substantial compliance with the approved farm management plans, as required by MCC 11.15.2031(B). Uncontradicted evidence provided by the applicant proves the contrary. Substantial compliance is defined by MCC 11.15.2031(B)(2) as achieved when "the activities provided for in the first two years of the farm management plan have been implemented". The Hearings Officer substituted a subjective and vague definition that, at most, requires significantly less than the undemanding requirement of the code. As applied, it accepts whatever an applicant has done, without considering if there was implementation of the actual elements of the farm plan.
- d. The Hearings Officer did not make findings of compliance with statewide goals as required by ORS 197.625, based on an incorrect conclusion that no statewide land use goal is implicated by unacknowledged MCC 11.15.2031.



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

11#
ZONING

530.00

TOTAL 530.00
0000-001 10/26/98
8912 LISA 2:42PM

NOTICE OF REVIEW

1. Name: Rochlin, Arnold
2. Address: PO Box 83645, Portland, OR 97283
Last Middle First
3. Telephone: (503) 289-2657
Street or Box City State and Zip Code
4. If serving as a representative of other persons, list their names and addresses:
myself and
Christopher Foster 15400 NW McNamee Rd
Portland, OR 97231 (503) 621-3564
5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)? PRE 5-98 approving a request for
determination of substantial implementation of a farm plan
purportedly justifying adwelling in conjunction with farm use
6. The decision was announced by the Planning Commission on October 16, 1998 and
mailed to parties 10/20/98. Hearings Officer
7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?
see attachment

8. Grounds for Reversal of Decision (use additional sheets if necessary):

See Attachment

9. Scope of Review (Check One):

(a) ☒ On the Record

(b) ☐ On the Record plus Additional Testimony and Evidence

(c) ☐ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

Signed: Arnold Rocklin Date: 10/26/98

For Staff Use Only

Fee:

Notice of Review = \$525.00

Transcription Fee:

Length of Hearing _____ x \$3.50/minute = \$ _____

Total Fee = \$ 525.00

Received by: Jim Strin Date: 10/26/98 Case No. PRE 5-98

**Attachment to Notice of Review of the Hearings Officer's Decision
in Pre 5-98 mailed to parties October 20, 1998.**

Appeal is filed as a precaution:

On this same date, appellants filed a single Notice of Review concerning both PRE 4-98 and 5-98. Most of the issues in both cases are identical, and the one issue directly concerning only one of the cases, planting of enough trees on in PRE 5-98, also involves tree planting requirements in PRE 4-98 and the applicant's claim that there is only one farm plan with one tree planting requirement that applies to the two parcels involved in PRE 4-98 and 5-98 respectively.

During the September 16th hearing before the Hearings Officer, appellants requested that, if practical, the Hearings Officer issue only one decision for both cases. The purpose of the request was explained as being to enable the losing party to file only one appeal, thus escaping some of the burden of two appeals. The Hearings Officer did not then reply, but did, in fact, issue a single decision for both cases. Only a small part of the 13 page decision concerns only one case or the other. The rest concerns both cases. Paragraphs 1.A. and 1.B. on page 4 concern the cases separately, but the language is identical, except for respective references to parcel 1 and parcel 2. Four paragraphs on page 10 addressing number of trees planted concern compliance in PRE 5-98, but the paragraphs also make a finding that depends on the total number of trees and location of planting on both parcels. Three conditions on page 13, are separately applied to each parcel, but are identically worded for both parcels.

After the single appeal of both cases was filed, staff telephoned appellant Rochlin, and indicated the arguable need to file a separate appeal for each case. Appellants believe that the two cases are so nearly identical, and so closely intertwined where they are not, that it would be unnecessary and without purpose to consider the appeals in separate procedures. (The Hearings Officer held only one hearing on appeals of both cases, and there was no objection.) To require separate appeals of her single decision on both cases, which must reasonably be considered and decided in one proceeding, is to put form above substance, and to serve no purpose, but to incidentally require filing of a separate fee of \$530.

Appellants request that the Board of Commissioners to decide that, under the particular facts of this matter, the appeal of both cases in one Notice of Review is sufficient. If the Board so decides, a refund of the filing fee in this case is requested.

If the Board rules that two appeals are needed, then, by this filing, appellants request that the first appeal, filed for both cases, be considered to concern only PRE 4-98.

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

As provided by MCC 11.15.8225(A)(2) and (B), appellants appeared before the Hearings Officer, in person and in writing on September 16, 1998, and “demonstrat[ed] to the approval authority at its hearing ... that they could be aggrieved or have interests adversely affected by the decision.” A statement supporting standing was submitted to the Hearings Officer and not disputed or rejected (September 16th testimony, pages 17-20).

8. *Grounds for Reversal of Decision ... :*

a. A nine year old unimplemented permit for a “dwelling customarily provided in conjunction with farm use”, which was never implemented, is decided to be valid without determination of sufficient farming to justify a farm dwelling, as required by current OAR 660-33-135 or MCC 11.15.2010(D).

b. Alternatively, if the Board holds that determination of adequate farming is not subject to these current county or state standards, then the application must be judged by the standards for farming activity that were in effect in 1989, the year of the original application for the unimplemented permit. There is no evidence of compliance with former criteria, including OAR 660-05-030(4) (ef. 5-7-86) which requires that “the day-to-day activities on the subject land be principally directed to the farm use of the land”. The decision makes no findings on this issue.

c. The evidence in the record is insufficient to prove substantial compliance with the approved farm management plan, as required by MCC 11.15.2031(B). Uncontradicted evidence provided by the applicant proves the contrary. Substantial compliance is defined by MCC 11.15.2031(B)(2) as achieved when “the activities provided for in the first two years of the farm management plan have been implemented”. The Hearings Officer substituted a subjective and vague definition that, at most, requires significantly less than the undemanding requirement of the code. As applied, it accepts whatever an applicant has done, without considering if there was implementation of the actual elements of the farm plan.

d. The Hearings Officer did not make findings of compliance with statewide goals as required by ORS 197.625, based on an incorrect conclusion that no statewide land use goal is implicated by unacknowledged MCC 11.15.2031.

October 26, 1998

Arnold Rochlin
P.O. Box 83645
Portland, OR 97283-0645
289-2657

Chuck Beasley, Planner
2115 SE Morrison St.
Portland, OR 97214

**Re. PRE 4-98—Notice of Review filed for both PRE 4-98 and PRE 5-98
and separate Notice of Review filed for PRE 5-98.**

The is to inform you that we have filed a separate notice of review for PRE 5-98, as we discussed earlier today.

If the BCC allows the single appeal for both cases, we request a refund of the PRE 5-98 filing fee, after the Board's ruling.

Otherwise, we request that you consider this letter as amending the appeal filed for both cases to apply to only PRE 4-98.

A handwritten signature in cursive script, reading "Arnold Rochlin". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

O'DONNELL
RAMIS
CREW
CORRIGAN &
BACHRACH, LLP

ATTORNEYS AT LAW

1727 N.W. Hoyt Street
Portland, Oregon 97209

(503) 222-4402
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KELLY W.G. CLARK
D. DANIEL CHANDLER++
DOMINIC G. COLLETTA**
CHARLES E. CORRIGAN*
STEPHEN F. CREW
MARTIN C. DOLAN
GARY FIRESTONE*
WILLIAM E. GAAR*
G. FRANK HAMMOND*
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WASHINGTON OFFICE

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98660-2964

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Fax: (360) 699-7221

CLERK OF THE
COUNTY COMMISSIONERS

98 OCT 28 PM 8 42

MULTNOMAH COUNTY
OREGON

October 26, 1998

Chuck Beasley
Planner
Multnomah County
Department of Environmental Services
Transportation and Land Use Planning Division
2115 SE Morrison Street
Portland, Oregon 97214-2865

Via Fax No. 248-3389 and Regular Mail

Re: Western States Development Corporation, PRE 4-98 and 5-98-
Extension of 150 Day Time Period

Dear Mr. Beasley:

As you know, Messrs. Rochlin and Foster have appealed the Hearings Officer's decision in PREs 4-98 and 5-98. Currently, the public hearing is scheduled for November 10, 1998. Due to scheduling conflicts, we request that this hearing be continued until December 10, 1998. Pursuant to ORS 215.428(4), we agree to extend the 150 day time period for 30 days, from November 10, 1998, to and including December 10, 1998.

A written response confirming the terms of this extension is appreciated.

Sincerely,

Andrew H. Stamp
Andrew H. Stamp

AHS/jlk

cc: Kevin Bender
Arnold Rochlin
Christopher Foster
Jeff H. Bachrach
Clerk, Board of County Commissioners

C:\orcc\JLK\JHB\Western States\beasleyltr3.wpd

MEETING DATE: NOV 05 1998
AGENDA NO: R-4
ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Authorizing Multnomah County to act as a co-convenor of the Central City Summit of 1998 and approving a contribution of \$5,000

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

REGULAR MEETING: DATE REQUESTED: October 29, 1998
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Non-Dep't'l DIVISION: Commissioner Linn

CONTACT: Ramsay Weit TELEPHONE #: 248-5137
BLDG/ROOM #: _____

PERSON(S) MAKING PRESENTATION: Ruth Scott, Ass'n for Portland Progress

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Authorizing Multnomah County to act as a co-convenor of the Central City Summit of 1998 and approving a contribution of \$5,000

11/9/98 copies to Commissioner Deane Linn

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Deane Linn*
(OR)
DEPARTMENT
MANAGER: _____

98 OCT 27 AM 4:27
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONER'S
OFFICE



Diane Linn, Multnomah County Commissioner
DISTRICT ONE

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Linn

DATE: October 29, 1998

RE: Authorizing Multnomah County to act as a co-convener of the Central City Summit of 1998 and approving a contribution of \$5,000

1. Recommendation/Action Requested:

Expression of the Board's support for the Central City Summit and a contribution to the cost of the event.

2. Background/Analysis:

As a part of celebrating the 25 year history of the Downtown Plan, the Association of Portland Progress has organized the Summit to revisit the vision for Portland's Downtown with a view toward what we want to Downtown to be like in the next 25 years., The Summit will invite leaders from throughout the community to participate.

3. Financial Impact:

The Association has asked Multnomah County to assist with the cost of the event by contributing \$5,000.

4. Legal Issues:

None of which we are aware.



5. Controversial Issues:

None of which we are aware.

6. Link to Current County Policies:

The future of Downtown Portland is a critical component of the County's strategic planning for creating strong communities, providing employment opportunities, and maintaining a diverse cultural environment.

7. Citizen Participation:

The Summit is designed to feature the participation of Portland citizens, and 250 people, including 90 students from the government class at Franklin High School, have been involved in nine preliminary work groups setting the agenda for the one-day meeting November 19, 1998.

8. Other Government Participation:

Portland State University, the City of Portland, Metro, and the State of Oregon are also conveners.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 98-177

Authorizing Multnomah County to act as a Co-convenor of the Central City Summit of 1998 and Approving a Contribution of \$5,000

The Multnomah County Board of Commissioners Finds:

- a. Downtown Portland, Oregon enjoys a well-deserved reputation as one of America's most dynamic central cities, thanks in large part to the concerned citizens who created and implemented the Downtown Plan 25 years ago.
- b. A strong downtown benefits all citizens of Multnomah County, and there is a countywide commitment to plan for the next 25 years, based on a vision of the Portland we want to leave as a legacy to our children.
- c. The Central City Summit presents an opportunity to create that vision during a one-day gathering of past, present, and future leaders from throughout the region and state to explore key issues and devise strategies.
- d. The mission of the Summit is to revitalize and renew the vision for central Portland; to solidify leadership and commitment to the central city; and to draw public attention to the actions required.
- e. The Association of Portland Progress, Portland State University, the City of Portland, Metro, and the State of Oregon are announced conveners of the Central City Summit.

The Multnomah County Board of Commissioners Resolves:

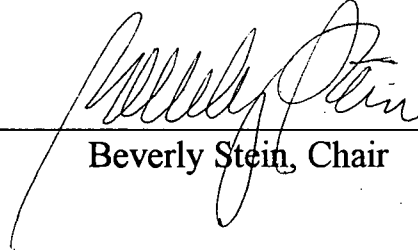
1. Multnomah County and its citizens must act to develop a 25-year vision for Downtown Portland, and all citizens are encouraged to become involved in the Central City Summit scheduled for November 19, 1998.

2. Multnomah County, in the interest of promoting the health of its economic and political center, will act as a co-convenor of the Summit and contribute \$5,000 toward the event.

Adopted this 5th day of November, 1998.

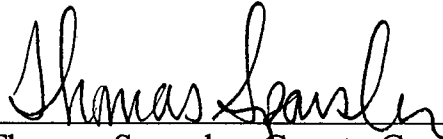


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Thomas Sponsler, County Counsel



CENTRAL CITY SUMMIT

Deliberating Our Destiny

Downtown Portland enjoys a well deserved reputation as one of America's most dynamic central cities, thanks to concerned citizens who created and implemented the Downtown Plan 25 years ago. While we have achieved and even surpassed that vision, we can't rest on our collective laurels. It is time to envision the Portland we want to enjoy for the next 25 years – the city we want to leave our children.

Summit Mission: To revitalize and renew the regional vision for central Portland; to solidify leadership and commitment to the central city in the context of a rapidly changing region; to draw public attention to necessary actions; and to establish a permanent institution to keep the vision alive.

Summit Charge: To develop an agenda for shaping the next 25 years of central city growth and development that:

- Builds on the legacy of Portland metropolitan area and Downtown Plan accomplishments;
- Is based on a critical appraisal of current conditions and trends; and
- Leads to strategic actions that can result in both a stronger central city and a stronger region.

Description: A one-day gathering of past, present, and future leaders from throughout the region and state to explore issues and devise strategies to ensure that central Portland achieves its designated place in regional visions over the next 25 years.

Conveners: Association for Portland Progress, Portland State University, City of Portland, Metro, Multnomah County, and the State of Oregon.

Stakeholders: Local, regional, state and federal governments, surrounding communities, environmental and neighborhood advocates, developers, lenders, industry and education, plus downtown's primary users, including employees, property owners, workers, retail and service businesses, as well as visitors.

Charge to Idea Groups: The central city's future success depends on engaged people and businesses, efficient and memorable places, and community activities. Nine idea groups of community leaders have been meeting to brainstorm the essential qualities of the central city, to guide research and to ensure active implementation. They are investigating these areas prior to the Summit: leadership and participation; jobs and economy; social issues; transportation; urban design; environment; housing & the 24-hour city; arts and culture; and future speculation.

PEOPLE

- **Leadership and Participation.** What kind of leadership do we need? How do the roles of leaders today compare to 25 years ago? What is and can be done to nurture the next generation of leaders? What kinds of regional relationships need to be cultivated for central city initiatives and leaders to be successful?
- **Jobs and Economy.** What are central city's regional and international competitive advantages? What linkages do or should exist between the economy of the central city and that of the metropolitan area? What constitutes "health" for the central city economy?

- **Social and Educational Issues.** What kinds of commitments must be honored and need to be made to ensure that central city development does not occur at the expense of those least able to cope with change? How can the central city emerge as a model community for the next century, one that thrives because of its economic, social, racial, and generational diversity?

PLACES

- **Transportation.** What can the central city do to make the most of the opportunities afforded by the region's transit system, including rail, bus, taxi, water taxi, etc.? How might telecommuting affect transportation issues and plans? What are the central city's transportation "competitive advantages" and how can we strategically build on them?
- **Urban Design.** How can the future development of the central city become known as a source for innovative, cutting-edge approaches to urban design both in this region and internationally? What does it mean to make a truly urban place in this landscape? How can urban efforts leverage more for other central city objectives?
- **Environment.** How will the endangered species act change our approach to central city and regional development? How can central city links to the natural landscape of the region and the Pacific Northwest be retained, enhanced, and leveraged for other objectives? How can this central city emerge as a national model for central city development that enhances and sustains environmental quality?

ACTIVITIES

- **Housing and the 24-Hour City.** What can be done to advance this objective in already developed parts of the central city? What would success look like? Will the development of new neighborhoods to the north and south of the west side, central city core be sufficient to advance this notion?
- **Arts and Culture.** What is the central city's unique niche in regional arts and cultural activities? How can that niche be realized to its fullest potential? What are the essential qualities of arts and culture in this region and the central city?
- **Future Speculation.** What will be the role for this central city one hundred years from now? If we want to be known as an innovative region, how would we build an innovative place in the central city? What does it take for a place to last 1000 years, and should any aspect of downtown (structures, urban form, role in the region, etc.) last half that long?

PROCESS: Each group will meet four times:

- **Meeting One** – members met in late Summer with the researchers to review the research report charge. In general, each issue will be described by the final research report that outlines the role in the region for the central city in the issue being examined, changes in the issue since 1972, trends, and future challenges and opportunities.
- **Meeting Two** – members are meeting in September to review a near-final draft of the research report and to help organize the agenda. 25 key participants will be identified for each panel, and recruited to attend the Summit. Event sessions should be in workshop format, emphasizing hands-on, interactive opportunities for attendees and the production of a product.
- **Meeting Three** – the Summit, where issue panel workshops will be held to identify agenda elements. The agenda will include some kind of framing presentation at the outset, the idea group workshops, an "inspirational/big picture" speaker at lunch, and then the formation of the agenda in the afternoon through reports from the workshops and a response panel representing the past, present, and future.
- **Meeting Four** – members will meet in early 1999 to review the products from the Summit and to identify a charge to be transmitted to the Institute. For this to be worthwhile, we will need to identify a "board" for the Institute that should include the chairs of the panels/workshops, the steering committee for the 25th Anniversary, and perhaps others.

We expect 350-400 community leaders and citizen activists to attend the Summit, November 19.



Central City Summit Idea Group Notes

ARTS & CULTURE

September 29, 1998

CHAIR:

Pat Harrington

COMMITTEE:

Robert Bailey
Jane Beebe
Lyn Bonyhadi
John Buchanan
Bill Bulick
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Gail Chehak
Ginny Cooper
Chris D'Arcy
James DePriest
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Cecily Quintana
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Tracy Savage
David Schiff
Harriet Sherburne
Eric Shriner
Bruce Smith
Barbara Steinfeld
Caroline Swanson
Robert Sylvester
Carol Trifle
Gus Van Sant
Gayle Vines
Christopher Zinn

FACILITATOR:

Brian Scott

CENTRAL CITY

SUMMIT:

DELIBERATING OUR DESTINY

Thursday

Nov. 19, 1998

7:30 am - 3:00 pm

The Governor Hotel
611 SW 10th Avenue

RE-CAP

- What is downtown by cultural niche or geography? - Geographically, central city is broader than just downtown - includes OMSI
- Look at major institutions and their role in the arts community
- Increase awareness of culturally diverse programs in the arts
- Goals of education need to be more specific; integrating arts and education needs to be more proactively written
- Funding for Big 4 vs. other cultural institutions; support non-mainstream art

REVIEW OF KEY THEMES

- Arts confers excitement to the central city
- Value the individual artists, their role and unique perspective-- not just the institutions
- Improve existing eyesores - continue creating new works
- Encourage artists to do something to make our nightscape even more exciting
- Major urban university - at the heart of an artistic renaissance would be a world class art school, a conservatory or academy, a way for artists to teach
- Increase artists role in urban design - collaboration of architects and artists
- Integrate artists in residence - enrich surroundings
- Encourage arts as driving force in the subgroups of the community, not a separate entity
- Arts education as a core value from K-12 through higher learning institutions
- Improvement (economically and artistically) of big institutions
- Serious, stable funding for the arts- raise to infrastructure level

MAJOR THEMES IN NEXT 25 YEARS

- The role of the arts in Portland as a key to becoming a world-class, international city
- Private and Public programs to require resident artists
- Accessibility to downtown, connectivity of central city to neighborhoods & region
- Integrate youth, showcase new talent - create a place outside of school to perform and view the arts
- Larger world-class museum, as well as smaller, family-oriented and mobile museums
- Funding- need public/private partnerships to help build arts community
- Increase quality of livability in Portland through arts: create dialogue, attract business development/job creation, improve education
- Appropriate state-of-the-art facilities to accommodate the arts



Central City Summit Idea Group Notes

ENVIRONMENT

October 1, 1998

DRAFT

DEFINITION

Measurable standards for environmental issues

CHAIR:

Mike Faha

COMMITTEE:

Jeff Allen
Bill Annen
Dean Apostol
Hank Ashforth
Bill Becker
Ken Bierly
Charlie Ciecko
Linda Dobson
Sue Donaldson
Paul Fishman
Richard Glick
Sean Hogan
Mike Houck
Chas. Jordan
David Judd
Heather Nelson Kent
Gil Latz
Tom Lipton
Langdon Marsh
Jack McGowan
Lisa Naito
Jim Owens
Jeff Schnabel
Rick Schulberg
Susan Stone
Bruce Warner
Mike Zilis

FACILITATOR:

Brian Scott

CHANGES

- Greater demand for environmental quality and aesthetics
- Higher level of interaction with environment
- Environmental experience
- Greater appreciation for environmental quality
- A stronger environmental ethic
- Greater demand/use of open space
- Park development hasn't kept pace w/central city use (compared to the rest of the city) i.e.; ratio of open space to people has declined; central city
- Central city is park deficient, as well as all of Portland by national standards
- Level of maintenance has declined, despite increased use
- Increased demand for natural resources
- Definition of livability and role of open space/environment in a growing, more dense urban area; integration of the environment as critical to livability
- Link between more housing and open space
- Integrate environmental concerns into all themes and include in preamble
- Livability:
 - * Urban design is more than the built environment; nexus of natural and built environment
 - * Need citizen involvement in environmental ethic in an everyday way; civic infrastructure
 - * Greening: living green; urban forest, eco-roofs, water quality, open space, enhancing the landscape, more plant material, enviro-ethic, evaluation tools
 - * Result: cooling, air quality, water quality
- Downtown is used by wildlife
- Quality of water as it enters and leaves the central city
- What lives downtown, what will?
- What energy and materials will it take to sustain the central city environment?
- Day lighting streams
- Restoration; not just protecting, but creating green
- Need more technical information

THE NEXT 25 YEARS

- Integrate natural areas, parks & open spaces as a fundamental ingredient of livability
- Work with downtown as an ecosystem that is part of a larger whole

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Central City Summit Idea Group Notes

FUTURE SPECULATION

September 17, 1998

ISSUES OF CONCERN TO THE CENTRAL CITY IF IT IS GOING TO FLOURISH OVER THE NEXT 25 YEARS

CHAIR:

Arnold Cogan

COMMITTEE:

Steve Ames
 Karen Anderegg
 Greg Baldwin
 Tom Brugerre
 Candice Cappeli
 Dick Clark
 Debi Coleman
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 Neil Goldschmidt
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 Doug Macy
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 Clint Sly
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 Erik Sten
 Nohad Toulon
 Will Vinton
 Ed Whitelaw
 Karen Whitman
 Dan Wieden
 Nancy Wilgenbusch
 Bob Wise

FACILITATOR:

Brian Scott

- Compartmentalized thinking/planning
- Economic analysis → Economic issue are as important as they were in 1972
- What happens if we hit a recession?
- National return to cities
- Price: how much are we willing to pay for values if it's more expensive?
- This list isn't an "exploit opportunities list"
- Where is the "first class" university - political issue with state system of higher ed.
- Restructuring of corporations
- Aging population: baby boomer retirees
- Unlike other places, core is livable; edges are deteriorating (i.e. deteriorating housing stock)
- Central City is also critical to the "City of Portland" as well as region
- Threats to city are threats to Central City
- Close-in neighborhoods are getting more expensive
- OPEN SPACE
- Freeway capping should proceed
- Roofs; green/storm water detention; refuge
- Need to create a greater mix of uses throughout downtown
- BURNSIDE SHOULD BE A GREAT BOULEVARD
- River front could be much more economic and fun than just grass - pedestrian bridge with shops
- Transportation is critical to higher education
- RIVER AND RIVER FRONT
- Importance of indigenous neighborhood services
- Importance of social support network
- For jobs: downtown declining; For neighborhoods, downtown is booming
- Is downtown great and sucking up too many resources, or does it need more attention?
- IS TECHNOLOGY ADEQUATELY ADDRESSED IN THEMES? WE MUST TAKE ADVANTAGE OF TECHNOLOGICAL ADVANCES
- We need to think ahead about pedestrian/open space/light impacts of a really BIG project
- Are we planning for great walking streets?
- "Hub" as partner w/ specialized "spokes"
- Housing needs to go higher, which will require subsidy for middle income housing; also requires open space
- Redevelopment of central east side

UNIVERSITY - PSU CAN'T DO IT ALONE → MUST WORK W/ PCC, MHCC, CFCC; PSU NEEDS HELP BEING ENTREPRENEURIAL; BUILD STRONG CONNECTION BETWEEN PSU AND OHSU; PHYSICAL CONNECTION BETWEEN UNIVERSITY AND DOWNTOWN; PSU AS MAJOR INSTITUTION IN STATE

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Central City Summit Idea Group Notes

HOUSING & 24 HOUR CITY

September 28, 1998

CHAIR:

Erik Sten

COMMITTEE:

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David Bragdon
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Greg Goodman
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Suenn Ho
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Gretchen Kafoury
Julie Leuvre
Avery Lochen
Mike McMenamin
Ed McNamara
Lynn Musoff
Pat Prendergast
Deborah Saweuyer-Parks
John Simmons
Dick Singer
Dee Walsh
Ed Washington
Polly Welch
Denny West
Homer Williams
Brian Wilson
Heidi Yorkshire

FACILITATOR:

Brian Scott

RECAP

- Development opportunities; are they affordable?
- More detailed focus on micro-areas of Central City housing; individual districts
- Services for residents are important if people are to live in the Central City
- Need schools, goods & services supportive to families and kids
- Funding and support- Leverage private investment? Public sector's role?
- Think about housing as part of the community's infrastructure, like roads and rail
- Need for land assembly
- Encourage transit oriented development in order to expand Central City development pattern
- Deal with brownfields so larger inner city parcels can be developed
- Pull other neighborhoods into the 24-hour Central City through transit; make "interesting" housing available in immediate neighborhoods
- Entertainment, shopping, events need service workers to maintain a 24 hour city; need affordable "worker" housing for middle income
- River as a focal point of the Central City
- Clean up: make properties more attractive
- Incentives for developers to remember environmental concerns
- Bring in "big box" retail to spur housing demand?
- Maintain & promote wages so people can *purchase* housing
- Central City Churches as an asset to downtown

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Central City Summit Idea Group Notes

JOBS & ECONOMY

September 25, 1998

DRAFT

RECAP

CHAIR:

Felicia Trader

COMMITTEE:

Albina Comm. Bank
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Becky Carter
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Judy Rice
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Bill Scott
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Joel Silver
Al Solheim
Carl Talton
Duncan Wyse

FACILITATOR:

Brian Scott

- Identify cluster opportunities for region and central city's role
- Each end has several means; they're not separate lists
- Impact of "no growth" sentiment
- Recognition of job creation sectors and business cycle
- Building the "next generation of jobs"; link to creative industries, arts
- Concept of live, work and play together; not commute shift
- Include youth in new civics
- Education and work force as a means
- Importance of Port of Portland
- Impact of airport development and jobs around airport + gateway
- Redevelopment of eastside...river to lents
- Knowledge industry as growth sector for central city

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Central City Summit Idea Group Notes

LEADERSHIP

September 22, 1998

RE-CAP

- Portland needs to become a stronger regional partner, more of a partner; with: Port, Metro, Tri-Met
- Metro is serious leader but what is its role and the role of other regional players
- There is a shift in thinking regionally
- No "obvious" crisis economically but "identity crisis - partnership between city and rest of state
- No state-wide conversation on Portland values
- Element of crisis is how education is perceived and whether Portland schools are stagnant
- Job growth - income growth more regional
- How to maintain basic infrastructure for region may be a crisis \$\$/ Operation
- Downtown residents are increasingly without children
- Must assert that education is a critical component
- Need to have balanced population growth

KEY THEMES

- Beauty of '72 plan was as a blueprint for the leaders of that time
- Solving education is a crisis for the city and must be a top priority
- The school district is cutting - not building
- In '72, leadership model was that things are connected
- Ownership of the Central City has shifted
- Can the Central City help the schools by augmenting educational experiences?
- People downtown should know what goals & challenges are, so that they can help
- Recent emigrants are checked out of leadership
- Need comprehensive list of key boards and encourage recruiting new residents
- Leadership is participation
- People vote where they live, so need to be involved
- Need a direct effort to get senior employers to encourage employee involvement
- Maybe problem isn't leadership but followership
- Need to articulate the significance of various issues
- Need more "platoon leaders" to help keep what we have as well as improve
- Need to define crises in a way that resonates with those who are not involved
→ Make crisis known to enough people
- Need to make new leaders aware of silent crises
- Need regional consensus on importance of Central City and vice versa
- Break the cycle of non-involvement
- Downtown ought to belong to Hillsboro as much as it does to Laurelhurst
- Need to engage local media

CHAIR:

Matt Klein

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Don Frisbee
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Midge Graybeal
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Chris Kopca
Lee Lacey
Stan Lewis
Diane Linn
Pete Mark
Brian McCartin
Gussie McRobert
Chet Orloff
Ron Saxton
Ruth Scott
Dick Singer

FACILITATOR:

Brian Scott

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SOCIAL & EDUCATIONAL ISSUES

September 10, 1998

September 23, 1998

DEFINITION OF THE SUBJECT AREA:

- Education provides learning opportunities for the entire community and encompasses lifelong learning.
- Social issues include health and human services delivery and interaction.
- We value, embrace and demonstrate diversity and promote social justice.
- Safety and security issues are integral to the quality of life in our city.

CHAIR:

Maria Elena Hawkins

COMMITTEE:

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Carolyn Sheldon
Douglas Stearns
Bishop Steiner
Don Von Leuvoni
Dan Wieden

FACILITATOR:

Brian Scott

MAJOR CHANGES IN CENTRAL CITY SINCE 1972:

- There has been an increase in the number and quality of social services.
- A collaborative approach on the part of social service providers has improved.
- Portland has achieved a national reputation.
- Drug and alcohol use has increased and the population involved in these activities is younger.
- Ethnic diversity and gentrification have increased.
- Downtown is alive and active.
- Youth violence has increased.
- People have become more aware of Central City issues and these people have become more engaged in problem-solving. However, senior management of the business sector has become less engaged.
- Close-in neighborhoods and neighborhood associations have thrived.
- Regionalism in terms of planning and growth has occurred but a similar approach is absent when dealing with social and educational issues.

KEY THEMES FOR THE NEXT 25 YEARS:

- Lifelong education is available for the entire community and expanded through collaboration with educational institutions, businesses and community-based organizations.
- The Central City is known as a learning community.
- A true health and human services system is developed that can serve as a laboratory and serve as a model for the region.
- A link is further developed between social services and education system with particular focus on early intervention. (Service delivery tied to school buildings).
- A philosophic focus that nurtures pride, respect, values, appreciation, diversity, history and involvement in the profound nature of the United States, Pacific Northwest and Portland especially among youth (from this comes solution finding, innovation and links to other issue areas).
- Each downtown "neighborhood" is safe and encourages diversity and livability.
- PSU is recognized as a true urban university, one that is connected to the Central City in every positive way. PSU offers world class educational opportunities that are available and accessible to the full socio-economic and ethnic range.
- Home grown talent is the end product of the education system and this product supports Central City business development efforts.
- Educational curriculums, regardless at what level, keep pace with social and technological advances.
- Advances in technology especially those technologies that advance learning are made available to all persons regardless of socio-economic background.

SPECIFIC QUESTIONS FOR RESEARCH AGENDA:

What outcomes or benchmarks have been developed that focus on social and educational issues? Have baselines been created that are oriented to the future, specifically the next 25 years?

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Central City Summit Idea Group Notes

TRANSPORTATION

October 2, 1998

RE-CAP

CHAIR:

John Russell

COMMITTEE:

GB Arrington
Earl Blumenauer
Darrel Buttice
Elsa Coleman
Steve Cory
Andy Cotugno
Grace Crunican
Steve Dotterer
Cathy Galbraith
Rick Gustafson
Gary Hansen
Henry Hewitt
Bill Hoffman
Matt Klein
Lloyd Lindley
Richard Lishner
Dave Lohman
Randy McCourt
Fred Miller
Jim Owens
Michael Powell
Vic Rhodes
Dan Siemon
Tom Walsh
Dave Williams

FACILITATOR:

Brian Scott

- Jobs means need for inexpensive access for workforce
- Region has remarkable technical capacity to understand growth issues, but better on housing than jobs → We could use lots more research here
- Airport is key to headquarters location decisions
- Means: How do we become a transit culture to avoid gridlock?
- Transportation Categories:
 - 1) Political constraints on transportation dollars for transit
 - 2) "Enhancement" functions... Boulevards, highway capping
 - 3) Transport capacity development
 - 4) Preservation and maintenance → Money is here plus, down state & suburban competition for whatever available funds
- Where is the retail?
- With limited resources, small things may be more important (feasible) than grand (expensive) ideas
- Importance of street car circular

MAJOR THEMES

- Most would agree that in Portland there is an "ethic" about the environment, how we build and how we see the world in general. This ethic translates to a culture not entirely unique to Portland but every bit present in our discussions about the past, present and future. But does this culture or ethic exist with relation to transportation and if not, should it? We've made substantial investments in transportation alternatives but have we achieved a cultural transportation revolution to the degree that we prefer these alternatives over our automobiles?
- While our focus currently is on larger transportation projects such as the Central City Streetcar and S/N LRT, the little *things* count in transportation as well. What small improvements can be made that have the greatest net impact on reducing congestion, improving air quality and expanding transportation choices?
- The Portland metropolitan area and the rest of Oregon differ dramatically in terms of their respective transportation needs, strategies and desired outcomes. With limited federal, state and local resources mean that intense competition for these resources have pitted rural Oregon against Portland. What will it take for the seemingly divergent needs of the two Oregons to be simultaneously met?

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Central City Summit Idea Group Notes

URBAN DESIGN

September 23, 1998

CHAIR:

Bing Sheldon

COMMITTEE:

Greg Baldwin
Phil Beyl
Terry Brandt
John Carroll
Jon Carder
Brad Cloepfil
George Crandall
Michael Fisher
Mark Fitkin
John Fregonnesé
Deane Funk
Bob Gerding
Steffeni Gray
Michael Harrison
Sean Hogan
Tony Hopson
Lloyd Lindley
Richard Lishner
Robert Murase
Jim Neill
Rod O'Hiser
Garry Papers
Gary Reddick
Tad Savinar
Jeff Schnabel
Fred Stickel
Billy Sullivan
Paddy Tillett
Homer Williams
Mike Zilis

FACILITATOR:

Brian Scott

RECAP AND UPDATE

- "Blank" spots are those things that had escaped comment, but need change. An example would be First Interstate Building.
- Public Parks as educational facilities (i.e., no botanical garden); low funding for open spaces
- Sustainable design
 - * Solar access
 - * Vegetation for temperature control
 - * Materials
 - * Potential zoning bonuses for sustainable design
- Impact of Endangered Species listing on Riverfront activity
 - * Potential conflict between returning river edges to more natural state versus active use of edges.
- Definition of Urban Design: Designers design and build – make places – not just plan and analyze.

KEY THEMES

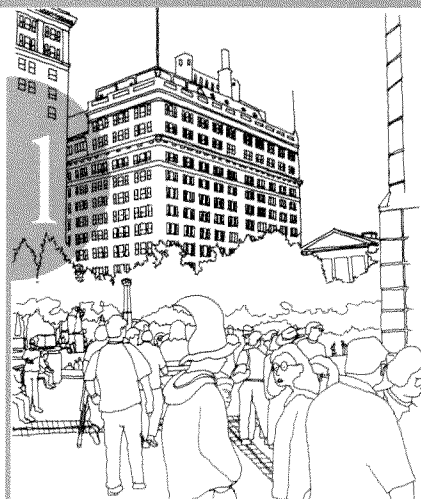
- Scale transportation to people
- Access is a key means to an end/critical issue is choice of access
- Intra-Central City circulation will become more important
- Transportation can serve as a catalyst for change to urban form
- Question of limited fossil fuels and the future of the Single Occupancy Vehicle
- People's willingness to spend time commuting or not
- Transportation to Pacific Rim and World
- Need stronger emphasis on parks & open space
- Open space needs of high density living (wider sidewalks, trees, street furniture)
- Need a typology of open space and goals for each type
- Multi-cultural welcoming environment
- Downtown decided to embrace and care for river
- Can urban design find a solution to the conflict between the ecosystem and active use of the river.
- Potential to create offsets between ecosystem and active use
- Find balance along river - Expand context until solution is possible
 - * Urban use/family use
 - * Ecosystem
 - * Scenic Relief
- Key Question: Role of Central Eastside - Industrial Staging area and/or small business incubator versus urban neighborhood
- Need to allow neighborhood scale mixed use
- Role of historic districts, as architecture, as incubator
- Future of I-5 and Railline
- Projects:
 - * Burnside as Boulevard
 - * I-5 and Railline
 - * River
- Remember views as we build more
- Question of Land use and urban design concepts impact on housing
- Much of these issues could be addressed by attention to Bridge heads

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Welcome to Downtown Portland:
Enjoy your tour and this look at some of the highlights created by the Downtown Plan.

COURTHOUSE SQUARE



Pioneer Courthouse Square is Portland's living room – full of people year round, from holiday celebrations to the spring Festival of Flowers. All its features invite people to sit, explore, and celebrate. The square is the city's transportation center, with access to buses, light rail, walking and bike facilities, and nearby parking structures.

BROADWAY

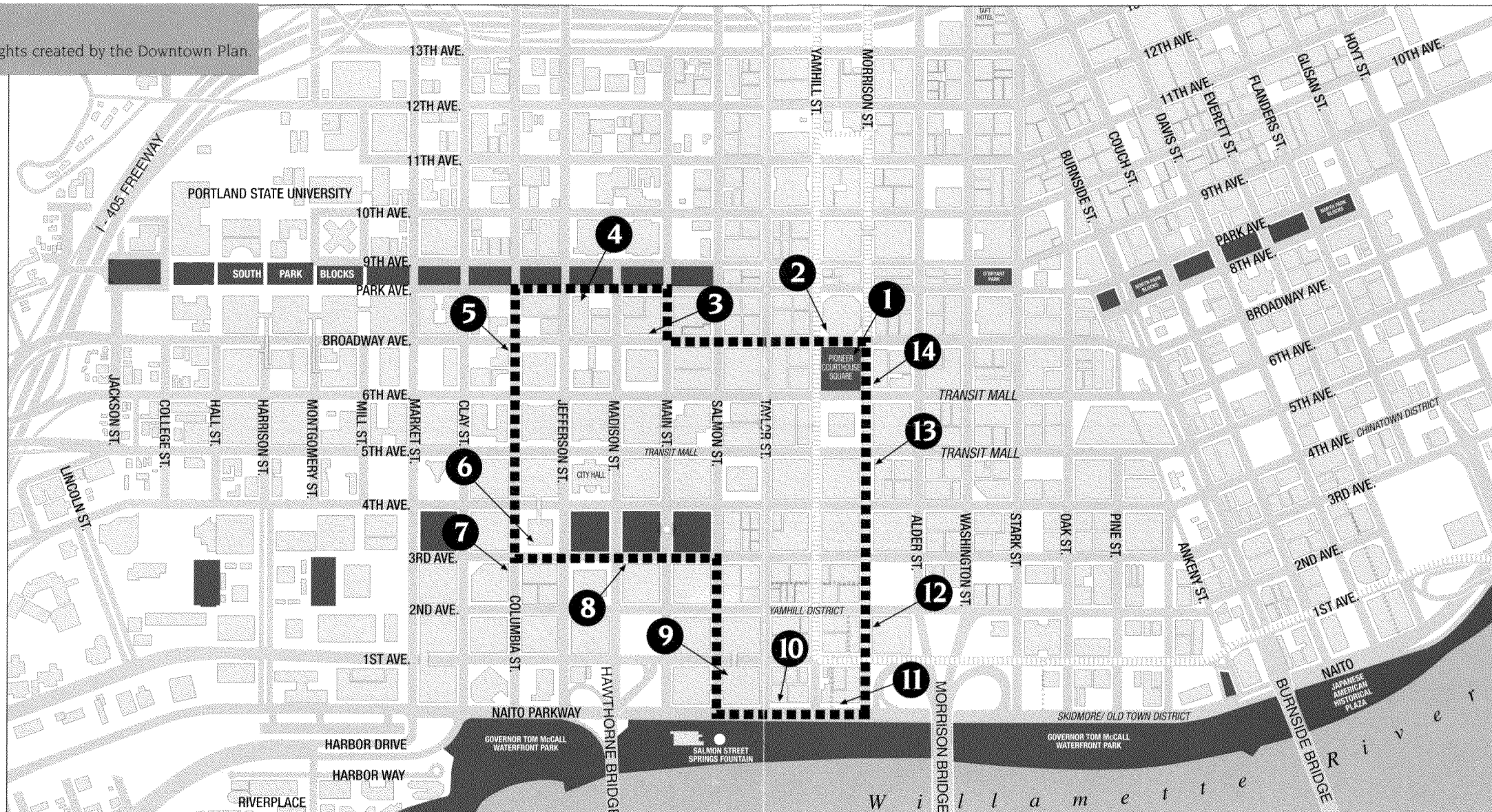
As you walk down Broadway, notice how people stop to look in store windows and visit the many restaurants and cafes. Awnings, planters, banners and ornamental lights create an entertaining, lively street scene. Notice how a dynamic building entrance makes a street corner into an event.

CENTER

Approaching Main Street on Broadway, you will see the marquee on the Arlene Schnitzer Concert Hall, a reminder of the days when Broadway was filled with fabulous theaters. Development regulations encourage lights and colors in this Bright Lights District. The Performing Arts Center, a product of the Downtown Plan, is invitingly displayed through huge windows, encouraging visitors to come in or explore the plaza between Broadway and the Park Blocks.

PARK BLOCKS

Emerging on the South Park Blocks from Main Street, you'll see that open space buffers the residential areas to the west from the intense commercial development of Broadway. In addition to green lawns, spreading canopy trees and public art, the Park Blocks provide an entry way to Portland's principal cultural facilities and Portland State University.



COLUMBIA & PARK TO THIRD

A wide variety of housing – new and old – creates a real neighborhood in the middle of the city. On the South Park Blocks south of Columbia, shops and cafes on the first floor of apartment buildings keep the sidewalks well-lighted and lively. As you walk down Columbia, contrast the effect of tall blank walls with first-floor windows, awnings, artwork and terraces.

COLUMBIA FACING RIVER

The Downtown Plan encouraged unobstructed views throughout Downtown. From Columbia, one can see the Willamette River, across to Portland's east side and (on clear days) the Cascades beyond. The numbered avenues offer spacious views to the north and south.

THIRD & COLUMBIA



Look in all directions to see contrasting building styles. Development on the east side of Third Avenue illustrates how buildings can create extensions between inside and out. KOIN Tower's residential entrance features a plaza and plantings, and its stepped-back tower opens the street to the sun. One block north, shops and cafes boast colorful window displays and outdoor seating, creating an exciting urban environment.

GOVERNMENT DISTRICT

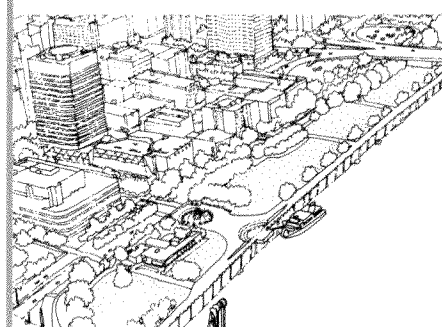
On Third Avenue from Columbia to Salmon, you can see impressive government structures ringing a series of small parks to create the Government District. Notice the spectacular glass, tile, and light fixtures on the front of the Justice Center, incorporating public art into the building's architecture.

FIRST & SALMON

The World Trade Center is a series of connected buildings designed around a variety of plazas. Wide sidewalks, ornamental features and planters create a garden-like setting. Buildings toward the river are intentionally shorter to preserve views and maximize light.

WATERFRONT PARK

It was here on the banks of the Willamette River that Portland truly made history. Citizens moved a freeway to reclaim their river. The resulting park, Tom McCall Waterfront Park, is one of the city's most popular spots, filled continuously during the summer with festivals and special events. Salmon Street Springs fountain, visible from here, is a great example of well-loved and well-used public art.



MORRISON & FIRST

When you turn west on Morrison, a view toward the West Hills illustrates well the concept of the "street wall." As you look toward Broadway and beyond, you can see the even lines of buildings on both sides, framing the pedestrian way and the light rail tracks. The effect is that of an appealing outdoor room.

HISTORIC DISTRICTS

As you walk along Naito Parkway, you will see how the Downtown Plan preserved Portland's heritage by halting destruction of historic buildings. The Yamhill and Old Town Districts display some of Portland's earliest, most charming structures.

TRANSIT MALL



You know you've reached the transit mall when you see distinctive shelters, red brick sidewalks and round-the-clock activity. These keep the transit mall safe and inviting, encouraging transit use. By leaving room for cars on the mall, downtown planners assured the continued vitality of businesses which rely on truck loading and other vehicle access.

LIGHT RAIL

When Portland created its light rail system, it got more than just a transportation tool. Morrison and Yamhill Streets now feature wide brick sidewalks, attractive planters and delightful sculptures of Northwest animals. These are not only fun to look at, but they add distance and protection between pedestrians, cars and trains.

Guiding Principles

The Downtown Design Guidelines, based on the Portland Plan, direct new development and renovations in downtown Portland. The principles on which they are based capture the vision of the plan's creators. The following paragraphs summarize some of the essential principles.

PARKS AND PLAZAS

The Downtown Plan insisted that Portland's open spaces – whether public or private – should be well used. They are designed and programmed for recreation, for casual meetings, for demonstrations, displays and performances. Benches, water fountains and other features invite the visitor to linger, people watch and participate in the activity. Parks offer a refreshing break from downtown density, bringing light and air to the center of a highly developed neighborhood.



CORNERS

Intersections have the potential to engage people's interest and imagination – through attractive entry ways, awnings, sidewalk furniture, signs and display windows. Creative building corners can draw people inside, while wide sidewalks, banners and other features can make them feel at home outside.

GROUND LEVEL SPACE

One of the most frequently cited elements of the Downtown Plan is the requirement that office buildings and parking garages dedicate a percentage of their ground floor space to retail. A series of stores provides a variety of access points, encouraging frequent comings and goings and enlivening the street. People are encouraged to window shop, to read signs and in many other ways to engage with street level activities. In contrast, blank building walls can feel threatening and unsafe.

HOUSING

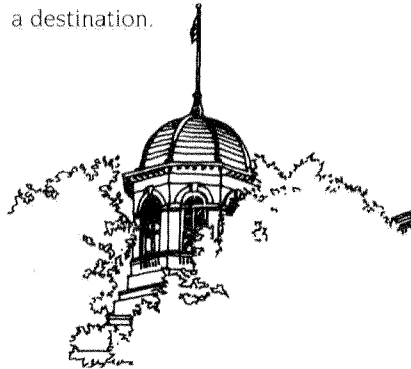
Downtown housing is the foundation of urban vitality. People who live downtown patronize the shops and restaurants, take walks through the streets and advocate for services and safety. Downtown residents also walk, ride bikes and take transit to work, reducing demand on the street system and reinforcing the impression of a well-used, well-loved community.

PUBLIC ART

Public art manifests the vision and personality of its citizens in tangible ways. Today, we integrate the artist's concepts into a project from the beginning stages to create a holistic combination of art and function that resonates with the human spirit.

THE STAGE, THE ACTION

Urban design features throughout downtown set the stage for public activities. Wide sidewalks, parks, public art, and terraces on office buildings encourage active use by many people. The stage is also set by ground floor design that engages the passerby: display windows, awnings and recessed entrances add interest and character, offering the pedestrian a reason to stroll along the sidewalk rather than rush to reach a destination.

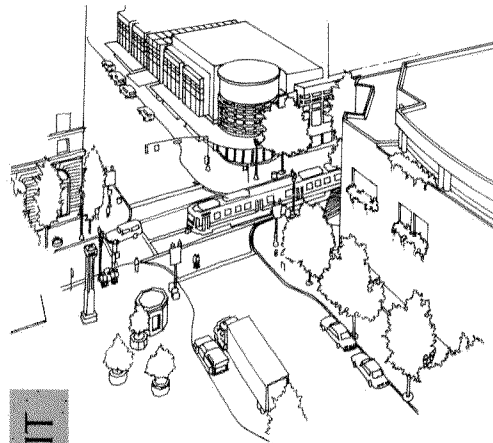


SPECIAL DISTRICTS

Different parts of downtown are notable for different reasons, such as their history, their current uses or their unique architectural features. The Downtown Plan recognized the value in highlighting these different areas and encouraging developers to build on these innate characteristics. Different regulations apply to specific districts. For example, new buildings in the historic districts must acknowledge the height and scale of existing structures.

OFFICE

The guidelines encourage the integration of office development with the scale of existing buildings to preserve the integrity of each district. Buildings closer to the river are shorter than those farther west, preserving views and access to sunlight. Upper stories on many buildings are stepped back – they do not extend as far toward the street as the first levels – to prevent the tunnel effect often felt on a street dominated by high rises.



TRANSIT

With the construction of the transit mall, Portland has established a strong record of transit use among downtown commuters. In 1986, the MAX light rail line began serving downtown, the first of a series of regional rail lines. Once intended specifically to improve air quality, Portlanders now see transit as a primary element in their growth management strategy.

STREET WALL

Consistency of building fronts creates a sense of an outdoor "room," encompassing sidewalks and the street. If the buildings are of a proper scale to add to pedestrian comfort, the street wall creates a "backdrop" to the "stage" inviting human activity on the street.

PEDESTRIAN

At the core is the pedestrian. Curbs, street trees, planters and sculptures create a physical and psychological buffer between people and vehicles. Wide sidewalks and relatively narrow streets slow traffic speeds and create safe crossings for pedestrians.

For more information, contact the Portland Office of Transportation, 823-7603, Portland Development Commission, 823-3296, or Association for Portland Progress, 224-8684.

Design, Logo and Illustration: Lloyd D. Lindley, ASLA;
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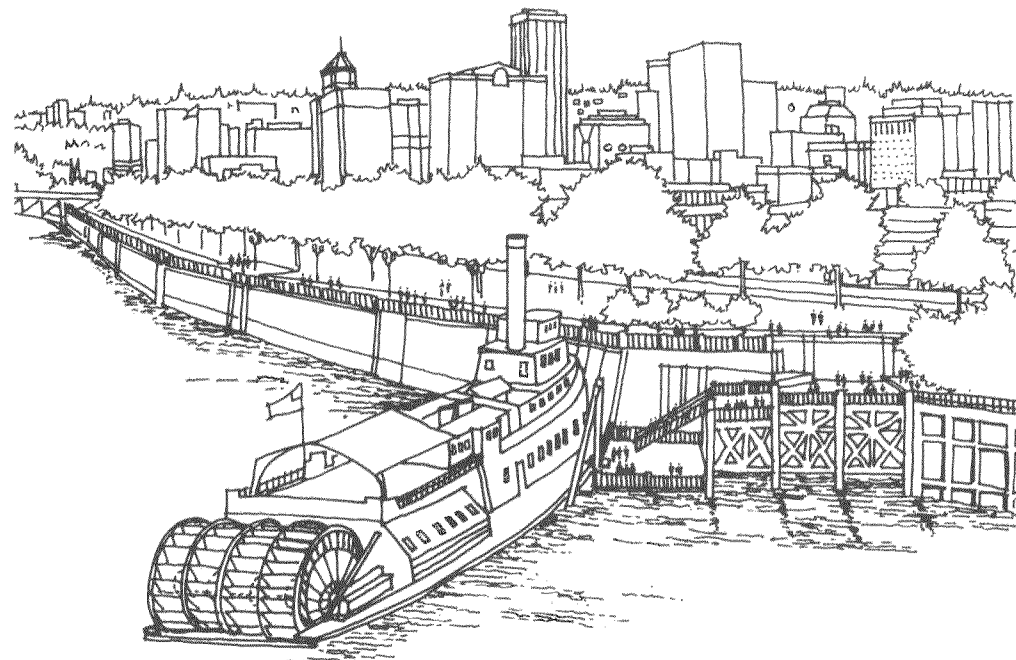


Portland is a wonderful city – and it's not by accident.

The delight that people feel in visiting downtown stems from a determined effort by citizens, businesses and government – an effort called the Downtown Plan.

In the late 1960's, Portland was threatened by several devastating trends: deteriorating air quality; loss of housing; destruction of historic structures and landmarks; dwindling retail activity; and the flight of capital, jobs and families to the suburbs. But the people of Portland refused to watch their downtown die, and together they created the Downtown Plan. This unique document confronted a spectrum of problems by addressing the fundamentals of urban planning – the form and function of a vital and exciting city.

The result of that planning effort is a downtown noted internationally for its lively, attractive streets, gracious architecture and variety of buildings and activities.



We planned-
It worked

The Downtown Plan reinforced the traditional uses of a great downtown – business, retail, housing, culture, entertainment and government – to create a dynamic and exciting urban center.

Twenty-five years after City Council's action, the Downtown Plan continues to guide Portland's planning and policy development. As the Portland region grows, the city's continued success will rely on thoughtful, cooperative planning that advances the spirit and principles of the Downtown Plan.

The walking tour described inside illustrates many of the physical changes inspired by the Downtown Plan that have turned downtown Portland into one of the finest cities in the world.

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WELLS FARGO BANK

*Co-Chaired by Livable Oregon, Inc. and
Portland State University*

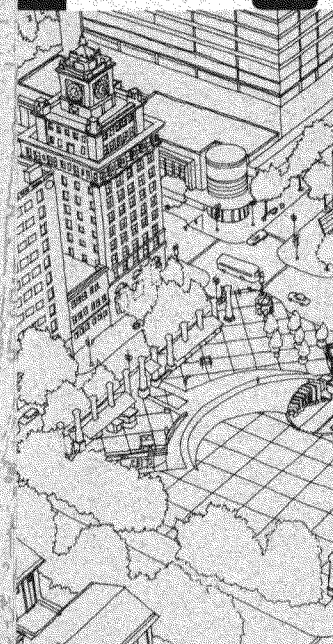


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CENTRAL CITY SUMMIT

DELIBERATING OUR DESTINY



Thursday, November 19

7:30 a.m. - 3:00 p.m.

The Governor Hotel

611 SW 10th Avenue

Convened by:

Association for Portland Progress

City of Portland

Metro

Multnomah County

Portland State University

State of Oregon



JOIN US FOR:

- inspiring and provocative comments from keynote speaker and moderator **Ray Suarez** of National Public Radio's *Talk of the Nation*
- challenging policy debates in small and large group sessions
- panel discussions with visionary Oregonians
- the voices and views of tomorrow's community leaders from Franklin High School

BUILDING ON THE DOWNTOWN PLAN

Twenty-five years ago, the City of Portland changed the course of civic history by adopting and implementing the Downtown Plan. These visionary steps helped Portland reverse local trends that threatened central cities across our nation. As a result, Portland emerged as one of the finest urban environments in North America. Today, Portland is the standard by which other cities measure themselves.

It's time — now — to be as bold and visionary as our predecessors of 25 years ago.

It's time, to establish how we want our city to be and how we expect to accomplish our goals before external trends and forces take the initiative away from us.

And it's your time, too, to help shape the process that will shape our future. The Central City Summit is your opportunity to participate now, to be in on the ground floor of a historic process.

WHAT IS THE CENTRAL CITY SUMMIT?

The Central City Summit: Deliberating our Destiny, is:

- an inspiring gathering of people who care about Portland's expanded downtown
- a time to focus public attention on the continuing needs of the Central City to ensure it lives up to everyone's expectations
- a major step in a long-term process that will mold Portland well into the next century
- your opportunity to describe your vision and engage others in directing Portland's future

WHAT SHOULD YOU EXPECT?

- feisty, no-holds-barred discussion about the issues facing our Central City including transportation, business climate, education, the arts, the future of the Willamette River, international connections, and more
- voting on key issues recorded electronically for instant, accurate feedback
- future leaders' perspectives: thoughts from Franklin High School students on their own and Portland's future
- insights from a panel of area leaders — some of whom you'll know quite well and some you'll be hearing more about as they help shape Portland's future

Our keynote speaker and panel moderator is **Ray Suarez**, host of National Public Radio's influential talk show, *Talk of the Nation*. An award-winner for his coverage of national and international affairs, Mr. Suarez also has a long-standing interest in urban issues. His recent article in *Preservation Magazine* called "The Ideal City" critiques redevelopment in downtown America. Next spring, Simon and Schuster's *Free Press* will publish Mr. Suarez' book on the changing nature of U.S. cities.

Don't miss this chance to hear one of the nation's most thoughtful and thought-provoking journalists as he escorts us over the threshold into a new phase of Central City history.

WHO SHOULD ATTEND?

Anyone who shares an appreciation for what Portland's Central City is today, what it took to make it so, and want to help to direct its future, will want to attend the Summit. The assembly will include public officials and staff and community leaders representing neighborhoods, business, the arts, education, housing, transportation, the environment, and many others who care about the social, cultural and economic fabric of the Portland region. Please join us.

REGISTRATION FORM

Name: _____

Organization/business: _____

Address: _____

Daytime phone: _____

Fax: _____

E-mail: _____

Area of interest: _____

☐ Enclosed is my check for \$45.00

Please charge my: Visa ☐ Mastercard ☐

(Credit Card Number)

(Expiration Date)

(Signature)

I am interested in a partial scholarship for the Summit: ☐

Lunch is included in the conference cost.

The Summit is limited to 400 people. If you find you will not be able to attend once you have registered, please let us know as soon as possible so someone on our waiting list may attend.

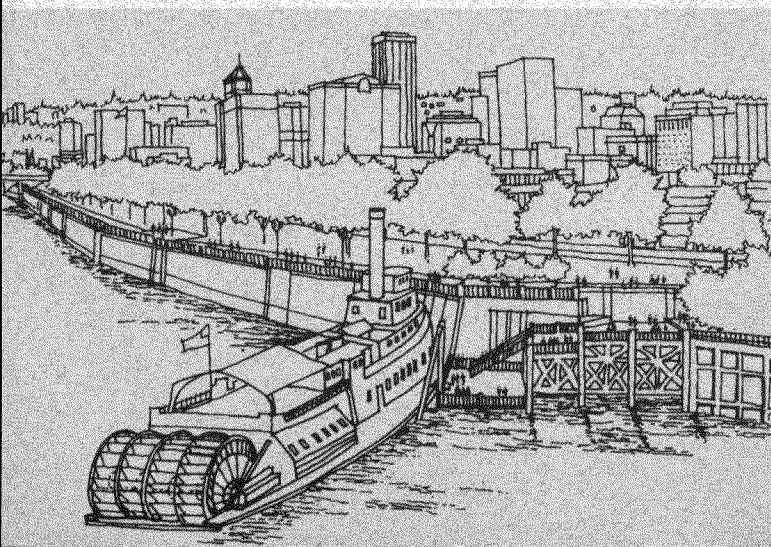
Please return this registration form to:

Association for Portland Progress
520 SW Yamhill, Suite 1000
Portland, OR 97204

For more information, please
call the Summit Hotline
503-973-6754
or check out our website at
www.downtownportland.org

All registration forms must be received by November 9, 1998.

Central City Summit
Thursday, November 19
7:30 a.m. - 3:00 p.m.
The Governor Hotel - 611 SW 10th Avenue





FAX REGISTRATION FORM

CENTRAL CITY SUMMIT: DELIBERATING OUR DESTINY

THURSDAY, NOVEMBER 19, 1998

7:30 A.M. - 3:00 P.M.

THE GOVERNOR HOTEL 611 SW 10TH AVENUE

Name: _____

Organization/Business: _____

Address: _____

Daytime phone: _____

Fax: _____

E-mail: _____

Area of Interest: _____

☐ Enclosed is my check for \$45.00 *Please make checks payable to the Association for Portland Progress.
Lunch is included in the conference cost.*

- OR -

Please charge my: Visa ☐ Mastercard ☐ Acct. #: _____

Exp. Date: _____

Signature: _____

☐ I am interested in a partial scholarship for the Summit registration fee.

The Summit is limited to 400 people. If you find you will not be able to attend once you've registered, please let us know as soon as possible so someone on our waiting list may attend.

PLEASE RETURN THIS FORM BY **NOVEMBER 9, 1998**

TO:

Association for Portland Progress
520 SW Yamhill, Suite 1000
Portland, OR 97204

FAX: 323-9186

For More Information:

CALL THE SUMMIT HOTLINE
973-6754

VISIT THE WEBSITE
www.downtownportland.org



CENTRAL CITY SUMMIT UPDATE...

November 1998

from Summit Co-Chairs Brian Scott and Ethan Seltzer

CLIMBING TOWARD THE SUMMIT

After months of preparation, the date of the Central City Summit is near:

THURSDAY, NOVEMBER 19, 1998

7:30 AM - 3:00 PM

THE GOVERNOR HOTEL

611 SW 10TH AVENUE

WHAT CAN WE EXPECT?

- * Look for lively debate on Central City issues and adoption of a vision for the future.
- * Expect to participate in small group discussions on the visions and emerging realities of the Central City led by Portland notables and up-and-comers.
- * Experience electronic voting — a device that gives you immediate feedback about how your ideas mesh with the other participants.
- * Don't miss the presentation by the Franklin High School students - tomorrow's leaders - who will share the results of their own Central City Summit, and give us a glimpse of how their Portland will be in 25 years.

REGISTRATION FORMS MUST BE RECEIVED BY NOV. 9TH

All attendees must **PRE-REGISTER.**
Please call the Summit Hotline at **973-6754** to receive a registration brochure.

HIGH SCHOOL STUDENTS CONSIDER DOWNTOWN'S FUTURE

They weren't even born when civic leaders wrote the 1972 Downtown Plan, but 90 Portland high school students who care about the future of their city are gathering on November 5 at Franklin High to create their vision for Portland's next 25 years. Mayor Vera Katz and other civic leaders will attend to hear the student's ideas.

Two weeks after the Franklin High Event, student representatives will present a summary of their ideas to Portland's business and community leaders and elected officials at the Central City Summit.

The student event was conceived by Franklin High School governments teacher, Steve Farris and Brian Scott of Livable Oregon, Inc. Both saw an opportunity to give young people an avenue for input into the central city planning process, as well as to help students to grapple with real-life issues about how cities grow and change, and the importance of citizen participation.

"As our community creates a new 25-year plan to retain and improve the livability of our central city, we absolutely need the ideas of young Portlanders...they are the future residents of our city, and their input is an important part of our civic dialog."

-Mayor Vera Katz

RAY SUAREZ: A NATIONAL FIGURE

Participants at the Central City Summit will get a chance to see and hear award-winning journalist Ray Suarez of National Public Radio's call-in news program Talk of the Nation. Suarez will deliver the keynote address and serve as panel moderator for Talk of the Town, an open-ended discussion between Summit participants and a panel of Portland leaders.

Suarez is internationally renowned for his coverage of such issues as the conflict in Northern Ireland, South African elections, and the transition to Republican leadership in the U.S. House of Representatives. Simon and Schuster's Free Press will publish his upcoming book on white flight and the American city and his essays and criticism have been published by some of the nation's most prestigious periodicals.

VISIONS

During the idea group discussions, we have seen the people of the Central City daring to dream — looking beyond a “good enough” city and striving to create a *great* city.

Intensive work by the idea groups resulted in fine-tuning the *vision* statements presented in the earlier Summit Update:

AN URBAN ENVIRONMENT THAT DEFINES LIVABILITY

- **Housing.** Central Portland, which is expected to absorb a large percentage of the region's growing population, should encompass a diverse community of residents and families spanning the socio-economic spectrum.
- **Central City as Downtown.** Central Downtown has grown far beyond its historic commercial core, running from the Lloyd District to the Stadium District and North Macadam. This adds diversity and excitement but makes circulation a complicated challenge.
- **Design improvements to notorious eyesores.** It's possible -and feasible - to add beauty, grace and value to unappealing features and neglected areas of the Central City. Opportunities include I-405, the east bank of the Willamette River and West Burnside.
- **Natural areas, parks and open spaces.** Portland is known for parks and open space. Continued investment in parks, open space and other public places will be crucial in the future. Natural areas, parks and open space must be improved and keep pace with growth.
- **An integrated system of social services and security.** Many Portlanders depend on the Central City as a place of refuge and sustenance. The Central City must continue to balance the pursuit of economic and cultural vitality with compassion, diligence, discipline and civility toward all its residents.

A HEALTHY RIVER THAT CENTERS OUR COMMUNITY

We must fully embrace the Willamette as an incomparable asset to our human environment while taking all necessary steps to preserve and protect the natural ecosystem.

A LEARNING COMMUNITY

- **A major urban university.** A great city has a great university. Portland State University and the Oregon Health Sciences University are augmented by three substantial community colleges, but stronger connections must be developed to create an institution of major stature.
- America's best schools.** Strong, well-supported schools and diverse opportunities for lifelong learning are critical to the urban core, the city and the region. The Central City must be home to many of these opportunities and a champion for a great educational system.

A PROSPEROUS REGION OF CREATIVITY AND IMAGINATION

- **The next generation of jobs.** Central Portland is no longer the only place to locate an office, but it is increasingly the location of choice for specific niches, especially in the rapidly growing creative industries.
- **Arts and culture provide the heartbeat of a city.** Downtown is the hub of a major renaissance that continues to build on the solid foundation of the past 25 years. A fertile center of arts and culture attracts creativity of all types - which drives employment, investment and quality of life.

We encourage you to review these concepts and provide your suggestions:

CALL THE SUMMIT HOTLINE
973-6754

or

VISIT THE WEBSITE
www.downtownportland.org/summit

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DOWNTOWN SUMMIT IDEA GROUP SUBCOMMITTEES

Leadership & Participation	Transportation	Housing & 24 hour city	Jobs & Economy	Urban Design	Arts & Culture	Social & Educational Issues	Environment	Future Speculation
Sam Adams Hank Ashforth Chris Beck Ernie Bloch David Bragdon Willie Brown Fred Buckman Charlie Burt Mike Burton Doug Capps Don Cromer Serena Cruz Joe D'Alessandro George Forbes Gerry Frank Don Frisbee Phyllis Gaines Ann Gardner Midge Graybeal Bill Heestand Deb Kafoury Matt Klein* Chris Kopca Lee Lacey Stan Lewis Diane Linn Pete Mark Brian McCartin Gussie McRobert Chet Orloff Ron Saxton Ruth Scott Dick Singer	GB Arrington Earl Blumenauer Darrel Buttice Elsa Coleman Steve Cory Andy Cotugno Grace Crunican Steve Dotterer Cathy Galbraith Rick Gustafson Gary Hansen Henry Hewitt Bill Hoffman Matt Klein Lloyd Lindley Richard Lishner Dave Lohman Randy McCourt Fred Miller Jim Owens Michael Powell Vic Rhodes John Russell* Dan Siemon Tom Walsh Dave Williams	Bob Ames Baruti Artharee Helen Barney Scott Barrie Ron Beltz Dave Benedict David Bragdon Terry Brandt Loulie Brown Rich Brown Susan Emmons Greg Goodman Patrick Gortmaker Richard Harris Suenn Ho Lisa Horne Gretchen Kafoury Julie Leuvrey Avery Lochen Mike McMenamin Ed McNamara Lynn Musoff Pat Prendergast Deborah Saweuyer-Parks John Simmons Dick Singer Erik Sten* Dee Walsh Ed Washington Polly Welch Denny West Homer Williams Brian Wilson Heidi Yorkshire	Albina Comm. Bank Sharon Allen Bob Ames John Ball Tim Boyle Marty Brantley Sam Brooks Bruce Carey Becky Carter Dick Clark Mark Clemons Mark Cline Joe Cortright Dan Durkin Jim Francesconi Mark Fraser Dan Goldy Doug Goodman Tim Grewe Linda Hoffman Larry Huss J. Isaac Mack Lai David Lawrence Brian McMenamin Gregory McNaughton Randolph Miller John Mitchell Ken Novak Michael Ogan John Rakowitz Allyson Reed Dick Reiten Judy Rice Doug Schultz Bill Scott Graham Sheldon Joel Silver	Greg Baldwin Phil Beyl Terry Brandt Jon Carder John Carroll Brad Cloepfil George Crandall Michael Fisher Mark Fitkin John Fregonnese Deane Funk Bob Gerding Steffeni Gray Michael Harrison Sean Hogan Tony Hopson Lloyd Lindley Richard Lishner Robert Murase Jim Neill Rod O'Hiser Garry Papers Gary Reddick Tad Savinar Jeff Schnabel Bing Sheldon* Fred Stickel Billy Sullivan Paddy Tillett Homer Williams Mike Zilis	Robert Bailey Jane Beebe Lyn Bonyhadi John Buchanan Bill Bulick James Canfield Gail Chehak Ginny Cooper James DePriest Chris D'Arcy Carol Edelman Kristy Edmunds Chuck Elfred Kristina Fritz Charles Froelick Jose Gonzalez Peter Gray Pat Harrington* Margo Jacobson Walter Jaffee Linda Johnson Rocky Johnson Kathleen Johnson-Kuhn Pat LaCrosse Mike Lindberg Eloise MacMurray Tony Marquis Alic McCartor Jim Neill Sondra Pearlman John Pihas Cecily Quintana Chris Riley Mary Ruble Tracy Savage David Schiff Harriet Sherburne	Lois Backus Dan Bernstine Cheryl Bickel Maria Campisteguy-Hawkins* Ben Canada Doug Capps Elaine Cogan Robin Costic Serena Cruz Steve Farris Bill Farver Bobbie Foster David Heil Tony Hopson Johnnie Gage Kevin Jeans Gail Diane Linn George Mardikes Gregory McNaughton Carolyn Moilanen Dennis Morrow Terri Naito Larry Norvell Judy Petrie Lorenzo Poe Rabbi Emanuel Rose Jane Rosenbaum Bill Scott Diana Snowden Carolyn Sheldon Douglas Stearns Bishop Steiner Don Von Leuvoni Dan Wieden	Jeff Allen Bill Annen Dean Apostol Hank Ashforth Bill Becker Ken Bierly Charlie Ciecko Linda Dobson Sue Donaldson Mike Faha* Paul Fishman Richard Glick Sean Hogan Mike Houck Charles Jordan David Judd Heather Nelson Kent Gil Latz Tom Lipton Langdon Marsh Jack McGowan Lisa Naito Jim Owens Jeff Schnabel Rick Schulberg Susan Stone Bruce Warner Mike Zilis	Steve Ames Karen Anderegg Greg Baldwin Tom Brugerre Candice Cappeli Dick Clark Arnold Cogan* Debi Coleman Ann Gardner Neil Goldschmidt John Graham Michael Grant Steffeni Gray Steve Gregg Tim Grewe Midge Graybeal Charlie Hales Eric Hovee J. Isaac Gregg Kantor Vera Katz David Knowles Doug Macy Jonathan Nicholas Barbara Roberts Clint Sly Bob Stacey Bev Stein Erik Sten Nohad Toulan Will Vinton Ed Whitelaw Karen Whitman Dan Wieden Nancy Wilgenbusch Bob Wise

DOWNTOWN SUMMIT IDEA GROUP SUBCOMMITTEES

Leadership & Participation	Transportation	Housing & 24 hour city	Jobs & Economy	Urban Design	Arts & Culture	Social & Educational Issues	Environment	Future Speculation
			Al Solheim Carl Talton Felicia Trader* Duncan Wyse		Eric Shriner Bruce Smith Barbara Steinfeld Caroline Swanson Robert Sylvester Carol Trifle Gus Van Sant Gayle Vines Christopher Zinn			

* Chair



CENTRAL CITY SUMMIT

Deliberating Our Destiny

November 19, 1998
7:30 a.m. ~ 3:00 p.m.
The Governor Hotel
611 SW 10th Avenue

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HONORARY CHAIR

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LLOYD ANDERSON
GREG BALDWIN
ROBERT BALDWIN
DON BARNEY
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ERNIE BONNER
BUD CLARK
LARRY DULLY
JOHN ELORRIAGA
BOB FRASCA
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STAN GOODELL
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JORDAN SCHNITZER
MILDRED SCHWAB
BILL SCOTT
BING SHELTON
ROGER SHIELS
JOAN SMITH
DAVE SODERSTROM
AL SOLHEIM

AGENDA:

L A Y I N G T H E G R O U N D W O R K

7:30 - 8:30	<i>Registration and coffee</i>
8:30 - 8:40	<i>Welcome: Mayor Vera Katz, Master of Ceremonies</i>
8:40 - 8:55	<i>Slide presentation: Brian Scott</i>
8:55 - 9:40	<i>Keynote Address: Ray Suarez</i>
9:40 - 11:20	<i>Small group exercises and voting on "Visions"</i>

D E C I S I O N M A K I N G

11:20 - 11:35	<i>Franklin High School Presentation</i>
11:35 - 1:15	<i>Working lunch, small group exercises and voting on "Realities"</i>
1:15 - 1:30	<i>~ Break ~</i>

R E S U L T S

1:30 - 2:30	<i>"Talk of the Town" - Open ended discussion between participants and a panel of leaders, moderated by Ray Suarez</i>
2:30 - 2:45	<i>Closing presentation of quantitative results from small groups</i>
2:45	<i>Call to action: next steps</i>
3:00	<i>Adjourn</i>

Amid a national cold war, civil rights, white flight era of urban decay, Central Portland found its back to the wall. Freeways, parking lots and inner-city poverty, juxtaposed with suburban affluence, threatened to drag Portland down an all-too-familiar road to civic dissolution. But Portland chose another road. In a convergence of youth, spirit, and determination, Portland chose a road to the city's rebirth. Remarkable citizen involvement and inspired leadership sparked an era of public and private investment leading to America's biggest downtown revitalization success story.

Today, at the edge of the 21st Century, Central Portland is not at the brink of destruction, but instead it is facing a new set of realities. Portland is less local, less isolated, and more interdependent with its region and the world. Technology is changing rapidly, and transportation continues to be an on-going challenge. At the same time we both benefit from and struggle with our past successes—we know how to manage the urban environment, but sometimes struggle for political will and motivation in the absence of a clearly visible crisis.

Realities of Urban Development in the Years Ahead

Role in the Region

A Mutually Dependant Region and Central City
Central Portland is the “first neighborhood” for a rapidly growing multi-state urban region. The region has a critical stake in the success of the central city, and the central city has a key role in the success of the region. Building and maintaining quality relationships between central city leaders and leaders of surrounding areas is essential to everyone.

The New Civics

Changing leadership; nurturing new participants
Portland is no longer a local production on a local stage. National and multi-national institutions own many of our businesses, our buildings and our land. Many local leaders are fairly new in town and report to corporate bosses elsewhere. Civic action and local values are not automatic but still essential. Our strategy for civic engagement must reflect a current reality of new leaders and out of town interests.

Globalization

Role in the State and Pacific Rim and World
Portland commands a strategic position in the Pacific Rim. Central Portland is the gateway for a vital urban area and a scenic, productive and vast hinterland. World travelers come to Oregon to visit downtown Portland and the wilderness. Rural Oregon ships to the world through Central Portland. This relationship must be maintained and nurtured.

Technology

Using technology to advance Portland's goals
Technology is rapidly changing the way we do business, live our lives, and choose where to live, work and play. Central Portland must be at the forefront of technological capability, but remember that a great downtown's most important role is as everybody's neighborhood—where everyone is welcome and comes together for human interaction.

Transportation

Circulation; freight; inter-city connections
A growing Central City makes walking only a partial solution to downtown circulation. An increasingly congested Central City means managing freight access to major ports an important issue. Inter-city connections via the airport and high-speed rail will be important issues in the years ahead.

Urban Design as a Way of Life

Continuing to get the details right
Portland may be most famous for its enlightened public and private dialogue on urban design. Portlanders think big thoughts and take bold actions, but are never afraid to fight like mad to get the details right. Portland will continue to fix blighted zones and deliberate improvements carefully.

Absence of Crisis

Complacency bred by success
Central Portland has been so successful over the past twenty-five years that it is tempting to turn our attentions to other regional challenges.

Need for Investment

Funding is key, but unpredictable
We cannot regulate our visions into existence. Significant public and private investment will be required, but is far from a political certainty.

Downtown is Never Finished

The region's most constantly changing place
Successful downtowns respond to change—are in a constant state of flux. Fortunately, downtown is the one place in the community that is expected to change, which is both a strength and a weakness.

A New Vision

As we face the 21st Century, Central Portland is standing on a tremendous foundation of civic independence. Today's leaders are not forced to stave off disaster. Rather, they dare to dream of urban life at a higher level.

We will invest in our children and their education. We fully expect the next generation to enjoy our city as a sustainable culture of creativity and prosperity. We insist on a future of social and environmental justice, coupled with an entrepreneurial spirit that creates great jobs, great neighborhoods, and a great life.

Central Portland is everybody's neighborhood—rich and poor, sophisticated and derelict, old and young, Native, Latino, African, Asian, and European. We've spent twenty-five years building a launching pad to livability at its highest level. Now we're ready to light the fuse.

Visions for Central Portland in the 21st Century

An Urban Environment that Defines Livability

Housing for complete neighborhoods

Central Portland today has more residents than most American cities of comparable size. Regional plans call for substantial increases to this solid base. Given the changing American family structure, everyone agrees that central Portland should be a diverse community with residents spanning the socio-economic spectrum and with families of all types.

Central City as downtown

Central Portland has grown far beyond its historic commercial core. Today, the River District, Lloyd District, Central Eastside, Stadium District and North Macadam all make up an eclectic and complex big city downtown. This adds diversity and excitement, but makes circulation within the Central City a complicated challenge.

Design improvements to notorious eyesores

Building on Portland's remarkable successes we have the chance to improve our city once again. Opportunities include Interstate-405, the east bank of the Willamette River, and Burnside.

Natural areas, parks and open space

Portland is known for parks and open space. Continued investment in parks, open space and other public places will be crucial in the future. Natural areas, parks and open space must be improved and keep pace with growth.

An integrated system of social services and security

Most Portlanders love their downtown as a business, arts and social center, but many also depend on the Central City as a place of refuge and sustenance. The Central City must continue to balance its role as everybody's neighborhood with compassion, diligence, discipline, and civility.

A Healthy River that Centers our Community

As ecosystem; as resource; as exciting urban space

The river plays multiple and sometimes conflicting roles. It is a critical ecosystem and habitat, impacting and impacted by cities and countryside covering thousands of square miles. The river is also a transportation way, a playground, a theater, and a scenic resource that should be more fully embraced as the center and essence of downtown, but not at the expense of the ecosystem.

A Learning Community

Major urban university

A great city has a great university. Portland State University and the Oregon Health Sciences University are augmented by three substantial community colleges, but stronger connections must be developed to create an institution of major stature.

America's best school district

Strong well-supported schools and diverse opportunities for lifelong learning are critical to the urban core, the city and the region. The Central City must be home to many of these opportunities and a champion for a great educational system.

A Prosperous Region of Creativity and Imagination

The next generation of jobs

Central Portland is no longer the only place to locate an office, but it is increasingly the location of choice for specific niches, especially in the rapidly growing creative industries.

Arts and culture provide the heartbeat of the city

Downtown is the hub of a major renaissance that continues to build on the solid foundation of the past twenty-five years. Portland is increasingly known for its creativity, which drives employment, investment, and quality of life.

Central City Summit

Deliberating Our Destiny

DRAFT
for discussion only

1972 Key Themes compared to 1998 Themes

1998 themes were compiled from the discussions of nine Idea Groups convened in preparation for the Central City Summit. The Idea Groups discussed current issues including Leadership and Participation, Transportation, housing and the 24 Hour City, Jobs and Economy, Urban Design, Arts and culture, Social and Educational Issues, the Environment, and unbounded Future Speculation. 1972 themes were compiled from discussions with Neil Goldschmidt, Rod O'Hiser and Carl Abbott

Key Themes: 1972

Ends

Housing

For complete communities

Commitment to transit

Bus Mall and Light Rail

A Commitment to Open Space

Waterfront Park; Pioneer Courthouse Square

A strategy for Dealing with Cars

The City getting into the Parking business

A Commitment to Retail

Galleria, Nordstrom, Pioneer Place

Seven Day a Week Downtown

Hospitality, Entertainment, the Arts

Means

Economic Analysis

Understanding the city's potential

Public/Private Dialogue on Design

Fighting for the Details on at the Street Level

Private Leadership and Management

Association for Portland Progress; Clean and Safe

Key Themes: 1998

Ends

Housing

For complete communities

The River and its Edges

As Ecosystem; as Resource; as exciting urban space

Major Urban University

Connect and expand existing institutions

Learning Community

America's best urban school district

Eastside-Westside Connection

Central City as Downtown

Location of Choice versus Need

Role of Jobs, the Arts

Design Improvements to Notorious Eyesores

A better boulevard, expressway, and east bank

A Clean, Safe, Nurturing Community

An integrated system of social services and security

Means

The New Civics

Changing leadership; nurturing new participants

Technology

Using technology to advance Portland's goals

Globalization

Role in the State, Pacific Rim and the World

Urban Design as a Way of Life

Continuing to get the details right

Role in the Region

A mutually dependant Region and Central City

FirstName	LastName	Business	Group
Carl	Abbott	PSU - Dept. of Urban Studies & Planning	Advocates
Neilson	Abeel	Pearl District Neighborhood Association	Advocates
Kris	Angell	UNITY, INC.	Advocates
Bill	Annen, P.E.	Century West Engineering Corp.	Business Leaders
Hank	Ashforth	Ashforth Pacific Company	Business Leaders
David	August	Pearl District Neighborhood Association	Advocates
David	Azma	Wells Fargo Bank	Business Leaders
Robert	Bailey	Portland Opera	Advocates
Tom	Bard	ScanlanKemperBard	Business Leaders
Helen	Barney	Housing Authority of Portland	Non-Elected Officials
Tony	Beadle	Oregon Symphony	Advocates
Tom	Becic	Melvin Mark Brokerage	Business Leaders
Daniel	Bernstine	Portland State University, President	Advocates
Doreen	Binder	Transition Projects, Inc.	Advocates
Ernie	Bloch	PacifiCorp Foundation	Business Leaders
Terry	Brandt	Brandt Development Corporation	Business Leaders
Kandis	Brewer Nunn	Strategic Resources, LLC	Business Leaders
Rich	Brown	Bank of America Oregon	Business Leaders
Loulie	Brown	Articulation	Citizens
Bill	Bulick	Regional Arts & Cultural Council	Advocates
Jonathan T.	Carder	Melvin Mark Brokerage Co.	Business Leaders
Kathleen	Carter	Neil Goldschmidt Inc.	Business Leaders
Dick	Clark	Portland Rose Festival Association	Advocates
Mark	Clemons	Portland Development Commission	Non-Elected Officials
Arnold	Cogan	Cogan Owens Cogan	Business Leaders
Elaine	Cogan	Cogan Owens Cogan	Business Leaders
Elsa	Coleman	City of Portland	Non-Elected Officials
Debi	Coleman	Merix Corporation	Business Leaders
Larry	Copeland	City Club of Portland	Citizens
Scott	Corwin	Portland General Electric	Business Leaders
Andy	Cotugno	Metro	Non-Elected Officials
Jim	Crawford	Portland Fire Bureau	Non-Elected Officials
Joe	D'Alessandro	POVA	Advocates
Judy	Davis	Oregon League of Women Voters	Advocates
Elaine	Denning	Legacy Health Systems	Business Leaders
Susan	DesCamp	City of Portland- Commissioner Hale's Office	Non-Elected Officials
Jillian	Detweiler	Commissioner Hale's Office	Non-Elected Officials
Sue	Donaldson	City of Portland/Parks and Recreation	Non-Elected Officials
Don	Drake	Melvin Mark Companies	Business Leaders
Carol	Egan	NW Afrikan American Ballet	Advocates
David	Elkins	Ashforth Pacific	Business Leaders
Michael & Caro	Ellmaker	Lawyer	Business Leaders
Susan	Emmons	Northwest Pilot Project	Advocates
Mike	Faha	GreenWorks, PC	Business Leaders
Abe	Farkas	Portland Development Commission	Non-Elected Officials
Susan	Feldman	City of Portland Planning Bureau	Non-Elected Officials
William S.	Findlay	MONY	Business Leaders

FirstName	LastName	Business	Group
Steve	Fosler	Fosler Architecture	Business Leaders
Jim	Francesconi	City of Portland-BGS	Elected
Jim	Franzen	Portland Rose Festival Association	Advocates
Ann	Gardner	Schnitzer Investment Corp	Business Leaders
Sharon	Gary-Smith	National Association of Black Social Workers	Advocates
Jim	Gorter		Citizens
Patrick	Gortmaker	The Kalberer Company	Business Leaders
Michael	Grant	KGW TV	Business Leaders
Eugene	Grant	Schwabe Williamson & Wyatt	Business Leaders
Midge	Graybeal	N.L. Barnes Construction Company-NW Div.	Business Leaders
Tim	Grewe	City of Portland	Non-Elected Officials
Charlie	Hales	City of Portland- Commisisoner	Elected
Stuart	Hall	Liberty Northwest Ins. Corp.	Business Leaders
Pat	Harrington	BOORA Architects	Business Leaders
Maria Elena	Hawkins	Oregon Council for Hispanic Advancement	Advocates
Mal	Hawley	US Bank Oregon	Business Leaders
Nancy	Hedin	City Club of Portland	Advocates
Bill	Heestand	The Heestand Company	Business Leaders
David	Heil	David Heil & Associates, Inc.	Business Leaders
Linda	Hoffman	Price Waterhouse Coopers	Business Leaders
Sheila	Holden	Pacific Power	Business Leaders
Mike	Houck	Audubon Society	Advocates
Eric	Hovee	E.D. Hovee & Company	Business Leaders
Gunner	Ingraham	Portland State University	Advocates
J.	Isaac	Trail Blazers/Oregon Arena Corp.	Business Leaders
Marcy	Jacobs	Oregon Economic Development Dept.	Non-Elected Officials
Kevin	Jeans Gail	Office of Public Utilities	Non-Elected Officials
Gil	Johnson	Bicycle Transportation Alliance	Citizens
David	Judd	Portland Parks Bureau	Non-Elected Officials
Marge	Kafoury	City of Portland - Gov't Relations Office	Non-Elected Officials
Phil	Kalberer	The Kalberer Company	Business Leaders
Honorable Ver	Katz	City of Portland	Elected
Honorable Phil	Keisling	State of Oregon	Elected
Scott	Knies	San Jose Downtown Association	Advocates
David	Knowles	City of Portland Planning Bureau	Non-Elected Officials
Pat	LaCrosse	OMSI	Advocates
Douglas	Leeding	Key Bank	Business Leaders
Paul	Leistner	City Club of Portland	Advocates
Julie	Leuvrey	Oregon Pacific Investment Dev. Co.	Business Leaders
Stanley	Lewis	Tri-Met Accessibility - citizen involvement	Advocates
Robert	Liberty	1000 Friends of Oregon	Advocates
Mike	Lindberg	Oregon Symphony	Advocates
Lloyd	Lindley	Lloyd D. Lindley, ASLA	Business Leaders
Richard	Lishner	Neil Kelly	Business Leaders
Peter	Livingston	Lane Powell Spears Lubersky	Business Leaders
Dave	Lohman	Port of Portland	Non-Elected Officials
Elizabeth	Lyon		Citizens

FirstName	LastName	Business	Group
Leanne	MacColl	League of Women Voters of Portland	Citizens
Eloise	MacMurray	Regional Arts & Cultural Council	Advocates
Doug	Macy	Walker Macy Landscape Architects	Business Leaders
Margaret	Mahoney	City of Portland	Non-Elected Officials
Karen	Manning	Zimmer Gunsul Frasca Partnership	Business Leaders
Tony	Marquis	Regional Arts & Cultural Council	Advocates
Brian	McCarl	McCarl & Associates	Business Leaders
David	McMillen	McMillen & Arnold Architects	Business Leaders
Richard	Michaelson	Inner City Properties	Citizens
Lisa	Miles	Eco Trust	Advocates
Linda	Moore-Durst	Writer	Citizens
Lindley	Morton	Graphic Arts Bldg LLC	Citizens
Steve	Naito	Tarlow Jordan & Schrader PC	Business Leaders
Anne	Naito-Campb	Shareholder, H. Naito Corp.	Business Leaders
Joan	Neice	Marylhurst University	Advocates
Jim	Neill, Jr.	Davis Wright Tremaine	Business Leaders
Larry	Norvell	United Way of the Columbia-Willamette	Advocates
Michael	Ogan	Portland Development Commission	Non-Elected Officials
Virgil	Ovall	Ashforth Pacific Company	Business Leaders
Jim	Owens	Cogan Owens Cogan	Business Leaders
Garry	Papers	Garry Papers Architecture	Advocates
Sondra	Pearlman	Oregon Children's Theatre	Advocates
Kristen	Pfeifle	Norris Beggs Simpson	Business Leaders
John S.	Pihas	John Pihas & Partners	Business Leaders
Cary	Pinard	City of Portland Planning Bureau	Non-Elected Officials
Judith	Pitre	HAP	Advocates
Michael	Pittman	Pacificorp	Business Leaders
Ross	Plambeck	Portland Development Commission	Non-Elected Officials
Vicki	Poppen	Regional Arts & Cultural Council	Advocates
Michael	Powell	Powell's Books	Business Leaders
Les	Prentice	Portland Development Commission	Non-Elected Officials
Alberto	Rafols	Regional Arts & Cultural Council	Advocates
Declan	Reiley	Portland Development Commission	Non-Elected Officials
Vic	Rhodes	Portland Department of Transportation	Non-Elected Officials
Judith	Rice	Oregon Symphony Foundation	Advocates
John H.	Rickman	US Bank Oregon	Business Leaders
Vern	Rifer	Gerding/Edlen Development Company	Business Leaders
Sara	Roberts	Sara Roberts Marketing	Citizens
Barbara	Roberts	Former Governor- State of Oregon	Elected
Mary	Ruble	US Bank Oregon	Business Leaders
John W.	Russell	Russell Development Co. Inc.	Business Leaders
Dan	Ryan	PSU-School of Fine & Performing Arts	Advocates
Zari	Santner	Portland Parks and Recreation	Non-Elected Officials
Ronald	Saxton	Ater Wynne Hewitt Dodson & Skerritt, LLP	Business Leaders
Chris	Scherer	Portland Development Commission	Non-Elected Officials
Debbie	Schultz	Wells Fargo Bank	Business Leaders
Brian	Scott	Livable Oregon, Inc.	Advocates

FirstName	LastName	Business	Group
Ethan	Seltzer	PSU Institute of Metro Studies	Non-Elected Officials
Deborah	Seyfert	Regence BlueCross BlueShield of Oregon	Advocates
B.J.	Seymour		Citizens
Bing	Sheldon	SERA Architects PC	Business Leaders
Harriet	Sherburne	Portland Center for the Performing Arts	Advocates
Eric	Shriner	Walker & Macy	Business Leaders
Susan	Simper	Wells Fargo Bank	Business Leaders
Tom	Sjostrom	Morgan Park Properties	Business Leaders
Bruce	Smith	NW Afrikan-American Ballet	Advocates
Ann	Smith	Powell's Books	Business Leaders
Wendy	Smith-Novick	City of Portland Office of Transportation	Non-Elected Officials
Albert W.	Solheim	AWS Real Estate	Business Leaders
Verne	Stanford	Portland Saturday Market	Advocates
Ed	Starkie	Leland Consulting Group	Business Leaders
Sharon	Starr	Wells Fargo Bank	Business Leaders
Beverly	Stein	Chair, Mult. Co. Board of Commissioners	Elected
Deborah	Stein	City of Portland Planning Bureau	Non-Elected Officials
Barbara	Steinfeld	POVA	Advocates
Timothy	Stempel	US Bank Oregon	Business Leaders
Erik	Sten	City of Portland	Elected
Bruce	Sternberg	Bruce Sternberg Architects	Business Leaders
Ron	Swaren		Citizens
Robert	Sylvester	PSU-School of Fine & Performing Arts	Advocates
Carl	Talton	Portland General Electric	Business Leaders
Paddy	Tillett	ZGF	Business Leaders
Louise	Tippens	City of Portland-Transportation Planning Division	Advocates
Nohad	Toulan	PSU - College of Urban and Public Affairs	Advocates
Felicia	Trader	Portland Development Commission	Non-Elected Officials
Joe	Vaughan	Norris Beggs & Simpson	Business Leaders
Traci	Wall	Wright Runstad and Company	Business Leaders
Bruce	Warner	Metro REM	Non-Elected Officials
Malia	Wasson	US Bank	Business Leaders
Fred	Wearn	Portland Development Commission	Non-Elected Officials
Polly	Welch	U of O Dept. of Architecture	Advocates
Maggi	White	Our Town	Media
Karen	Whitman	Pioneer Courthouse Square	Advocates
Nancy	Wilgenbusch	Marylhurst University	Advocates
Mark	Williams	MERC	Advocates
Dave	Williams	ODOT	Non-Elected Officials
Brian	Wilson	The Kalberer Company	Business Leaders
Bob	Wise	Cogan Owens Cogan	Business Leaders
Gary	Withers	PSU Development	Advocates
Joe	Wood	Norris Beggs & Simpson	Business Leaders
Karen	Woodruff	Ashforth Pacific	Business Leaders
Duncan	Wyse	Oregon Business Council	Advocates
Roger	Yost	Yost, Grube, Hall	Business Leaders
Mike	Zilis	Walker Macy Landscape Architects	Business Leaders

Count Registration by Group

11/4/98

CountOfID	Group
53	Advocates
82	Business Leaders
12	Citizens
7	Elected
1	Media
33	Non-Elected Officials

MEETING DATE: NOV 05 1998
AGENDA NO: B-2
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Continued Public Safety Planning Discussion

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

REGULAR MEETING: DATE REQUESTED: November 5, 1998
 AMOUNT OF TIME NEEDED: 1.5 hours

DEPARTMENT: Chair's Office DIVISION: _____
CONTACT: Carol M. Ford TELEPHONE #: 248-3956
 BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Chair Beverly Stein, Peter Ozanne and Carol Ford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Continued Public Safety Planning Discussion.
Peter Ozanne, Sheriff Dan Noelle, DA Michael Schrunk, Judge Jim Ellis,
And Elyse Clawson, Multnomah Department of Community Justice.
1.5 HOURS REQUESTED

SIGNATURES REQUIRED:

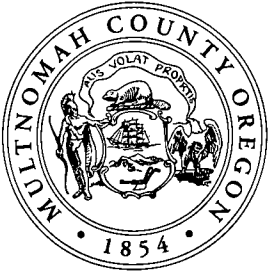
ELECTED OFFICIAL: _____

(OR)
DEPARTMENT
MANAGER: _____

Beverly Stein

BOARD OF
COUNTY COMMISSIONERS
98 OCT 28 PM 1:00
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Board Clerk @ 248-3277



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: mult.chair@co.multnomah.or.us

MEMORANDUM

TO : Board of County Commissioners
FROM : Carol M. Ford *Carol Ford*
DATE : October 28, 1998
RE : Continued Public Safety Planning Discussion on November 5, 1998

I. Recommendation/Action Requested:

On September 24, the Board, Sheriff Noelle, DA Schrunk, Judge Ellis and Peter Ozanne, LPSCC began a discussion of the Public Safety planning issues presented in the September 23 memorandum "*Public Safety Plan*" (attached). For the November 5 worksession, it is recommended that:

- The Board complete their discussion of the remaining September 23 memo's issues:
 - Community Justice (page 7 of attached memo)
 - Balance Between Custodial and Community Treatment (also page 7)
- The Board discuss other issues proposed by Commissioners.
Commissioners should bring any additional issues that they think the Board should consider for targeted Public Safety planning.
- To begin targeting the Board's priorities, each Commissioner talk about:
 - The issues they want to pursue.*
 - The research and analysis that they feel will be needed.*
 - Their ideas on how to pay for implementation of strategies.*

Sheriff Dan Noelle, DA Mike Schrunk, Judge Ellis, Dept. of Community Justice director Elyse Clawson and Peter Ozanne, LPSCC are scheduled to join the Board in this discussion.



Continued Public Safety Planning Discussion

II. Background/Analysis:

At the September 24th meeting, the Board agreed that a Public Safety Plan focused on key issues, challenges and solutions should be developed. The Public Safety planning process is to target issues which:

- Will make a difference in terms of public safety,
- Are within the Board's power to influence or control,
- Can be supported by best practices, local communities and relevant stakeholders,
- Consider the desired level of services and the funding needed to implement appropriate strategies.
- Lead to a balance between public safety and health/human services strategies and priorities

Development of Public Safety strategies and options is to involve those closest to and most familiar with targeted issues. It is proposed to follow a four-step problem-solving process:

1. Gather data, research and best practices relevant to the issue identified by the Board;
2. Refine the definition of the targeted issue based upon the foregoing information and identify outcomes and options,
3. Design strategies to address the targeted issue and develop plans to implement and evaluate those strategies; and
4. Propose strategies and implementation/evaluation plans to the Board.

Suggested subjects of a Strategic Plan for Public Safety that were presented in the September 23 memo are:

Jail Population Management

Jail in a Continuum of Local Sanctions

Local Sentencing, Charging and Plea Bargaining Decisions

Transitional Housing

Future Jail Space

Community Justice

Balance Between Custodial and Community Treatment

Continued Public Safety Planning Discussion

Background information for each issue is included in the September 23, 1998 memo. The Board's directions and comments from the September 24th meeting and from this meeting will be incorporated into a final Public Safety Plan proposal.

- **Financial Impact:**

No financial impact known at this point. Outside assistance to research best practices and strategies for targeted issues may require future funding.

Ultimately, Board direction for the targeted issues may result in financial requirements which will need to be addressed through the budget or levy development process.

- **Legal Issues:**

None at this time.

- **Controversial Issues:**

Controversial issues are outlined in the attached September 23rd memo.

- **Link to Current County Policies:**

The Public Safety Plan will become a major policy and strategy framework for the County's "Reducing Crime" long term benchmark. The Public Safety planning process will be coordinated with the Local Public Safety Coordinating Council (LPSCC), the Multnomah County Commission on Children and Families, the Juvenile Justice and Delinquency Prevention Plan and with other County department strategic planning processes.

- **Citizen Participation:**

A public involvement process will be designed to provide opportunities for appropriate participation by community groups and stakeholders, departmental Citizen Budget Advisory Committees, etc.

VIII. Other Government Participation:

The Public Safety planning process will be coordinated with the Local Public Safety Coordinating Council, the Multnomah County Commission on Children and Families, and other public safety agencies. Specific participation will depend on the issues that the Board decides to target.

C: Judge Jim Ellis, Sheriff Dan Noelle, DA Mike Schrunk, Elyse Clawson, Peter Ozanne

Sept 23, 1998

Memorandum

September 23, 1998

TO: Chair Beverly Stein
Commissioner Diane Linn
Commissioner Gary Hansen
Commissioner Lisa Naito
Commissioner Sharron Kelley

FROM: Peter Ozanne and Carol M. Ford

RE: Public Safety Plan

Based on informal conversations in July and August with Peter Ozanne, there appears to be consensus among Commissioners about the importance of developing a comprehensive public safety plan for adult offenders. The following ideas and suggestions are submitted to the Board for consideration in developing a long-range Public Safety Plan for Multnomah County. This topic will be discussed further at the Board's worksession on September 24, 1998.

The Board's Public Safety Plan would not be intended to replace the planning and coordination activities of Multnomah County's Public Safety Coordinating Council, but like every other agency participating on or cooperating with the Council, would establish the Board's own strategic priorities and desired outcomes. The Council would continue to perform its statutory responsibilities, including interagency planning and coordination functions. Moreover, the Board's Public Safety Plan for adult offenders would not alter the terms of the Council's Juvenile Justice and Delinquency Prevention Plan, two years in the making and about to be submitted to the Board.

A Master Plan or a Strategic Plan:

Based on Peter Ozanne's nearly three years of experience as the Local Public Safety Coordinating Council Director and four years developing statewide corrections plans for Governor Neil Goldschmidt, it is proposed that "strategic" planning, as opposed to "master" planning, is the most realistic and effective approach for local governments to take in addressing complex, system-wide public safety issues. A

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Master Plan addresses system-wide problems and solutions all at once (albeit with a relatively long time horizon) and is simply too large a task to undertake in light of the controversial nature and complexity of issues affecting local public safety. Moreover, state law and policy and local practices change so frequently that “across-the-board” solutions (assuming public consensus over such solutions is possible) become obsolete before they can be implemented.

Instead, it is recommended that the Board develop a “**Strategic Plan for Public Safety**” that focuses on key issues, challenges and solutions which:

- (1) will make a difference in terms of public safety,**
- (2) are within the Board’s power to influence or control,**
- (3) can be supported by best practices, local communities and relevant stakeholders and/or**
- (4) are likely to require additional funding from the public or reallocation of current resources.**

Rather than a master planning process’ comprehensive assessment of all policies, practices and circumstances, this approach results in targeted solutions that increase or promote public safety within the range of resources likely to be available to the County and other local governments within the County. This approach also focuses directly on what the County can do to achieve the Long Term Benchmark of reducing crime, which in turn we believe also impact the other two Long Term Benchmarks – reducing children living in poverty and increasing school completion. The Local Public Safety Coordinating Council’s “Vision, Goals and Value Statement” (attached) provides the foundation for starting the County’s strategically focused planning approach.

The Planning Process:

We propose that the Board hold a **series of worksessions**, teaming up with the Sheriff and the District Attorney, for the purpose of:

- (a) focusing on and prioritizing issues and challenges that can make a difference in terms of public safety,**
- (b) surveying data, research and best practices from across the state and the country which address those issues and challenges and,**
- (c) identifying the Board’s shared set of vision, goals and objectives for each**

issue or challenge.

In preparation for these worksessions, recent reports and assessments of the condition of criminal justice and public safety in Multnomah County will be provided for the Board's review, as well as surveys of relevant research and best practices from across the country. Documents will include (1) the Portland/Multnomah County Progress Board's soon-to-be-released report on recidivism, (2) David Bennett's July 1998 report to the Board, "SB 1145: Refining the Continuum" and (3) the Health Department's June 1996 report, "Faces and Voices of Violence."

It is also suggested that experts on the issues and challenges be invited to help the Board identify which ones it should consider targeting in a Strategic Plan – experts such as criminal justice professionals, administrators and academics from Multnomah County and other parts of Oregon and the country who are addressing similar issues. The Board would also survey best practices and research, which are likely to offer cost-effective solutions to those issues and challenges. Academics, consultants and practitioners from other parts of the country under the auspices of the National Institutes of Justice and Corrections may also be available through the federal project that Peter Ozanne is currently directing in Portland for the U.S. Department of Justice.

After the worksessions, the Board would adopt their vision, goals and objectives for each issue and direct them to **Action Plan working groups**. The working groups would consist of outside consultants retained by the Board, affected public safety officials, agency heads, stakeholders and community representatives. The Board will direct the Action Plan working groups to develop and propose, within a specified time frame, strategies and interventions which are consistent with the Board's vision, goals and objectives for an issue. The Action Plan working groups should be instructed to (a) **involve those closest to and most familiar with targeted issues in the development of proposed strategies and solutions and (b) follow a four-step problem-solving process:**

1. Gather data, research and best practices relevant to the issue identified by the Board;
2. Refine the definition of the targeted issue based upon the foregoing information and identify the desired outcomes,
3. Design strategies to address the targeted issue and develop plans to implement and evaluate those strategies; and

Sept 23, 1998

4. Propose these strategies and implementation/evaluation plans to the Board.

The Board would review and revise the working groups' proposed strategies and implementation/evaluation plans, and then adopt final Action Plans. **These Action Plans will (a) direct relevant County agencies to implement and evaluate the Board's public safety strategies and (b) propose levy funding to the voters to support those critical strategies requiring additional resources.**

In addition to the direct involvement of stakeholders and community representatives in the working groups, a public input process will be designed to provide appropriate opportunities for the review and comment of the proposed Action Plans and strategies.

Suggested Subjects of a Strategic Plan for Public Safety:

By definition, a Strategic Plan for Public Safety focuses selectively on issues and challenges that are within the Board's ability to control or influence, and on strategies and solutions that can make a significant difference in the level of public safety in Multnomah County. Therefore, "big ticket items" in the County's public safety budget are obvious candidates for the Board's consideration in the search for cost-effective strategies to include in its Strategic Plan. However, some if not most of the resources in those budgets are managed jointly with the Board by independently elected officials, such as the Sheriff, the District Attorney and Circuit Judges, who are professionally trained to deal with public safety issues and equally committed to the search for effective strategies. Even when public safety resources are not subject to such joint management, as in the case of the separate functions of cities and counties, the missions and objectives of all the agencies and officials involved are interrelated and interdependent. As a result, the Board's strategic planning process must be open and collaborative.

The following subjects are suggested as worthy of the Board's consideration in a Strategic Plan for Public Safety; there will no doubt be others to discuss on September 24:

- 1. Jail Population Management.** As David Bennett observed in his recent report, "SB 1145 Refining the Continuum," most county budgets, including Multnomah County's, are increasingly consumed by the cost of operating jails. While our Sheriff has made great progress in managing the County's jail populations

and in reducing early releases, the Board could assist in promoting the cost-effective use of the County's jail space by (a) providing technical analysis through the Department of Support Services' Evaluation Research Unit and through outside experts to monitor and analyze the continually changing nature and dynamics of the County's jail and other custodial populations and (b) directing the Public Safety Coordinating Council, through its Executive Committee or appropriate working groups and with the assistance of outside expertise, to develop additional interagency and intergovernmental strategies to manage these populations.

2. Jail in a Continuum of Local Sanctions. Given the limits on the amount of jail space that will likely be available to this or any other county, only a relatively few offenders can be detained long enough to be incapacitated or deterred from committing future crimes solely by virtue of a jail sentence. State prison is the place for dangerous offenders in need of prolonged incarceration. If the Board agrees, it should consider adopting and promoting a policy which (a) reserves lengthy jail sentences for the relatively few, most serious offenders who have not been committed to state prison and (b) encourages the greater use of jail sanctions in conjunction with community-based sanctions, and as a "back-up" sanction to enforce compliance with those sanctions and to get the attention of those offenders who ignore the conditions of community supervision. And, if jail should be used primarily as punishment for offenders who fail to comply with the terms and conditions of community-base programs and supervision, then the Board should reconsider the wisdom and cost-effectiveness of delivering treatment, training or education services to offenders serving short sentences in jail, when most of those programs can be delivered more cheaply and effectively under supervision in the community.

3. Local Sentencing, Charging and Plea Bargaining Decisions. Although Oregon has enacted a detailed set of sentencing guidelines to regulate and manage the imposition of felony sanctions within the level of corrections resources currently available to the State, local discretionary sentencing, charging and plea bargaining decisions by individual judges and deputy district attorneys still greatly influence, if not control, the commitment of Multnomah County's corrections resources -- including, most notably, its jail space. While these individual decisions are no doubt well-intentioned and entirely lawful, they are probably frequently inconsistent and may not reflect the policies and preferences of the Board, the Local Public Safety Coordinating Council or the agencies involved. Given the effectiveness of the

Public Safety Coordinating Council and the “culture of cooperation” that prevails among public safety officials in Multnomah County, now may be the time for the Board to initiate a joint project with the Courts and the District Attorney, under the auspices of the Council, to develop misdemeanor or sentencing guidelines, prosecution charging guidelines and other local rules that structure the discretion of individual decision-makers in a way which promotes the consistent and rational use of local public safety resources.

4. Transitional Housing. In the real estate business its “location, location, location;” in the corrections business it’s “transition, transition, transition.” Offenders coming out of jail, treatment, or any other custodial sanction need a safe, stable drug-free place to live while reestablishing themselves in the community and developing new habits and skills, like showing up sober and on time for school or a job. Historically, states and counties have built prisons and jails, and developed a few effective custodial treatment programs, and then expected the graduates of these expensive corrections sanctions to succeed upon their return to the same unstable, unsafe and drug-infested environments from which they came. No wonder recidivism rates are so high, in spite the enormous amount resources devoted to public safety! As David Bennett recommended in his SB 1145 report, the Board should insure an adequate amount of specialized and supervised “transitional housing” for local offenders. This important resource could also be used to house pre-trial detainees and the mentally ill who would not otherwise be released from jail, at a fraction of the cost of jail.

5. Future Jail Space. From Multnomah County’s experience with SB 1145 and the State’s history with prison population projections, it’s obvious that offender population forecasting is fallible, if not impossible. The dynamics of the criminal justice system are as complex as the economy’s (which also regularly defies prediction) and, besides that, the Legislature or the voters frequently change controlling law and policy. However, more can be done to develop reliable assessments of Multnomah County’s need for new jail space than has been done in the past.

Before considering the need for additional jail space beyond the amount currently funded, the Board should retain outside expertise from the National Institute of Corrections, the National Institute of Justice or a similar professional or accrediting agency to assess the nature and extent of the County’s likely need for new jail

space. While there are no readily available formulas or technologies to assess this need precisely, such an outside, professional assessment would employ national standards, comparisons with other jurisdictions and sophisticated projections models; and the assessment would likely produce far better and more credible estimates than have been generated by the County thus far. Such an assessment may come with a six-figure price tag; but it would serve to avoid or to justify the seven or eight-figure sums necessary to construct and operate new jails.

6. Community Justice. Meaningful, and sometimes very intensive, supervision of offenders will continue to be the only way to protect the public from serious criminals. However, parole and probation departments across the country are reconsidering the efficacy of attempting to supervise every offender on individual caseloads which may average 50 or more offenders. An apt analogy would be the attempt to convert all teachers in our public school systems into individual tutors of every student. By adopting the philosophy of "community justice," this country's more creative parole and probation departments are starting to deploy some of their professional work force to "hot spots" and crime-impacted neighborhoods in their communities -- for the purpose of developing, in partnership with these communities, effective prevention and intervention programs that engage at-risk youth, as well as convicted offenders, in work, education and recreation programs. Other creative departments, like our own Department of Community Justice, have developed effective educational and group training programs for low risk offenders (e.g., ACJ's "Alternative Sentencing and Sanction Program" and Day Reporting and Learning Centers), which free up resources for the supervision of more serious offenders, and which are proving more effective than the superficial case management or expedient "case banking" strategies traditionally forced upon most parole and probation departments by inadequate resources. Our District Attorney has also taken the lead in community justice by establishing neighborhood prosecutor's offices and community courts that serve as natural models of creativity and reform. The Board should consider the potential for increased effectiveness by adopting and expanding these kinds of community justice strategies.

7. Balance Between Custodial and Community Treatment. Like "transition," "balance" is a fundamental principle of any sound corrections or public safety policy: balance between law enforcement and prevention, between incarceration and community sanctions and, as Multnomah County now embarks on the essential strategy of treating alcohol and other drug abuse among high risk,

repetitive offenders, balance between treatment in custody and treatment in the community. Notwithstanding David Bennett's recommendation of a minimum requirement of three-months of treatment for high risk offenders, the need for custodial and community treatment among those offenders may vary widely, and all of them will need some form of supervision and support in the community, at least during the initial stages of their recovery process. If the County constructs and operates hundreds of new custodial treatment beds, without providing for essential, alternative and complementary community-base treatment services, it is likely to repeat the mistakes of numerous states and counties across the country that have built prisons and jails without providing the necessary balance between custodial sanctions and community sanctions and supervision. The predictable result is the "revolving door" of recidivism.

8. Balance Inside and Outside the Criminal Justice System. The Board is in the unenviable position of being responsible for providing (1) criminal justice sanctions and services for adult offenders in response to the operations and demands of separate and independent branches of government and public safety agencies over which it has only limited control, and (2) health and human services which must compete for scarce County resources with the more immediately compelling demands for more law enforcement and punishment -- but which also may have greater positive long-term impact on the public's safety. Both of these responsibilities call for the Board to constantly consider the question balance inside and outside the criminal justice system.

Balance inside the criminal justice system can be ensured through the thoughtful and judicious exercise of the Board's first responsibility and calls for the kinds of strategies suggested above, such as collaborative intergovernmental agreements over the nature, extent and appropriate balance between arrest, prosecution, sentencing and punishment. For no matter how big or how small a criminal justice system is, it can neither deter, punish, rehabilitate nor protect if it remains out-of-balance within and therefore dysfunctional. The best available example is our County's historic and notorious "matrix release" system.

Promoting balance outside the criminal justice system through the exercise of the Board's second responsibility -- to provide other essential health and human services -- is even more challenging. When the Board is called upon to increase

drug treatment, mental health, housing, educational and family services for criminal offenders, it must cross the Board's collective mind that its provision of these services will come at the expense of the needs of law-abiding constituents who are at least equally in need of these services. Moreover, in the context of public safety, delivery of these services outside of, or more broadly than, the criminal justice system may have a far greater positive impact on public safety. While no longer entirely ignored by most local governments, formal and structured consideration of the proper balance between the competing criminal justice demands and public service needs and the prioritization of short-term and long-term public safety strategies has, to my knowledge, never been "hardwired" into the deliberative processes of county government. With the help of the local and national expertise already described, the Board should consider addressing these issues more effectively by developing a structured deliberative process and an explicit analytical framework within which to evaluate them.

9. A Legislative Strategy for 1999. In conjunction with or independent of the development of a Strategic Plan for Public Safety, the Board should reach consensus on its priorities for legislative change in the 1999 session of the Oregon Legislative Assembly. David Bennett in his SB 1145 report has already identified some of the most critical issues that need to be addressed by the Legislature: (a) a revised funding formula for the distribution of community corrections and local control resources which more accurately reflects the costs of operating jails and community-based programs in Multnomah County, and which incorporates incentives for counties to pursue the kind of early intervention and diversion strategies that our Department of Community Justice has implemented to reduce the demand for community corrections and local control sanctions; (b) expanding the authority of judges and probation officers to commit dangerous or incorrigible local offenders to state prison; and (c) establishing more custodial sex offender treatment programs.

C: Judge Jim Ellis
Sheriff Dan Noelle
DA Mike Schrunk
Elyse Clawson
Dave Warren

**MULTNOMAH COUNTY
PUBLIC SAFETY COORDINATING COUNCIL
VISION, GOALS AND VALUE STATEMENT**

VISION

The Public Safety Coordinating Council's vision for Multnomah County is a quality of life that ensures the personal safety, security and freedom from fear of residents, where all laws are enforced and all crimes have consequences; a thriving, vital and productive community with supportive and healthy environments for children and families; a rich variety of educational, employment and cultural opportunities for all citizens; and a shared sense of community responsibility, accountability and fairness.

GOALS

In light of that vision, the goals of Multnomah County's public safety system are:

- To protect, in order of priority, life, personal safety and property
- To reduce all crime to the maximum extent possible
- To protect and respect the victims of crime
- To protect constitutional principles of fairness, equity and due process
- To change the future behavior of offenders by providing opportunities for offenders to return to their communities as productive citizens.

To achieve these goals, the public safety system should function as an integrated, cost-effective network of public and private agencies in partnership with its citizens and community institutions with joint responsibility for crime prevention, law enforcement, education, employment training, social services, health, adult and juvenile justice and corrections.

An effective public safety system must also be supported by a shared sense of responsibility, accountability and community justice among all participants in the daily life of our communities, including individual citizens, neighborhoods, churches, schools, businesses and government agencies. Finally, the County's public safety system must be accountable to the public, while criminal offenders must be accountable to the law, their victims, and their communities.

Multnomah County's Public Safety Coordinating Council will design, oversee and advocate the foregoing vision and goals, in partnership with the County's public safety agencies and its local communities and guided by an ongoing public dialogue with citizens throughout the County.

VALUES

Multnomah County's public safety system must preserve and promote the following values:

- All public safety policies, strategies and operations in the County should be undertaken with recognition that a **comprehensive, balanced approach to public safety** will advance the goals of Multnomah County's public safety system; and that all **policies, strategies and operations designed to prevent crime must focus on its causes, utilizing valid and reliable data and best practices** which have proven effective in other jurisdictions.
- **The equality, diversity and personal rights** of each individual in the County **must be respected and protected**. Any unfair impact on or bias against the County's minority communities or women which is caused by its public safety system must be eliminated;
- **Secure and healthy children and families, strong and relevant education systems, and a shared sense of community, responsibility and justice are essential conditions for safe communities**. Moreover, **crime prevention and intervention strategies are essential to prevent youth involvement in crime**. Therefore, strategies and programs aimed at reducing the risk of youth involvement in crime and increasing youth involvement in education and healthy social activities must be a primary focus of Multnomah County's public safety system.
- **All of the Council's public safety policies, strategies and programs must be developed and operated in partnerships** with private citizens, organizations and businesses; schools, churches and other associations; and public and private agencies providing health, education, and social services in the County; and be guided by an ongoing public dialogue.
- **Progress in achieving Multnomah County's public safety goals must be measured rigorously and reported regularly to the public** through the use of reliable data and valid outcome evaluations;
- **The County's public safety policies and strategies must first target violent crimes against persons**. However, those policies and strategies must also encourage a **shared sense of security and community justice** throughout the County by focusing on crimes that erode the quality of life and respect for the law in our neighborhoods;
- **The Public Safety Coordinating Council is committed to informing, and being informed by the public and the media** about challenges facing Multnomah County's public safety system and facts regarding the causes and prevention of crime. The Council and public safety agencies in the County must

also gain the public's trust and confidence in the capacity of local government to achieve its public safety goals, in partnership with the community. The public must be encouraged to assist in preventing and reporting crime.

- **Multnomah County's public safety system must provide a full continuum of law enforcement sanctions and services, which insures that the County's public safety strategies are flexible, comprehensive and cost-effective. Such sanctions and services must include community policing strategies which recognize a shared responsibility between the police and the community in making communities safer and more livable. Community policing encourages a problem solving partnership between citizens and police and emphasizes a customer service orientation that provides supportive, professional services to the community through the promotion of human rights, mutual respect and courtesy.**

PUBLIC SAFETY COORDINATING COUNCIL

REPORT OF THE WORK GROUP

ON THE

SUBSTANCE ABUSE

TREATMENT

REQUIREMENTS OF

OFFENDERS

MAY 1996

Public Safety Coordinating Council
Report of the Work Group on the Substance Abuse Treatment Requirements of Offenders

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II VISION

Multnomah County reduces criminal behavior through adopting and adapting national best practices to improve the treatment provided for offenders with alcohol and other drug abuse/dependence ("AOD") problems. These achievements reduce criminal behavior, reduce the population in jails and community corrections caseloads, and enhance the credibility of criminal justice agencies and institutions.

All County agencies and stakeholders are connected in a seamless system, and the system uses resources efficiently and effectively. Cases are processed efficiently, facilitating early intervention for offenders who need treatment.

The system manages information to support policy and strategic program decisions, and supports research and program development to ensure the use of state of the art practices for alcohol and drug treatment.

III EXECUTIVE SUMMARY

"(S)trong empirical evidence has been accumulating, especially during the past 2 decades, that alcohol and drug abuse treatment not only reduces AOD¹ use, but also reduces criminal activity." *Center for Substance Abuse Treatment (CSAT), Planning for Alcohol and other Drug Abuse Treatment for Adults in the Criminal Justice System, Treatment Improvement Protocol Series 17, p.1 [citing seven sources].*

The Public Safety Coordinating Council ("PSCC") should as a priority approve an effective service delivery strategy to engage offenders with AOD problems in treatment, facilitate their involvement in treatment, and reduce their future incidence of relapse², technical violations³, and commission of new offenses.

To better impact the reduction of criminal behavior, Multnomah County should intervene (through assessment, referral, education and treatment) in AOD abuse/dependence that is likely to lead to future criminality at the earliest opportunity consistent with criminal justice system goals of due process, accountability, punishment, and imposition of sanctions. The system should focus resources on priority populations that would include those most likely to change their criminal behavior with treatment in keeping with a commitment to enhanced public safety.

The five critical components of effective treatment are assessment, patient-treatment matching⁴, comprehensive services, relapse prevention⁵, and accountability of treatment programs. *CSAT, Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination (Technical Assistance Publication Series 11, 1994), pp. 5-6.*

Treatment needs must be determined through a comprehensive, reliable, and cost-effective assessment that supports clinical and correctional decision-making. Offenders with

¹AOD: Alcohol and other drug abuse/dependence.

²Relapse is the process of remaining or becoming so dysfunctional in society that a return to addictive use (and/or criminal behavior) seems like a reasonable choice. (Gorski, 1988)

³Technical violations: a violation of a condition of parole or probation which is not a crime for individuals not on parole or probation. Examples include failure to attend treatment, failure to meet with a parole/probation officer, and a dirty UA (urine analysis).

⁴Patient-treatment matching: Referral to a treatment program appropriate for an individual offender following a comprehensive assessment.

⁵An individualized plan to control the stressors which trigger and bring about relapse to substance abuse.

AOD problems should receive assessments shortly after booking in the jail. Intervention should begin as soon as possible following identification of the problem. Continuity of treatment should be maintained through the transition out of jail or a residential program.

Within its jails, the County should have programming in place that would be available to inmates regardless of length of stay or whether treatment enrollment is planned. The County should provide various methods of instruction, including non-facilitated instruction (video with and without written materials), partially facilitated instruction (video with staff/volunteer facilitators), and didactic/process groups (facilitated by deputies/counselors, a/d specialists, volunteers, nurses). The content of these efforts should include pre-release/pre-treatment readiness; recovery strategies - focus on principles of self-awareness within context of recovery; Narcotics Anonymous/Alcoholic self-help groups (i.e., NA, AA, CA, Rational Recovery, etc.); medical aspects/implication of use; HIV transmission; drunk driving tapes/guests from MADD; relapse prevention; exploration of addictive behavior and treatment; issues in treatment; how to successfully complete parole/probation; pain control/acupuncture; mental health issues in context of alcohol and drug problems. The County should utilize certified AOD specialists to provide a variety of in-jail treatment modules, and expand the relapse prevention and pre-release planning services provided to inmates.

Community treatment is a cost-effective correctional alternative for offenders for whom AOD abuse/dependence is linked to criminal behavior. It is less expensive than jail and produces lower recidivism⁶ rates for those offenders.⁷

Treatment services must be provided based upon matching identified needs with the appropriate level of service and special clinical, correctional, cultural (including spiritual) considerations. Motivation for recovery is generally an outcome of effective treatment not a prerequisite for treatment. Alcohol and drug free housing is an essential component of an effective treatment/recovery system. Other essential components are wrap-around or ancillary services such as employment, mental health treatment, child care, and education. Ancillary items such as food, food stamps, clothing, and shelter can make the difference in achieving treatment success.

AOD is a chronic, relapsing disease that necessitates relapse education, skill development, and relapse planning as a part of treatment. Relapse and treatment non-compliance are common phenomena and should not be viewed as equivalent to more serious

⁶Commission of a criminal offense subsequent to adjudication or diversion for a prior criminal offense. Recidivism may be measured by tracking subsequent convictions or arrests.

⁷Several jail and treatment recidivism studies are annotated in Sharron Kelley, *Memorandum on the Effectiveness of Drug Treatment as an Alternative to Jail* (October 24, 1995).

kinds of criminal activity. Because AOD abuse/dependence is a disease of relapse in which multiple elements must be addressed, many treatment episodes are usually necessary, and subsequent treatment should build on the skills gained through prior treatment.

Treatment and management of AOD abuse/dependency should be viewed as a lifelong process with phases. Aftercare should be provided for offenders who have completed the initial phases of treatment. Because drug relapse and failure are often part of the rehabilitation process, we can keep the progress of an offender toward successful rehabilitation moving forward by planning for drug relapse and failure in the planning of supervision and treatment. Communicating to the defendant through education and counseling groups that recovery is possible and teaching the keys to that recovery will maximize the chance of each defendant succeeding.

The County can address these issues by using local funds to support components that the Oregon Health Plan will not fund; expanding pre-treatment services and drug-free housing options for offenders, recognizing the need to serve offenders in various stages of recovery; and supporting Central Intake plans to meet the demand for in-custody assessments.

There needs to be improved programming for individuals from mal-adapted families with multi-generational problems and an increase in specialized programming in treatment programs for criminal justice clients. Improvement in the responsiveness of programs to varying populations needs to become a priority. AOD treatment should include cognitive restructuring for criminal behavior.

System planning, evaluation, and information management for AOD treatment should be a collaborative and shared responsibility among the relevant public and private agencies including Multnomah County Community Corrections, Community and Family Services, Health, and the Multnomah County Sheriff's Office. Information about planning and evaluation should be shared among the agencies. Participating agencies should work closely with each other as partners in the development and administration of the system to maximize the opportunity for successful rehabilitation. Signed "working agreements" between agencies should specify a commitment to system goals and day-to-day operations.

The performance of all County funded treatment services should be evaluated for their impact on recidivism and their cost-effectiveness. This evaluation should data about the cost of addiction to society. The realistic, reasonable costs of such evaluation must be explicitly funded. The County should designate a lead, coordinating agency for offender AOD services planning and evaluation, and provide clear expectations to other agencies for support for this effort. This coordinating agency should assure that outcome and evaluation data as set out in this report are tracked in a uniform and accurate manner.

IV GUIDING PRINCIPLES FOR ALCOHOL AND DRUG TREATMENT FOR OFFENDERS

1. Community treatment is a cost-effective correctional alternative for offenders for whom AOD abuse/dependence is linked to criminal behavior. It is less expensive than jail and produces lower recidivism rates for those offenders.
2. Effective treatment for offenders combines appropriate accountability with intervention and treatment. Sanctions, restitution and compliance with treatment program requirements, including fees based on ability to pay, are part of such accountability.
3. Treatment needs must be determined through a comprehensive, reliable, and cost-effective assessment and placement referral that supports clinical and correctional decision-making. A clinically competent assessment should be undertaken to distinguish AOD problems from other reasons impacting the behavior of the offender. Such an assessment should also be performed as needed to obtain financing of the treatment and maintain compliance with state law.
4. In a cost-effective system, any assessments will follow the offender (within legal parameters), and duplication of assessments will be avoided.
5. Offenders with AOD problems should receive assessments shortly after booking in the jail. Intervention should begin as soon as possible following identification of the problem. Continuity of treatment should be maintained through the transition out of jail or a residential program.
6. AOD abuse/dependence is a disease having biological, psychological and social elements all of which must be addressed for treatment to be effective.
7. Treatment services must be provided based upon matching identified needs with the appropriate level of service and special clinical, correctional, cultural (including spiritual) considerations.
8. Motivation for recovery is generally an outcome of effective treatment, not a prerequisite for treatment. Mandatory treatment has been shown to be as effective as voluntary treatment.
9. Alcohol and drug free housing is an essential component of an effective treatment/recovery system. Other essential components include employment, mental health treatment, child care, and education.
10. AOD abuse/dependence is a chronic, relapsing disease that necessitates relapse

education, skill development, and relapse planning as a part of treatment. Relapse and treatment non-compliance are a common phenomenon and should not be viewed as equivalent to more serious kinds of criminal activity.

11. Because AOD abuse/dependence is a disease of relapse in which multiple elements must be addressed, many treatment episodes are usually necessary, and subsequent treatment should build on the skills gained through prior treatment.

12. Treatment and management of AOD should be viewed as a lifelong process with phases. Aftercare should be provided for offenders who have completed the initial phases of treatment.

13. Because drug relapse and failure is often part of the rehabilitation process, we can keep the progress of an offender toward successful rehabilitation moving forward by planning for drug relapse and failure in the planning of supervision and treatment. By responding to failures immediately and in a measured fashion, we can gradually correct unacceptable behavior. By responding to success similarly, we can encourage compliance and successful drug rehabilitation. By spelling out the positive consequences of compliance and the negative consequences of non-compliance, we will help give the defendant control over his or her own rehabilitation program and ultimately make the offender a participant rather than a self-described victim of the system.

14. Communicating to the offender through education and counseling groups that recovery is possible and teaching the keys to that recovery will maximize the chance of each offender succeeding.

15. System planning and evaluation for drug and alcohol treatment will be a collaborative and shared responsibility among the relevant public and private agencies including Multnomah County Community Corrections, Community and Family Services, Health, and the Multnomah County Sheriff's Office. Information about planning and evaluation will be shared among the agencies. Participating agencies will work closely with each other as partners in the development and administration of the system to maximize the opportunity for successful rehabilitation.

16. The effectiveness of all publicly funded treatment services must be evaluated for their impact on recidivism. The evaluation should document the full costs of addiction to society. The realistic, reasonable costs of such evaluation must be explicitly funded.

V

SYSTEM POLICY STATEMENT

At least half of arrestees for major crimes such as homicide, theft and assault were using illicit drugs around the time of their arrest. Roughly 80 percent of those arrested for drug sale or possession were using illicit drugs around the time of their arrest. *Institute for Health Policy, Substance Abuse: The Nation's Number One Health Problem*, p. 42 citing US Department of Justice, NIJ 1991: *Drug Use Forecasting Annual Report*, p. 21; see also, NIJ, *The Effectiveness of Treatment for Drug Abusers Under Criminal Justice Supervision* (November 1995), pp. 2-3. Nationally, 62 percent of inmates in prisons used drugs on a regular basis prior to incarceration. In many metropolitan areas, more than 70 percent of arrestees test positive for drugs. *Relapse Prevention and the Substance Abusing Criminal Offender*. CSAT Technical Assistance Publication Series (1993), pages v, 13.

The intent of the following Policy Statement is to set out an approach which will lead to an effective, efficient use of resources, consistent with public safety requirements.

To better impact the reduction of criminal behavior,
Multnomah County will intervene in AOD abuse/dependence
that is likely to lead to future criminality through assessment,
referral, education and treatment at the earliest opportunity
consistent with criminal justice system goals of due process,
accountability, punishment, and imposition of sanctions.

This policy is predicated on research that documents the success of alcohol and drug treatment in changing behavior. "Substance abuse is a chronic, progressive, relapsing disorder resulting in a physical and psychological dependence on chemical substances. Much like other health disorders, it also *can be treated successfully* [emphasis in original]. . . . Treatment also reduces criminal behavior and increases productive work and social functioning." CSAT, *Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination* (Technical Assistance Publication Series 11, 1994), p. ix.

Individuals who commit crimes because of AOD abuse/dependency can discontinue criminal activity if the AOD abuse/dependency is eliminated from their lives. This must be accomplished while concomitantly addressing the public expectation for accountability which the criminal justice system provides. The system should focus resources and the development of resources on priority populations that would include those most likely to change their criminal behavior with treatment in keeping with a commitment to enhanced public safety.

ISSUE: The availability of adequate treatment resources, even with increased funding, will be inadequate to meet the need.

Recommendations:

Any expansion or addition of new programs must be predicated by defining the target population.

All stakeholders must be represented by a planning group that makes careful and explicit decisions about the best use of this resource.

This group must define the population for whom programs, both new and existing, are intended, and specify the outcomes that can be reasonably expected for these populations.

Within legal parameters, this group must make choices as to who is going to get which services. Criteria for prioritization must include the offender's risk to public safety if not treated, amenability to treatment, and chances of success, as well as other jurisdictional issues.

Clear criteria for admission to programs will protect the integrity of the system and avoid net-widening.

The County should make available a continuum of services and interventions for offenders representing a range of offenses, risk to public safety, and severity of their AOD problems.

Gender and cultural issues must be considered so that resources match the needs and makeup of the client population.

The County should educate all criminal justice system participants -- including judges, prosecutors, defense attorneys, and staff of MCSO and DCC -- about DSM-IV criteria⁸, OHP-funding criteria, and clinical assessment criteria to enable better-informed decisions regarding treatment expectations for offenders.

Treatment providers, DCC staff, and judges need to work together to structure the recommendations and supporting information to the Court. The Oregon Patient Placement criteria should be considered in this effort or offenders will be "set-up" to fail.

⁸The Diagnostic Statistical Manual of Mental Disorders - IV defines specific diagnostic criteria for diagnoses of substance dependence (seven criteria) and abuse (four criteria).

VI SYSTEM COORDINATION

When an offender currently enters the criminal justice system, the beginning of innumerable screenings and assessments start. Data are collected throughout an offender's time in the system at various times, locations and events. Generally, the same information is collected at every session with variations on amount, comprehensiveness, format, length, purposes, confidentiality, etc. It may be possible through elimination of any unnecessary duplication to better utilize resources by forwarding screening and assessment information to others who need the data.

"When systems collaborate, a comprehensive assessment can follow an AOD abuser throughout the entire system. Such an effort promotes patient-treatment matching, allows a workable continuum which best meets a patient's needs, and provides a means for holding the patient and the involved system(s) accountable." *CSAT, Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination (Technical Assistance Publication Series 11, 1994), p. 170.* This could improve the efficiency of the system and free resources for needs not currently met.

If appropriate interventions could be identified and implemented early in an offender's criminal activities, we could possibly improve the effectiveness of those interventions. Improvement in the effectiveness of interventions would lessen the strain on resources and enhance public safety by stopping criminal behavior before it becomes chronic.

Information is collected at the following points in the system:

- Arrest
- Booking (medical)
- Pretrial Release Decisions
- Institutional Classification
- District Attorney Screening for Diversion
- Defense Attorney Screening
- Adjudication
- Incarceration(Jail)
- Probation (Diagnostic Center)
- Field Supervision/Program Intake (Work Release, Day Reporting, etc.)
- Prison Release

While these are major points in the system when information is collected for various purposes, it must be recognized that not all information is collected on all offenders. For effective use of resources, determinations must be made at each point as to the type and quantity of information to collect in order to properly process the case and the individual. Valid criteria are used to quickly make decisions about the appropriate next step.

Recommendations:

For lengthy assessments, the offender should be in a location for a period of time long enough to properly use the assessment information. Those locations would be: Jail, PRSP, Community Corrections.

Each agency that collects information should coordinate with partners in the system to determine how information can be forwarded.

The County should provide financial incentives that encourage each agency to work together in the exchange of information and in the development of uniform data collection forms and methods.

The County should develop a shared data system within criminal justice and social service delivery systems which include: law enforcement, prosecution, defense bar, judiciary, jail, community corrections, private providers, AOD treatment, mental health providers, etc.

The County should develop a Common Release of Information form that is used by all participants in the system. Confidentiality and ethical business rules must be agreed upon to ensure this process occurs in a time-effective, ethical manner.

When contracting for services, the County should require providers to accept standardized assessments (conducted within designated time frames) and keep the relevant agencies informed of client progress.

Departments should be required to develop uniformity within their organizations in order that other agencies are able to interact with them in a comprehensive manner.

VII CLIENT ASSESSMENT FOR TREATMENT REQUIREMENTS

ISSUE: Assessment of offender requirements for alcohol and drug treatment services is fragmented and inconsistent, and referral criteria are inconsistent, often resulting in inefficient and ineffective assignments.

Publicly-funded alcohol and drug treatment services are a scarce commodity, requiring management to ensure achievement of clearly defined objectives. An important step in improving system efficiency and effectiveness is the development and administration of a standardized set of measures that can support both short-range client treatment planning and long-term resource management.

The criminal justice system administers a rigorous set of procedures of which some are intended to collect information (i.e., descriptive characteristics, including photograph and health information, particularly regarding current trauma). It seems reasonable to extend this process to include information regarding AOD abuse/dependency. However, this might be accomplished in phases or stages, depending on a variety of characteristics, including the nature of pending charges and the estimate of expected stay in custody.

Recommendations:

Establish an ad hoc AOD Assessment and Implementation Team ("Team") and charge the team with responsibility for planning and managing the implementation of an offender services requirements assessment ("assessment") to be part of the corrections system assessment. The Team should be responsible for developing a plan to sustain the changes in the county corrections system reception process.

The Team should include at least three and no more than five members, drawn from each of the agencies expected to participate: MCSO Corrections Deputies; Corrections Health; DCC PRSP. Additional expertise should be requested and provided as appropriate. (For example, the questions for an instrument and the training of staff should be coordinated with County Behavioral Health staff.)

The AOD abuse/dependency portion of the assessment should comply with the standards developed under the Portland Target City Project.

With due regard for federal, state, and local provisions for confidentiality, information from the assessment should be provided to service delivery staff, within and outside the county corrections system, to support treatment planning and management.

The assessment should be administered as early in the assessment process as feasible, given the requirements for personal and public health and safety.

The Team should be responsible for ensuring the availability of information to support reliable estimates of the performance of the assessment system to assist policy decision-making and strategic program planning.

VIII EFFORTS WITHIN JAIL FACILITIES

A. Basic Approach

GOAL: To provide a continuum of habilitative programs and services specifically designed to advance the management of inmates, effect positive change in offenders' criminal behavior and foster the transition from incarceration to productive citizenship.

ISSUE: *The majority of inmates in our system are not responsible and productive members of our community because of their alcohol and drug addiction, minimal educational backgrounds and/or inadequate employment.*

Recommendations:

Ensure the service and protection of the citizens in our community by providing care, custody and control of offenders.

Provide this service and protection by integrating security and treatment in the most cost effective manner through the development of appropriate diversion, facility, and community programs.

Develop opportunities within the current and proposed jail system that address these issues.

Encourage and respond to positive behavioral growth and address inmate's needs.

Base recommendations for inmate status and placement on displayed behavior and assessment results.

Assist inmates in taking responsibility for their lives by establishing guidelines, parameters and opportunities for choice based on behavior and assessment.

Significant programs which provide the inmate with pertinent practical skills include life skills development, AOD treatment, mental health assessment and treatment, education/literacy, vocational training, job skills development and placement, case management and post-institutional monitoring.

ISSUE: *The general public has little confidence in our ability to reduce crime and produce results for dollars spent.*

Recommendations:

Recidivism of offenders released from jail should be reduced.

Provide an environment and tools for inmates to change behavior and acquire skills while in our care, custody and control.

Programs and services should provide measurable objectives and goals.

Provide inmates with social, educational and employment skills that mirror the values, standards and expectations of the community.

Educate the community regarding realistic conditions in jails and among those incarcerated.

ISSUE: *Idle time for inmates makes management more difficult, wastes valuable skill building and treatment opportunities and releases individuals into the community with limited ability to succeed.*

Recommendations:

Construct all new facilities and additional bedspace based on the direct supervision method.

Provide program modules that incorporate living and skill building and treatment into the design.

Require those that choose program modules to participate in programming a minimum of eight hours per day.

Provide adequate reintegration services to those amenable to change.

ISSUE: *Current assessment practices should address security needs as well as inmate needs and responsibility.*

Recommendations:

Triage all bookings based on medical, treatment, academic, vocational and security needs.

Inmates not released through available release mechanisms should receive orientation and assessment.

Utilize validated instruments that provide appropriate program placement for those completing the process.

Inmates failing to complete this process or those involved in rule violations should be to basic housing that offers only what is required by law.

ISSUE: Construction of new facilities and additional beds has traditionally been extremely expensive. In addition, most people believe that providing programming is also more expensive than traditional supervision within a facility.

Recommendations:

Research recent construction costs that accommodate a full range of program services for new facilities that have been built at considerably lower capital expense.

Provide information to policy makers that demonstrates the relationship between recidivism, criminal activity and alcohol and other drug abuse, lack of education and employability.

Provide funds for site visits to county jail systems that currently offer a range of program options, i.e. Orange County, Florida and Marin County, California.

Provide written materials describing model jail systems to all necessary stakeholders.

ISSUE: Safety, security and order in all facilities must be as important as inmate development and treatment requirements.

Recommendations:

Eliminate inmate idleness and establish work, treatment and educational programs as a primary element of facility security.

Replace all forms of inmate institutional power with staff authority and control.

Express to inmates clear and consistent expectations of acceptable conduct.

Enforce strictly and fairly all inmate rules and behavior contracts.

ISSUE: *Reorganization and restructuring of traditional employee and civilian roles will be necessary to implement new structure.*

Recommendations:

Conduct an analysis of all sworn and non-sworn staff job duties and responsibilities to determine how best to utilize existing resources.

Provide all staff, both sworn and non-sworn, with opportunities for continuous development of knowledge and skills in all areas of operations.

Utilize training and the integration of security and treatment to encourage in all staff a conscious sense of value and purpose in the execution of their duties.

Reviews of the correctional substance abuse treatment literature and substance abuse treatment programs within the criminal justice system (Andrews and Kiesling, 1980; Bush, Hecht, La Barbara, and Peters, in press; Falkin, Wexler, and Lipton, 1990; Gendreau and Ross, 1984; Leukefeld and Tims, 1992; Wexler, Lipton, and Johnson, 1988) indicate several key principles associated with successful treatment of offenders. These principles are drawn from experiences in implementing both jail and prison treatment programs, and are briefly summarized below.

Develop commitment from jail administrators to support the AOD treatment program within their facilities and to provide adequate staff and technical support.

Use a coordinated approach in the design and implementation of in-jail AOD programming, involving both substance abuse and custody staff.

Conduct cross-training for the AOD staff, custody staff, and key administrators to review the program philosophy, inmate management techniques, policies and procedures, and other common areas of interest.

Provide a treatment unit(s) that is isolated from general population inmates. (Like IJIP). This strategy tends to remove participants from the corrosive influences of the jail subculture and encourages development of prosocial behaviors and group cohesion.

Provide incentives and sanctions to encourage inmates to enter and complete in-jail treatment programs.

Develop a continuum of in-jail treatment services that is consistent with the expected length of incarceration.

Provide comprehensive assessment examining an inmate's treatment requirements, risks

presented to the institution (e.g. suicidal or aggressive behavior), and level of supervision required. Match inmates to treatment services according to results of this assessment.

Develop a structured treatment environment, which should include an intensive array of in-jail program services to encourage self-discipline and commitment to treatment. It is necessary to address the many skill deficits and areas of psychological dysfunction among this population.

Provide clear consequences for inmate behavior within the jail treatment program. Positive and negative consequences for inmate behavior should be clearly indicated. Program rules and guidelines are reinforced through a system of formal and informal sanctions.

Encourage sustained participation in AOD treatment. Jail programs less than three months duration should develop procedures to ensure that inmates are placed in supervised aftercare treatment programs within the community.

Provide multi-modal treatment services. Treatment activities should address the range of psychosocial problems and areas of skills deficits that may inhibit successful recovery from AOD abuse/dependency.

Encourage identification and modification of criminal thinking patterns, values, and behaviors. Program counselors should systematically model and reinforce prosocial behaviors within the treatment unit. Clearly defined sanctions should be provided for antisocial behaviors.

Encourage cognitive-behavioral treatment techniques. Self-management strategies such as cognitive restructuring and self-monitoring should be addressed in treatment programs. Opportunity should be provided for modeling, rehearsal, and over learning of those techniques.

Involve inmates in skills-based interventions. Programs should encourage the acquisition and rehearsal of drug-free and prosocial skills to deal with interpersonal problems, stress, anger, and other personal, parental and professional challenges faced during recovery.

Provide training in relapse prevention techniques. Exercises should promote awareness of individual relapse patterns, including warning signs, high-risk situations, and covert setups. A range of coping skills should be provided to anticipate the high rate of relapse among drug-involved offenders. Opportunities should be provided to rehearse these skills in the jail treatment program and during aftercare.

Involve inmates in "core" group treatment experiences. Involvement in a primary treatment or therapy group provides a catalyst for behavior change that is achieved through reinforcement of progress towards recovery and confrontation of denial and resistance. Group treatment also provides a cost effective vehicle for educational and skill-based interventions.

Provide pre-release planning and assist program participants in the transition to aftercare

services. Successful jail substance abuse treatment programs help to coordinate placement in follow up treatment services. Most jail program participants are in need of at least one year of follow-up treatment and regular drug testing that is provided within the context of probation or parole supervision.

Develop measures to ensure accountability to short and long term program objectives. Evaluation strategies are implemented in the early stages of program development, and include process, impact, and outcome measures.

ISSUE: In-custody facilities do not provide any type of relapse prevention, cue extinction, warning-identification or warning-management treatment services for inmates.

RECOMMENDATION: Establish relapse prevention programming in correctional facilities. These programs should include cue-extinction, urge management, warning-identification, warning-management, and recovery planning for inmates.

B. Programming

GOAL: To make time spent in jail more productive by providing inmates with the tools to improve skills and self-esteem and to increase the personal and social responsibility of the inmate

ISSUE: Inmates spend many non-productive hours watching TV, playing cards, discussing past and/or future criminal behaviors or sleeping

Recommendations:

Curtail regular viewing of TV within correctional facilities

Provide daily, structured, educational programs that allow for intermittent (short/long-term) participation and ease of reentry should the inmate be reincarcerated

Provide programs at various intellectual levels, using a variety of methods of instruction (multi-language, especially Spanish) to meet inmate needs:

- Non-facilitated (video with and without written materials) - stand-alone.
- Partial facilitated (video with staff/volunteer facilitators).
- Didactic/Process groups (facilitated by deputies/counselors, a/d specialists, volunteers, nurses).

ISSUE: Inmates lack basic knowledge in areas of life skills, general education, medical, mental health and alcohol and drug issues.

Recommendations:

Provide educational components (3) that will enhance inmate's personal and social responsibility upon release.

COMPONENT I. GENERAL EDUCATION/LIFE SKILLS

GED/Literacy/Employment Readiness

Self-esteem

Errors in Thinking (criminal behavior)

Anger management

Parenting skill

Separation/Loss grieving

Violence prevention/peace promotion

HIV

Sex Abuse

Food Handler

CPR/First-Aid

Multi-cultural/Ethnic studies (emphasizing self-awareness, pride and respect)

Women's issues

Stress reduction

COMPONENT II. ALCOHOL/DRUG-ISSUES

Pre-release/Pre-treatment readiness

Recovery strategies - focus on principles of self-awareness within context of recovery

Narcotics Anonymous/Alcoholic self-help groups (i.e., NA, AA, CA, Rational Recovery, etc.)

Medical aspects/implication of use

HIV transmission

Drunk driving tapes/guests from MADD

Relapse prevention

Exploration of addictive behavior and treatment

Issues in treatment

How to successfully complete Parole/Probation

Pain control/acupuncture

Mental Health issues in context of AOD

COMPONENT III. MENTAL ILLNESS/LIFE SKILLS

Understanding Mental Illness/Causes

Self treating issues
AOD issues in context of Mental Illness
Relapses with mental illness
Medication and side effects
Grief work
Post traumatic stress disorder/depression
Sex abuse

ISSUE: Inmates have limited opportunities for expanding their knowledge base due to minimal daily programming

RECOMMENDATION: Request additional funding for five corrections counselors to aid in component II and III programming. Support additional funding for AOD specialists and appropriate training to provide services.

ISSUE: Current staffing (mix/level) cannot provide increased level of education to inmates

RECOMMENDATION: Partnership with community to increase resources by utilizing graduate students for classes, i.e., PSU, U of P, volunteers assist with video and group facilitation

ISSUE: The corrections deputies do not participate in treatment team planning, consultation, or training.

Recommendations:

Seek ways to ensure that at least one Deputy attends the program team on a daily basis and that one program staff member attends shift meetings on a daily basis. Ensure that a Deputy representative participates in all program development planning.

For each program, establish an advisory board that includes representatives of the Deputies, Health, Counselors, and program specific expertise, such as AOD dependency.

Ensure that all Deputies receive at least basic information regarding the symptoms and side effects of AOD abuse.

Provide opportunities for Deputies to participate in program design and delivery at no expense to the health and security of the facility and its programs.

C. Pre-Release Planning

Offenders who have completed pretreatment services or a pre-release planning program are engaged more quickly in treatment and their treatment retention improves significantly.

ISSUE: Pre-release planning and transition and recovery planning for inmates occurs infrequently.

Recommendations:

Increase pre-release planning and transition planning for inmates leaving correctional facilities.

Individuals who have an AOD problem and are involved in the in-jail treatment program should be required to have a personal plan for involvement in an aftercare program.

ISSUE: Matrixed⁹ inmates are placed in a highly vulnerable situation when they are released with no plan, support services, or skills to address their basic and recovery requirements.

Recommendations:

Eliminate unplanned, unsupervised early releases whenever possible. When not possible, corrections should provide staff to assist inmates with basic and recovery requirements upon discharge.

Elicit support from the community recovery network (Narcotics Anonymous["NA"], Cocaine Anonymous ["CA"], Alcoholics Anonymous ["AA"]) to provide support, sponsorship and transportation to newly sober offenders.

Individuals with AOD problems that have not participated in the in-jail program and are targeted to matrix out of jail should be required to attend periodic aftercare presentations and be transferred/transitioned to an aftercare treatment program instead of being matrixed directly out of jail. The time spent at the aftercare program could be the equivalent of the offenders remaining jail time.

⁹Matrixed: An inmate released from jail under a process established by federal court order because the facility has exceeded its court-established population level.

IX.

ASSESSMENT AND TREATMENT OF OFFENDERS IN THE COMMUNITY

A. Referral to Services

ISSUE: The need to get an offender into treatment quickly vs. the need to match the offender with a program that meets his/her individual needs.

Assessment and referral services are critical to the efficiency of a managed care system. DCC and Target Cities Central Intake staff seek to match client needs with program strengths and to minimize the wait for admission to treatment. Although clients frequently must wait to enter treatment, especially residential, Central Intake staff are able meet client treatment needs when these needs fall within the traditional or mainstream scope of local services. However, when an offender has special needs, staff find it difficult to make appropriate treatment placements. The special needs of offenders that have been difficult to meet at intake include:

1. Pretreatment (managing and preparing offender pending admission).
2. Psychological/psychiatric services (for dually diagnosed offenders).
3. Drug-free housing (in support of outpatient treatment and recovery).
4. Culturally competent providers (to serve growing minority populations).

Probation and parole officers, one of the customer groups that rely on Central Intake services, frequently report significant delays in obtaining assessments for incarcerated offenders. This may result in an unnecessary use of jail beds because inmates are often held in custody pending identification of and admission to a treatment program. In other cases, clients simply fail to obtain the desired treatment placement.

Recommendations:

Encourage Oregon Health Plan ("OHP") administrators to support various forms of pretreatment, including wait list management, group sessions, and abstinence or detoxification as required for admission to treatment.

Encourage planning, program development, and service delivery partnerships between substance abuse and mental health agencies.

Encourage OHP administrators to require HMO's (health maintenance organizations) to collaborate and contract with providers of culturally competent treatment programs (as well as other "niche" programs).

Use local funds to support components that OHP will not fund.

Expand drug-free housing options for offenders, recognizing the need to serve offenders in various stages of recovery.

Support Central Intake efforts to serve the demand for in-custody assessments.

B. Problems with Enrollment in Treatment

Many individuals are assessed for whom an appropriate and available treatment bed or slot is not available. The shortage of treatment capacity is not limited to clients with special needs. Except for DUII clients, nearly everyone who is assessed is required to wait for a bed or slot. The situation is worse for a residential bed..

Recommendations:

Develop programming for people who do not meet the eligibility criteria for existing programs, i.e. clients with certain criminal charges, dual-diagnosed offenders and those on methadone, specifically.

Contract for services that provide specific programming for these special needs clients.

Work with neighborhood associations, public agencies, and the news media to dispel myths and fears regarding the populations served in AOD treatment programs.

Provide monetary compensation and specific training for those agencies that are willing to work with special needs clients.

C. Funding Coordination with the Oregon Health Plan

The justice system, Central Intake, and treatment providers have been working to help qualified offenders enroll in the Oregon Health Plan. However, many offenders do not qualify. The availability of publicly funded outpatient treatment slots for non-OHP offenders is limited and few have the ability to pay more than a token percentage of the cost of services.

Recommendation:

Use local justice system funds and grants to contract for outpatient treatment of offenders not eligible for OHP coverage and assure that OHP-eligible offenders are excluded from the target population of these contracts.

D. Treatment Planning in Coordination with the Oregon Health Plan

Although both clinical and justice system professionals share a common desire to reduce drug use, there are times when they may differ in terms of treatment planning. Managed health care has imposed more rigid criteria for levels of intervention and lengths of stay with the objective of using available resources to provide clinically appropriate treatment to as many in the target population as possible. The justice system supports that objective, but recognizes that treatment must be integrated into flexible case management plans that address a variety of individual offender issues. For example, many offenders whose clinical substance abuse symptoms and assessments indicate outpatient treatment have to address many other areas of dysfunction. In such cases, justice system staff may argue for an integrated residential intervention that addresses the need to separate offenders from their current environments (to improve retention), the need to get them off the streets (to assure their safety and that of the community), the need to treat their drug problems intensively, and the need to simultaneously begin addressing criminal thinking, family, and employment issues (to support recovery and reintegration). Clinical and justice system interests are not mutually exclusive, but a lack of resources in an era of managed care may draw attention away from shared interests. Unless common ground is sought and found, we run the risk of developing parallel and competing treatment systems. That would be a step back from the collaborative development of Central Intake and could introduce inefficiencies to both systems.

Recommendations:

Encourage Oregon Health Plan administrators and providers of managed care to increase flexibility regarding length of stay.

Use local justice system funds and grants to support program enhancements in the absence of OHP support. Provide funding for client care to continue services as needed after funds are depleted.

Recognize the validity of clinical and justice system perspectives in program development and development of individual treatment plans.

E. Improving the Quality of Treatment

CSAT¹⁰ has developed the following model AOD treatment program:

Model for Comprehensive Alcohol and Other Drug Abuse Treatment

A model treatment program includes:

- Assessment, to include a medical examination, drug use history, psychosocial evaluation, and, where warranted, a psychiatric evaluation, as well as a review of socioeconomic factors and eligibility for public health, welfare, employment, and educational assistance programs.
- Same day intake, to retain the patient's involvement and interest in treatment.
- Documenting findings and treatment, to enhance clinical case supervision.
- Preventive and primary medical care, provided on site.
- Testing for infectious diseases, at intake and at intervals throughout treatment, for infectious diseases, for example, hepatitis, retrovirus, tuberculosis, HIV/AIDS, syphilis, gonorrhea, and other sexually transmitted diseases.
- Weekly random drug testing, to ensure abstinence and compliance with treatment.
- Pharmacotherapeutic interventions, by qualified medical practitioners, as appropriate for those patients having mental health disorders, those addicted to heroin, and HIV-seropositive individuals.
- Group counseling interventions, to address the unique emotional, physical, and social problems of HIV/AIDS patients.
- Basic substance abuse counseling, including psychological counseling, psychiatric counseling, and family or collateral counseling provided by persons certified by State authorities to provide such services. Staff training and education are integral to a successful treatment program.
- Practical life skills counseling, including vocational and educational counseling and training, frequently available through linkages with specialized programs.
- General health education, including nutrition, sex and family planning, and HIV/AIDS counseling, with an emphasis on contraception counseling for adolescents and women.
- Peer/support groups, particularly for those who are HIV-positive or who have been victims of rape or sexual abuse.
- Liaison services with immigration, legal aid, and criminal justice system authorities.
- Social and athletic activities, to retrain patients' perceptions of social interaction.
- Alternative housing for homeless patients or for those whose living situations are conducive to maintaining the addictive lifestyle.
- Relapse prevention, which combines aftercare and support programs, such as Alcoholics Anonymous and Narcotics Anonymous, within an individualized plan to identify, stabilize, and control the stressors which trigger and bring about relapse to substance abuse.
- Outcome evaluation, to enable refinement and improvement of service delivery.

¹⁰CSAT, Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination (Technical Assistance Publication Series 11, 1994) - page 8 as well as CSAT, Planning for Alcohol and other Drug Abuse Treatment for Adults in the Criminal Justice System, Treatment Improvement Protocol Series 17 1995, p.45.

One of the most critical points in time for an individual with an AOD problem is during their initial entry period into treatment.

- Focus should be on collection of the best and most accurate data during the initial assessment of an offender. To increase the accuracy of assessment data, a follow-up assessment should be done approximately 30 days after entry.
- Intervention should be the initial focus of the relationship with the AOD offender. The aim or purpose should be to engage and create value for the offender to pursue treatment for his or her benefit. If personal benefit is seen as added value for offender, personal motivation will follow.
- Education, awareness, personal benefit and strengths/resources, as well as treatment barriers should be identified and discussed.

Much has been learned in recent years about the value of new treatment modalities and program enhancements, yet few providers offer such components as cognitive training, relapse prevention, and aftercare. Some providers may face budget dilemmas in trying to incorporate these elements. Other providers may need time, training, and other forms of assistance to help integrate these components into their programs.

Recommendations:

Reach consensus on core treatment elements and provide training to help all providers incorporate those elements into their respective AOD treatment programs.

Allow treatment providers to maintain their program identities while assisting them in integrating new elements.

- **Assessment (health & mental health)**
- **Intervention**
- **Education**
- **Employment Readiness & Placement Assist.**
- **Drug Free Housing**
- **Treatment Activities**
 - **Counseling**
 - **Life Skills**
 - **Criminality and cognitive restructuring related to criminal behavior**
 - **Anger Management**
 - **Special Emphasis Groups**
 - **AA/NA**
 - **Addiction Education**
 - **Relapse Prevention & Management**

- Responsibility & Consequences Groups

- A personal/individualized treatment and participation plan should be developed with the offender. Treatment and participation plan should be reviewed every other week and progress recorded and discussed.
- Thirty days prior to exit from treatment, a discharge plan should be developed with the offender. Issues such as treatment continuum, drug-free housing and employment should be defined and discussed and a specific plan of action developed.
- Periodic presentations regarding aftercare options should be made to all AOD offenders that are preparing to leave treatment.

ISSUE: On-going program development, i.e. curriculum adaptation, is limited by unclear expectations and lack of information and training about current techniques that are most effective.

Recommendations:

Define specifically what program components are required for programs that may bid for contracts in the county process.

Coordinate information dissemination and provide training for all AOD providers on the most current and new techniques.

Increase intensive outpatient programming with specific components.

Utilize cue extinction, rigorous relapse prevention planning, biofeedback, acupuncture, opiate-based therapy alternatives, family education and counseling, 24-hour crisis management and wrap-around services to enhance effectiveness of treatment.

Develop programs for drug dealers that are not necessarily in need of traditional AOD treatment.

Utilize techniques/treatment modalities specific to AOD subpopulations with special needs such as gang members, domestic violence, other violent offenders, and sex offenders.

Current programs and proposed additional programs must consider gender and cultural issues in designing treatment components, aftercare and support systems.

Develop innovative programs for people who repeatedly demonstrate poor

outcomes following treatment using traditional treatment models.

Develop treatment modalities specific to drug of choice.

Provide wrap-around services, aftercare and relapse prevention planning instead of recycling clients through treatment at various levels when they have completed treatment numerous times.

F. Contract Oversight

ISSUE: Contracting practices are fragmented and do not promote quality improvements.

Recommendations:

Improve coordination in contract monitoring between State Office of Alcohol and Drug Abuse Programs, DCC, Health, CFSD behavioral health program, and CFSD contracts and evaluation unit.

Increase contract focus on outcomes.

Develop a peer review system to assist with continuous quality improvement and establishment of best practices.

Obtain customer feedback on an on-going basis.

Share information between county departments.

Develop incentives for providers to improve services and impose sanctions for non-compliance.

G. Support/wrap-around/aftercare/housing services

A critical point in time for individuals with AOD abuse/dependency is the period immediately following discharge from treatment. Alcohol and drug-free housing is an essential component of an effective treatment/recovery system. Other essential components are wrap-around or ancillary services such as employment, mental health treatment, child care, and education.

Ancillary items such as food, food stamps, clothing, and shelter can make the difference in treatment success. The lack of adequate wrap-around and aftercare services are contributing factors to relapse, recidivism, readmission and higher jail costs. Aftercare and support or wrap-around services are required for the AOD offender in order to have any significant effect on the reduction in the incidence of relapse, technical violations and the commission of new offenses.

For each offender, an aftercare treatment plan should be developed and a direct linkage to an appropriate aftercare treatment program should be established.

ISSUE: Lack of "wrap-around" services which contribute to the process of relapse

Recommendations:

Encourage "bartering"¹¹ relationships (within state guidelines) between those in recovery and those who are assisting them. These types of relationships tend to increase the offender's sense of "giving-back" and increases their self-esteem. This type of system creates a "win/win" for both parties.

Establish a toll free (800) number within the county for offenders to access 24-hour information about relapse, management of triggers, and self-help information.

Increase number of drug-free housing units for clean and sober clients actively involved in treatment or accessing aftercare services.

Elicit support from the community recovery network to provide sponsorship.

Elicit support from Religious/Spiritual/Faith organizations to assist with support, sponsorship, and basic needs for newly sober offenders.

H. Training

ISSUE: Training opportunities are loosely coordinated and often not well advertised, which leads to lack of all invested parties being involved.

Recommendations:

Develop a training track for AOD treatment managers.

Develop cross-training opportunities, which facilitate interaction between criminal justice, AOD, and mental health system staff. Emphasize basic competencies, use of common definitions, as well as more advanced, state of the art, continuing education. Establish a county newsletter to advertise training opportunities.

Make certification of counselors and continuing education for all staff a requirement in all county contracts.

¹¹Bartering: The addict offers his or her talents/services in exchange for treatment-related services.

Provide technical assistance to methadone providers to facilitate the implementation of new administrative rules which outline the treatment services clients need to receive in addition to their methadone.

ISSUE: Staff turnover can lead to inconsistencies in training and applications of best practices. Low salaries appear to contribute to staff turnover.

RECOMMENDATION: Provide incentives to help staff become certified as addiction counselors and gain academic credentials. Incentives may include scholarships to necessary training, assistance with the application fee for certification, salary incentives and promotional opportunities.

ISSUE: Lack of adequate training for staff who provide services to clients regarding the importance of relapse prevention.

RECOMMENDATION: Treatment professionals must be provided training on relapse prevention.

I. Relapse

Relapse Prevention:

Treatment can be defined as an intervening factor that has the potential effect of changing behavior which has been previously judged as needing to be changed. (BJA, 1988). By definition, parole/probation officers, corrections officials, and treatment counselors are equal partners in treatment leading to change in criminal and substance-using behavior. Their cooperative mission can best be defined using the treatment term relapse prevention.

Relapse involves more than just resuming use of alcohol or other drugs or the commission of new offenses. Relapse is a long process that begins before actual resumption. Relapse is the process of remaining or becoming so dysfunctional in society that a return to addictive use (and/or criminal behavior) seems like a reasonable choice. (Gorski, 1988). Four factors appear to have primary relationships to relapse:

1. Psychiatric disorders including anxiety and depression
 2. Social factors such as employment and social supports
 3. Protracted withdrawal symptoms
 4. Conditioned responses or triggers that recall drug experiences.
- (APPA/NASADAD-Coordinated Interagency Drug Training Project.)

GOAL: Develop recommendations for relapse-prevention policies and services to be provided to the offender population within Multnomah County.

Relapse prevention therapy has five primary elements: assessment, stabilization, warning sign identification, warning sign management, and recovery plan. Skill deficit work, cue extinction, and craving management can be taught cost-effectively as a basic part of treatment. This approach is very different than handing individuals the same treatment plan each time they come in for treatment, and then telling them they are not motivated for recovery after multiple failures. This approach helps to steadily increase motivation rather than to decrease it over time.

ISSUE: Relapse may result in treatment program termination without adequate referrals.

RECOMMENDATION: Treatment providers must provide adequate referrals and follow-up services for clients in need of a different level of care and/or services when discharging clients from treatment based on relapse and/or use.

ISSUE: Treatment providers and the criminal justice system have a history of dealing with relapse in a restrictive/punitive manner, including a return to custody that is not always appropriate.

Recommendations:

Encourage professionals both in treatment and the justice system to view relapse as a process that is often a part of recovery.

Relapses must have consequences for the individual in treatment, particularly repeated relapses. Decisions on consequences should be case-management decisions based on the danger to the community and the progress of the offender in treatment. Sanction possibilities for relapse should include: 1) House arrest; 2) Electronic monitoring; 3) Day treatment; and 4) Brief stays in jail.

Establish a system whose response to relapse is the critical element of the treatment process.

ISSUE: Treatment providers have failed to provide adequate resources and program curricula to assist the addict with necessary relapse-prevention skills.

Recommendations:

Administrators within treatment providers must be held accountable and begin providing service to offenders who chronically relapse other than discharge from programming.

Failure to provide adequate relapse treatment interventions should result in consequences for the provider to include loss of financial support.

The County has an obligation to ensure treatment providers are providing the best possible array of services to the AOD offender. These services should include a full relapse prevention curriculum. Continuing contracts that do not provide the best, most creative and innovative treatment programming should be viewed as fiscally and ethically irresponsible.

ISSUE: Relapse is often viewed as "treatment failure", which intensifies feelings of guilt, shame and frustration for the offender.

RECOMMENDATION: Establish program curricula to deal with relapse in a manner that can lead to increased motivation for recovery, strengthening an individual's knowledge of his/her limitations, the dangers inherent in stressors and triggers, and the individual's awareness of what he/she might lose by leaving the treatment process.

ISSUE: Offenders with AOD problems who relapse may be dismissed from treatment, considered as "treatment failures", and not provided with opportunities to use additional services.

Recommendations:

It is essential that personnel from each agency agree on the range of responses to relapse and the times that certain responses are appropriate.

Develop inter-agency agreements in which treatment programs respond to issues of treatment noncompliance, such as relapse, and the criminal justice system agencies respond to noncompliance with other conditions of probation or release.

ISSUE: Criminal justice system staff -- including court personnel, judges and other persons in the justice system -- often lack adequate education or information about the dynamics of relapse.

RECOMMENDATION: Establish a training program for criminal justice professionals to increase their understanding of relapse behavior and prevention and how it pertains to clinical and criminal justice decisions regarding the offender.

IX PLANNING, DATA, RESEARCH AND EVALUATION

A. Planning and Evaluation

Planning for alcohol and drug treatment capacity currently is carried out by a variety of organizations, both in the traditional public sector (i.e., State and County Alcohol and Drug Programs, Community Corrections and the Sheriff's Office), and by the traditional private sector (i.e., private treatment agencies). Efforts to coordinate planning and maintain accurate, cumulative inventories of capacity are sporadic and complicated by definitional and other inconsistencies.

There is need for a valid and reliable procedure for estimating the alcohol and drug treatment requirements of offenders and a unified system for determining available and needed County wide capacity for offenders.

Alcohol and drug treatment clients require a diversity of treatment approaches to resolve their substance abuse problems. The treatment system must be comprised of a range of service modalities and a diversity of service providers to meet the diverse requirements of the offender population.

The demand for services will likely exceed the capacity for services, at least for the foreseeable future. Therefore, capacity management as well as capacity development must be addressed.

Recommendations:

The County Chair should designate a lead coordinating agency for offender alcohol and drug treatment services planning to provide accountability for the completion of data collection and evaluation tasks. The County and PSCC should provide clear expectations to other agencies for support to this effort. The first preference of the Work Group is to fully fund PSCC staff and charge them with this assignment.

The coordinating agency designated for offender alcohol and drug treatment services planning should assure that outcome and evaluation data as set out in this report are tracked in a uniform and accurate manner, and that baseline data are established prior to July 1, 1997.

The County should track uniform outcome measures for all county-funded programs for offenders in the criminal justice system. Starting on July 1, 1997, the County should track the following measures for these programs:

- A. The percentage of clients completing the program who are re-arrested on new charges within one year of completion.

B. The average length of time between program completion and the first re-arrest.

The coordinating agency designated for offender alcohol and drug treatment services planning should prepare an annual report, incorporating the outcome tracking data, which evaluates the systemwide costs and benefits of the county-funded programs for offenders in the criminal justice system. This analysis should include any cost savings from reduced recidivism in the areas of bookings, jail bed usage, community supervision and programs, courts-prosecution-defense, employment-taxation, and public subsidies (AFDC, food stamps, housing).

The County should allocate a dependable level of funding to conduct client outcome evaluations and system impact studies, and to consistently monitor system performance measures.

B. Research

Maintaining a current foundation of research findings on program effectiveness and best practices is currently managed on a sporadic, individualized basis and dependent on individual skills and time availability in literature review and other means of obtaining information.

There is inadequate systematic linkage between the practitioner community, government planning efforts and private research resources, including state and private higher education based resources and federal resources.

In the absence of definitive, research-based program models, there is a need to make resources decisions and implement programs. Such programs develop political constituencies that resist the competition of new models. Program operations require stability to operate cost efficiently.

Recommendations:

Enter into partnerships with local institutions of higher education and private research facilities to systematically update in a timely manner the available knowledge base of program effectiveness and research findings that relate to established best practices and to disseminate such findings for use in planning, program development, and ongoing program evaluation.

Work with the provider community to share research based information so that programs can evolve with the evolving knowledge base.

The County should support the development of information management systems in each participating agency. The systems should rely on common definitions and measures, when relevant, and be designed to support policy and program decisions of the resident agency.

Multnomah County, Oregon
SB 1145
Refining the Continuum

Submitted to:

The Multnomah County Commissioners

Multnomah County, Oregon
July 1998

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Preface

This report describes the management of Local Control offenders in Multnomah County for the period of January 1, 1997 to June 30, 1998. It presents an analysis of the difference between the predicted and the actual experience, and offers recommendations regarding population management, resource development, and data collection and analysis. The conclusions reached are based on a review of previously collected SB 1145 data; an examination of case files; interviews of local staff, administrators and policy makers; and observations of case screening and processing protocols. In addition, data was collected to profile the local Jail population for a one-day "snapshot." This issue was studied, and the report prepared, over a three week period in July, 1998.

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Many people contributed their time and ideas to make this report possible. Two individuals deserve special recognition. Jim Carlson, Evaluation Specialist, with the Department of Support Services, completed a "download" of SB1145 data that took many months of hard work. His efforts helped make this analysis possible. Larry Reilly, Director of Planning and Research for the Multnomah County Sheriff's Office, devoted many hours compiling local data for a one-day jail snapshot. Their efforts are appreciated.

RECOMMENDATION HIGHLIGHTS

☐ Strengthen the Local Sanctions Continuum

- Design Specialized In-Jail Treatment Readiness Program
- Develop Secure Program for Sex Offenders
- Broaden Eligibility Criteria for Restitution Center

☐ Link Services on Local Sanctions Continuum

- Link Residential Treatment with Outpatient Services
- Link Certain Programs with Transition Housing

☐ Ensure Three Month Minimum Program Involvement

☐ Develop a Post-Sentence Drug Court

☐ Extend Upper End of Sanctions Continuum to Prison

☐ Establish Tri-County Court to Expedite Removal of Holds

☐ Develop Policy Parameters to Guide Placement Decisions

☐ Eliminate Local 30-day Jail Stay Policy

☐ Integrate SB 1145 Data Base Systems

☐ Encourage State to Revise Funding Formulation

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I. SUMMARY

Large scale change requires long-range vision. The implementation of SB 1145, which transferred the responsibility for offenders sentenced to twelve months or less from the State to 36 counties, is still in a developmental stage. Given that not all the new corrections facilities are yet built, it might even be said that the plan is still "under construction."

So while it would be premature to assess the long-term value of this new corrections approach, after eighteen months enough time has passed to allow a description of emerging trends. And enough experience has been gained to allow an informed discussion of emerging issues. It is a good time for Multnomah County to step back and use this experience to help refine the next phase of development. This report attempts to provide a framework for that discussion.

Shift to Local Control

Senate Bill 1145 changed the way the system responds to offender failure. The legislation was built on the premise that, except for long-term sentences, the offender is best managed in the community. Although compelled by a need to address the prison impact of Measure 11 (mandatory minimums), the philosophy of "local control" was grounded in the assumption that counties could more efficiently manage the non-compliant offender. Moreover, it was based on the conviction that behavioral change was best affected by a balanced response of services, sanctions, and supervision. The overall tone was optimistic; the task was daunting.

Multnomah Predicts Impact

On January 1, 1997 county corrections systems, which had grown reliant on access to prison to sanction non-compliant offenders, became sole caretakers of offenders with sentences or sanctions of twelve months or less. The counties and the State had entered into a new "partnership." The State supported this move by funding the construction of new and expanded custody facilities, and by supporting the development of new community corrections programs. Multnomah County had developed and submitted a Plan to the State that requested funding for the construction of 330 new jail beds and 150 residential treatment beds. The Plan had been developed, based on a model that tried to predict the impact of the new policy on the local system.

Experience Different than Predicted

Predictive science is, in the best of circumstances, an inexact art. Over the first year of implementation, the local SB 1145 experience was different than projected. Total numbers were down; the average daily

population was half that expected; and the planned program placement rate of 50% was closer to 10%.

*Decrease in
Number of New
Sentences*

The fact that the number of new sentences in Multnomah County is down, speaks to the successful utilization of an effective diversionary option — Drug Court. And lower numbers reflect the positive impact of a community corrections philosophy that expects full use of the lower end of the sanctions continuum prior to revocation. It is a system in which the low-cost Day Reporting Program is employed as a companion sentence to jail as frequently as Secure Treatment.

*SB 1145 ADP
represent < 5 % of
supervised offenders*

The fact that sentence and sanction length have declined may well reflect the local systems response to pressures on county custody resources. It may also represent a change in the practices of probation and parole officers, who now continue to manage cases that in the past could have been sent to the State for extended periods.

Overall, the Multnomah County experience is not an anomaly. Around the State, the average daily population has been less than expected. Statewide, placement in non-jail programs has been affected by a reduction in sentence length; by the percentage of inmates with 'holds;' and by the complex program needs of a higher risk population. The limits of the local continuum have been tested.

*Reduction in
Sentence Length*

The influence of shorter sentence lengths has limited the ability to place a person in a non-jail program. Local planning was based on the assumption that an offender would serve 4.5 months in "local control" status. In the first year of implementation the average time served was 2.5 months. This is a result of both sentence length and the effect of good time/work time calculations. It is important to note that sentence lengths may decrease even more, because of a recent shift in sanctioning practice, brought about by legislation implemented in November, 1997. This legislation affords community corrections greater discretion in imposing administrative sanctions for post-prison violation behavior. And these administrative sanctions are, on average, of less duration than the previous response (revocation).

*Recommend:
Ensure 3-Months
in Program*

The relationship between sentence length and program involvement is of importance because of a body of corrections research, that suggests that at least three months of treatment is needed to realize any long term reductions in recidivism. There appears to be a therapeutic threshold. This does not mean that individuals with shorter sentences should not be considered for program placement. It does mean that residential treatment of less than three months must be continued in the community once the person is released. Shorter stays than expected, coupled with

the need for effective interventions, argue for a reconsideration of the local policy that all "local control" offenders will spend at least 30 days in a jail bed before given consideration for placement in a program.

*Recommend:
Integrate services*

Tightly structured and closely linked programs are important in any system trying to address individuals with multiple and complex issues. When dealing with a higher risk population in a shorter time frame, continuity becomes even more crucial. In an effort to create a stronger "system" of sanctions, the continuum of sanctions must be constructed in such a manner that existing services are cohesive and continuous. As an example, the re-design of an in-jail Treatment Readiness Program, to target SB 1145 offenders who refuse treatment, is recommended to increase program success. In addition, an intensive outpatient program should be designed as an extension of residential treatment, to continue the in-house program and ensure the minimum three month stay needed to realize long-term benefits. This kind of coordinated movement between services is an important next step in refining a strong continuum of services.

*Recommend:
Secure treatment
for sex offenders*

The continuum of services must not only be better integrated; it must also be strengthened. An analysis of SB1145 cases rejected for program placement over a one-year period highlights the need for services tailored to offenders with more chronic needs. It is a terrible irony that the offender considered too high risk for program placement, is the same inmate held in jail and then simply released back to the streets untreated. A secure treatment program for sex offenders would serve a vital public safety interest. Another category of offenders would benefit from placement in the Forest Camp if transition housing were available for the weekends. And, the Restitution Center should be considered a central option for the SB 1145 population, either as a stabilization program for those in outpatient services, or as a direct alternative to jail. It is time to review the eligibility criteria for this Program, which has been in operation for ten years, to consider accommodating a more diverse offender population.

*Recommend:
Re-link State /
County Continuum*

The local continuum should be better integrated and it should be strengthened. The continuum should also be extended. SB 1145 was built on the premise that communities were better served by locally managing the non-compliant offender. As a result, State and county corrections systems were bifurcated. And the continuum of sanctions that had stretched from the local level to the State was severed. Yet, while it appears that counties can indeed manage most of these cases at the local level, there will always be a few individuals who are better managed in a State system equipped to deal with violent behavior and tough security issues. And there will always be a few high risk,

dangerous offenders, who need more time in custody than currently available to address complex issues. Senate Bill 156 includes language that will allow the Board of Post-Prison Supervision, at the request of the Supervisory Authority, to place an offender who is in post-prison supervision status, in a correctional facility for up to 24 months for violation behavior. The State and county partnership should be refined by discussing how the full continuum can be restored, and how this new provision will be implemented.

*Recommend:
Develop Post-
Sentence Drug Court*

The lower end of the continuum should also be extended to provide additional local non-jail sanction resources. Given the tremendous success of the Multnomah County Drug Court Program (as evidenced in the recent outcome evaluation), consideration should be given to expanding this model to serve a sentenced population. The drug court model, which provides intensive treatment, judicial monitoring, and swift and certain punishment, has tremendous potential to serve as a sanction option for drug-affected offenders. Building up the lower end of the continuum conserves high cost custody resources; and custody resources are especially costly in this large, urban county.

The State funding made available for the management of the SB 1145 population was based on an assumption that on any given day, 75% of this population would be in custody, and 25% would be in a community-based program. Because of jail costs that are higher than the statewide average, Multnomah County had to devise a plan based on an assumed 50/50 split—half in custody and half in the community, on any given day.

*Higher Than
Expected
Percentage in Jail*

However, in practice, the planned distribution between jail and non-jail programs was not realized. By July of 1998, the number in a non-jail program was the highest it had been over the first 18 months, still leaving 84% of the population in jail on any given day. The reason that this outcome did not “break the bank” was because the total number of SB 1145 offenders booked into the facilities was less than anticipated, and when they arrived they stayed for shorter periods than expected.

But intake numbers are now on the increase, and the longer term impact of trends in sentence length (down), and program placement (up), is unknown. This speaks to the need to closely model the effects of these changes on the jail over the coming months in order to foresee the operational and fiscal impact of SB 1145 over the next biennium.

*Recommend:
Revise Funding
Formulation*

For purposes of state budget development, the costs of managing local control offenders needs to be revised. A recent statewide effort to capture the actual average cost of managing this population has just

*Recommend:
Revise Funding
Allocation*

been completed. If the revised figures are used to calculate the baseline funding for the next biennium, per-day jail costs will be calculated at \$80.64 per-day (current biennium is \$66.96) and \$18.69 per-day for community sanctions (current biennium rate is \$7.21). A separate analysis of the cost of Work Release Centers was also included. The State should be encouraged to revise per-day costs based on this Actual Cost Study.

Related to the issue of baseline funding is the issue of how funds are distributed. While the higher operational costs of Multnomah County Jails (\$103.37 average per-day) drives up the statewide average cost figure (and therefore the total state funding available) the distribution of the total neither reflects this fixed cost nor adjusts for local variation. The State should consider constructing a formula that addresses this fixed system cost, and adds an "adjustment factor" that acknowledges the disparity between counties. The task of building a budget is always complicated by competing interests. In this new era in which Public Safety Agencies and Community Corrections Departments are partners in a shared task, any funding formula needs to reflect the needs of each group. Jail is a static cost, and the operational costs in a County with a large urban population present a unique funding problem.

*Recommend:
State funding reward
Diversion*

The costs of Community Corrections management is more dynamic than that of a jail. Offenders can be placed along a broader continuum, and service levels more easily adjusted. Funding should reward local practices that divert offenders to effective system options, such as Drug Court; or that make use of safe, low-cost alternatives such as Day Reporting. Multnomah County makes good use of both. Yet, system diversion is not rewarded in any funding formulation, and Day Reporting and less than 30-day sanctions (including jail) are not counted for purposes of budget preparation. Funding should reward sound and cost-effective practices.

SB 1145 resulted in an arranged marriage of sorts between Public Safety and Community Corrections agencies. The legislation called for the designation of a Supervisory Authority in each county who would assume final responsibility for managing the population along a custody and non-custody continuum. In Multnomah County, the Sheriff and the Director of Adult/Juvenile Community Corrections share this authority. This arrangement meets the spirit of the local control philosophy, that recognizes the benefits of balanced offender management. And this balance requires cooperation, coordination and trust. This, between two Corrections entities that have never had to work together this closely, nor share this level of authority. The evolution of protocols and the refinement of roles takes time.

*Recommend:
Establish Placement
Guidelines*

At the line level, the SB 1145 Team, comprised of staff from both the Sheriff's office and Adult Community Justice, share decision-making in the community placement of offenders. This arrangement is working, and Multnomah County is well served by a team of individuals who work hard to make careful and reasoned decisions. And they truly function as a team. However, the system would benefit from a policy discussion at the Criminal Justice Council, regarding the goals and objectives which should influence the placement of offenders; and the SB 1145 team would benefit from general screening and placement criteria to guide their day-to-day decisions. With this in place, these professionals then need to be given permission to take reasonable risks within a general policy framework.

*Recommend:
Integrate Database
Systems*

Both the SB 1145 team and the system need to be able to routinely review information that provides a description of how the population is being managed, and describes general patterns and trends. Good information should shape and inform local policy. But complete and reliable information about the local SB1145 population is not available. This is a critical issue that needs to be addressed. The lack of accurate information can weaken local decision-making and frustrate State budget building. A fragmented system of information in which SB 1145 data resides in unmatched and unmerged databases means that information cannot be extracted without tremendous time and effort. One such effort was recently completed. This needs to be fixed.

*Recommend:
Evaluate, Evaluate,
Evaluate!*

In addition to routine data collection and on-going analysis, the County should begin planning an outcome evaluation to judge the effects of this intervention. A study of the relative benefits of various sanction options can provide important information to guide future practices. If the goal is recidivism reduction, does a shorter term sanction yield as much benefit as a longer term sanction? The community corrections system can now apply from 31 - 90 days of sanction units. Are 90 units more effective than 50? Do sanctions coupled with treatment yield better results? And what would be the effect of sanctions delivered, in a drug court model, that are outlined in advance, and achieve the objectives of swiftness and certainty? With the largest offender population in the State, Multnomah County is well positioned to make a significant contribution to the knowledge base on sanction practices.

*Recommend:
Conduct systems
study*

As the impact of SB 1145 is studied, it is a good opportunity to begin a larger scale analysis of the local criminal justice system. This kind of analysis can provide an understanding of the multiple influences on limited jail and program resources. It is important that those involved in making criminal justice decisions recognize that the system is not a

*Recommend:
Refine local policies
that impact resource
utilization*

fixed “container,” enlarged as needed to accommodate overflow. A criminal justice system is, in the broadest sense, a concept. The system must be viewed as dynamic, consisting of interdependent programs, agencies, organizations and individuals, whose roles evolve through time. County criminal justice systems, especially, must be designed to respond quickly to rapidly changing needs. The nature of county jail populations — whose lengths of stay are substantially shorter and are measured in days, not years — is that they are constantly changing. A system analysis lays the foundation for a full discussion of local policies that guide the use of the jail and other limited resources. The key to managing costs and preparing for the future is good information, clear policies, and on-going planning.

Local Control legislation has restructured the way the system responds to offender failure. It resulted in the creation of Local Public Safety Coordinating Councils; and it reshaped the way two county corrections agencies interact. Corrections professionals are now planning around a single table, and corrections staff are working together on a common task. So, while the verdict on the long-term costs and benefits of this legislation has not yet been reached, its potential for better integrating the criminal justice system and promoting the pursuit of common goals has already been shown.

II. SYSTEM CHANGE

Organizational Changes

Even in periods of relative stability it can be difficult to assess the impact of a single system change. Yet, over the last eighteen months the corrections landscape in Multnomah County has been significantly altered. The effects of exciting changes in, policy, and practice, and resources are just beginning to be observed.

Policy Changes

In January, 1997, SB 1145 was implemented at the same time that the Board of County Commissioners approved the consolidation of Adult and Juvenile Corrections. And in the summer of that year, a redesign of adult community corrections served to concentrate resources on higher risk cases, while providing innovative programs to respond effectively to the lower risk offender.

Resource Changes

A Probation Violator Court, established in the last year, consolidated the processing of half of all probation cases; and a Community Court is just preparing to open its doors.

An expansion of jail beds has reduced matrix releases. Matrix releases have been reduced from an average of over 500 per month in 1997, to a little over 300 per month over the first four months of 1998.

Add to all this, the increased diversion of cases to a successful Drug Court Program; changes in the duration of judicial sentences; and shifts in the number of cases sentenced to prison, and one begins to wonder what hasn't changed. (Well, the local crime rate has remained fairly constant in the last year!)

Information System Changes

Even the information systems that allow us to analyze change have changed. This last year saw the adoption of a new management system in the Sheriff's office and the construction of a new sanctions tracking system in Adult Community Justice. The movement to Local Control must be understood within this context.

III. HISTORY

"Oregon's correctional system is critically out of balance in two ways. First the demands being placed upon the system far exceed the current available capacity of its institutions and community supervision programs... Secondly, the Oregon correctional system is out of balance, because it fails to provide a full range of intermediate sanctions between parole or probation and prison... This lack of ability to impose a greater range of control over convicted felons who remain in or return to the community has contributed both to the increasing use of prison as a sanction and to the increasing rate of failure of those offenders who are placed on probation and parole."

(Governor's Task Force on Corrections Planning, 1988)

SB 1145, enacted in 1995, restructured the delivery of corrections services in Oregon. It required counties to assume full management for community-based offender services; shifted the responsibility for offenders sentenced or sanctioned for twelve months or less; and mandated the establishment of Public Safety Coordinating Councils.

These changes might be viewed as the culmination of three major shifts in Corrections in this State over the last twenty years. These include:

- The emphasis on community managed corrections (Community Corrections Act, 1977)
- The adoption of structured decision-making for sentencing and sanctioning (Sentencing Guidelines, 1989; Structured Sanctions, 1993)
- The re-examination of sanctioning practices after the passage of mandatory minimum sentencing legislation (M. 11, 1995).

Over the years, counties had gradually assumed more responsibility for managing community corrections. Multnomah County became an Option I county in 1991, assuming full responsibility for offender supervision services and related programs.

Over time a range of local intermediate sanctions were developed, and new sanctioning guidelines provided a framework for their allocation. And this was happening against a backdrop of new research that suggested that the greatest reductions in recidivism could be realized by focusing on the higher risk offender; and that institutional sanctioning without services did not evidence positive long-term change. Community Corrections professionals began to re-examine the

assumptions guiding the system response to failure. At the same time, the use of prison as a short-term sanction was increasing.

The debate over the use of prison to respond to violation behavior was fortified ten years ago in Oregon with the release of the Governor's Task Force Report on Corrections Planning. That Report provided a description of an overburdened prison system that had come to rely on "temporary releases" to control population, and a community corrections system that lacked the resources to affect change.

Prison Crowding

It was also a bold indictment of an over-reliance on prison as a sanction. The Report noted not only the impact this practice had on prison resources, but the lack of any positive impact it seemed to have on the offender population as a whole. And in a State famous for recycling, the Report spoke of the terrible failure of a system that had achieved high levels of offender "recycling." It called for change. The solution proposed was twofold: to increase prison capacity, and to strengthen community corrections resources.

Sentencing Guidelines

In the ten years following the Governor's Task Force Report, Oregon saw significant growth in prison capacity and the development of policies that structured the use of scarce custody resources. In 1989, Sentencing Guidelines were adopted to provide a framework for judicial decision-making. And in 1993, statewide Structured Sanctions Guidelines provided probation/parole officers with expanded discretion to impose local sanctions, while providing checks on the use of jail resources. State capacity had been expanded and guidelines created to ensure that State and local beds were accessed in a manner that was equitable and proportionate. Community Corrections agencies had adopted risk assessment instruments to guide case management resources and were now turning greater attention to strengthening the local continuum of programs and sanctions to serve that population. Then Measure 11 passed.

Reassessment of Sanction Practices

In an effort to address projected Measure 11 prison needs, the State reopened one issue raised in 1988 — the use of prison as a short-term sanction. A discussion of the relative roles of the State and the counties in managing the offender population followed. The State had a prison bed crisis, but could a public safety argument be made for managing this population at the county level? Many corrections professionals argued, "Yes." The theoretical basis for the shift to Local Control was grounded in the effectiveness literature that suggested that swift and certain sanctions, coupled with appropriate programs, offered the best long-term gains. Balanced responses to failure, continuity of case management,

and access to a local continuum of services were advanced as local advantages.

"With adequate support under SB 1145, Multnomah County believes it can reverse the trend identified by the Governor's Task Force as a failure of Oregon's Corrections system.."

Source: Multnomah County SB 1145 application

However, while the State had a prison bed crisis, could counties absorb this new workload? Not without significant additional jail and program resources, counties responded. And so a new "partnership" was proposed. The State would expand local jail and program capacity, and the counties would assume responsibility to manage those offenders with a twelve month or less sanction or sentence. SB 1145 ("Local Control" Legislation) was implemented January 1, 1997.

Multnomah County studied the predicted impact of this legislation and then submitted a proposal to the State to address the projected need. This proposal requested funding to construct 330 additional jail beds and a 150 bed residential drug treatment facility, as well as funds to enhance program services and information systems. Planning was based on the assumption that costs would be contained by managing the population in a 50/50 mix of jail and programs.

Local policy was adopted that required all SB 1145 offenders to serve at least 30 days in jail, after which they would be eligible for placement in one of a number of community sanction programs. The new jail beds are now nearing completion and siting is being worked on for the drug treatment beds. Yet, eighteen months into this change, the average daily population is almost 50% lower than expected, and less than 20% of offenders are serving any of their time in a non-jail program. What happened?

IV. THE PROJECTION

"Where have all the inmates gone?"

Multnomah County Sheriff, Dan Noelle

Predictive science is, in the best of circumstances, an inexact art. The shape of the future is drawn based on the practices of the past. Multnomah County did a good job of modeling based on the information at hand. Yet, one model assumption changed (certain offenders were required to spend all time in jail); one model effect was unforeseen (sentence length decreased); and one model element was unrealized (not all resources have been implemented).

Table 1.

Multnomah County SB 1145 Experience

<i>The average daily population is:</i>	
• <u>less</u> than forecast	Expected = 700 Observed = 370
• Sentence stays have <u>decreased</u>	Expected = 4.5 mo. Observed = 2.5 mo.
• Program placement rates are <u>lower</u> than expected	Expected = 50 % Observed = 16 %

Based on previous prison activity, Multnomah County expected to have an average daily population of approximately 700 SB 1145 offenders. However, the actual number served was roughly 50% less than forecast.

The average length of time in SB 1145 status is 2 months less than expected

The original planning was based on the fact that those who had been sent to prison from Multnomah County in 1996, had an average sentence of 7 months, and then actually served an average 4.5 months. In contrast, the county experience over the last eighteen months has been that the average sentence is 4.5 months, resulting in an average length of stay of 2.5 months.

And, although it was expected that 50% of the population would move from jail to a program; in the first six months of 1998, 16% were placed in a non-jail program. (This is up from 11% for calendar year 1997).

COMPARISON OF MULTNOMAH AND STATE

The Multnomah County experience is not an anomaly. The local experience with the SB 1145 population is fairly consistent with the statewide experience. Multnomah County experienced change in the same direction as the State on the following indicators (remembering that because of its size, Multnomah also has a significant impact on the statewide numbers).

Figure 1.

Multnomah County & State SB 1145 Comparison

The Multnomah County experience with the SB 1145 population is consistent with statewide average.

The average daily population is:

- less than forecast

(ADP)	
County	(- 50 %)
State	(- 20 %)

- Sentence lengths have decreased

(SENTENCE LENGTH)	
County	(- 72 days)
State	(- 52 days)

- Program placement rates are lower than expected

(PLACEMENT RATE)	
County	(11 %)
State	(12 %)

The Average Daily Population is Less Than Forecast

The statewide average daily population of SB 1145 offenders was approximately 20% less than forecast, while in Multnomah County it was down 50%. The difference in degree between the County and the State can be explained by at least two factors:

1. Statewide, there was a slight increase in admissions, while in Multnomah there were fewer than expected admissions.
2. The average length of sentence decreased more in Multnomah in comparison to the statewide average.

Sentence Length Decreased

Sentences in Multnomah County decreased 72 days when comparing 1997 data with 1996, while the average statewide decrease was 52 days. This reflects changes in sentencing and sanction practices, as well as the local effect of good/work time and credit for time served.

Program Placement Rates are Lower Than Expected.

For the first year of implementation, the statewide program placement rate and Multnomah County's rate were very close. Statewide, the average placement rate in a non-jail program was 12%, while in Multnomah it was approximately 11%

LOCAL CHANGES

The average daily population of SB 1145 offenders is based on the *total number of admissions* to Local Control, and the *duration* of their stay in that status.

The average daily population was impacted by lower than expected intakes in the first year, and by an average length of stay that was two months shorter than expected.

Total Numbers

44% Decrease in
less than
12 month sentences
for
new crimes

▪ Local Decline in Less Than 12 Month Sentences

Multnomah County experienced a 44% decrease in less than 12 month sentences for new criminal activity, comparing 1997 to 1996. Conversely, placements in Drug Court diversion increased by 79% in 1997

▪ Shift to Non-Jail Sanctions for Lower Risk Offenders

The increased use of non-jail interventions, such as the Day Reporting Program, lessens the impact on the jail

Duration of Local Control Sentence/Sanction

▪ Length of Sentence Imposed is Down

According to data compiled by the State, the length of sentences imposed in Multnomah County is down by more than two months, declining from an average of 211 days in 1996, to 139 days in 1997.

▪ The Effect of Good Time/Work Time and Credit for Time Served

The application of good time/work time and credit for time served at the local level results in more time deducted than at the State (which formed the baseline for local forecasting). In addition, local application of good time/work time seems to vary between jurisdictions.

TRENDS

The search for patterns takes time. Eighteen months is still a relatively short period of time to begin describing trends. Yet, change can still be described, understanding that change is often temporary and subject to changes in policy and practices.

What are the Trends?

- ✓ Increase in total number of intakes
- ✓ Increase in SB 1145 Average Daily Population (ADP)
- ✓ Increase in program placement rate
- ✓ Upward trend in Parole / PPS sanctions
- ✓ Decrease in number of *new* < 12 month sentences

Increase in SB 1145 Intake Numbers

While the projected number of intakes was slightly less than expected for the first year, in the first six months of 1998 the average number of SB 1145 intakes is up by approximately 50 individuals per month. Upward trends can be influenced by population growth, a lowered system tolerance for failure, program failure and return rates, or the exhaustion of local program options for a population under supervision for longer periods.

Increase in SB 1145 Average Daily Population

The average daily population of Local Control offenders increased 35% when comparing the first six months of 1998 to calendar year 1997

Increase in Usage of County Jail Beds for SB 1145 Population

While usage of State Department of Corrections rental beds has not changed significantly, the use of local jail beds is on the increase, as displayed in Table 2 below.

Table 2.

Custody Location of Multnomah County SB1145 Population, 1997/98

	<u>ADP 1997</u>	<u>ADP 1998 (Jan-June)</u>
DOC Bed	135	130
Grant County	7	15
Multnomah	68	116

(Source: Jail Population Report, First Quarter Report, 1998)

Increase in Program Placement Rate

*Program placement
rate is now 16%*

The percentage of SB 1145 offenders placed in a jail alternative has increased from 11% of all admissions for 1997, to an average 16% of admissions for the first six months of 1998 (Sheriff's OMU data).

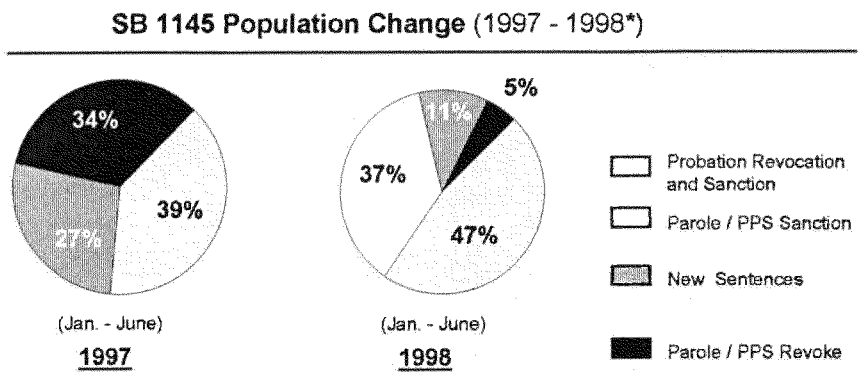
Although Multnomah County compares its current placement rate to an expected 50% they developed as part of their Plan, it should also be remembered that the estimate for program placement made by the State Department of Corrections was 75% in a jail bed and 25% in a jail alternative. As program placement rates increase around the state, (with the development of new programs, the increase numbers of sanctioned parolees who can now be moved to programs, and resolution of other issues -such as holds) we should see program placement rates increase.

Upward Trend in Number of Sanctioned Parole/PPS Cases

*Shift in practice from
revoking to
sanctioning*

A statutory change, implemented in November, 1997 gave community corrections expanded discretion to impose 31-90 day sanctions. Administrative sanctioning for this population increased dramatically when comparing the first six months of 1998 to the first six months of 1997. The importance of the shift to sanctioning from revoking is that the sanctioned group can be moved to programs (revoked parole/pps cases had to serve their time in custody), and that on average they have shorter sanctions. While this could, over time, reduce the average daily population of SB 1145 offenders in Jail, it can also provide a challenge for placing offenders with shorter stays. (ISD data download for 1997 data; Sheriff's OMU data for 1998)

Figure 2.



Source: ISD download from SWIS for 1997 data; Sheriff OMU data for 1998.

Decrease in Number of Sentences for Twelve Month or Less Convictions

Individuals sentenced on a new less-than-twelve-month sentence decreased 56% when comparing the first six months of 1997 to the first six months of 1998 (DSS data download for 1997; Sheriff's OMU data for 1998)

V. PROGRAM PLACEMENT CONSTRAINTS

The Multnomah County SB 1145 Plan was based on the assumption that on any given day half of the population would reside in a jail bed, and half would be in an alternative jail program. Several factors have contributed to the lower than expected program placements. These include:

- *Parole/PPS Revokes Must Serve All Time in Jail*

The inability to move this population was unanticipated.

- *Holds*

More than 20% of the SB 1145 population have a hold of some kind, restricting their movement. The number of holds is a reflection of offenders with deeper system involvement. The extent to which it would influence program placement was unanticipated.

- *Non-1145 Companion Sentences*

In these cases, the offender has mandatory custody time on a non-SB 1145 sentence that must be served before considered for placement.

- *High Risk*

This category includes offenders with violent histories, untreated sex offenders, chronic absconders, and those exhibiting hostile or assaultive tendencies.

- *Inmate Refuses Treatment*

The inmate denies having a problem or is resistant to program placement.

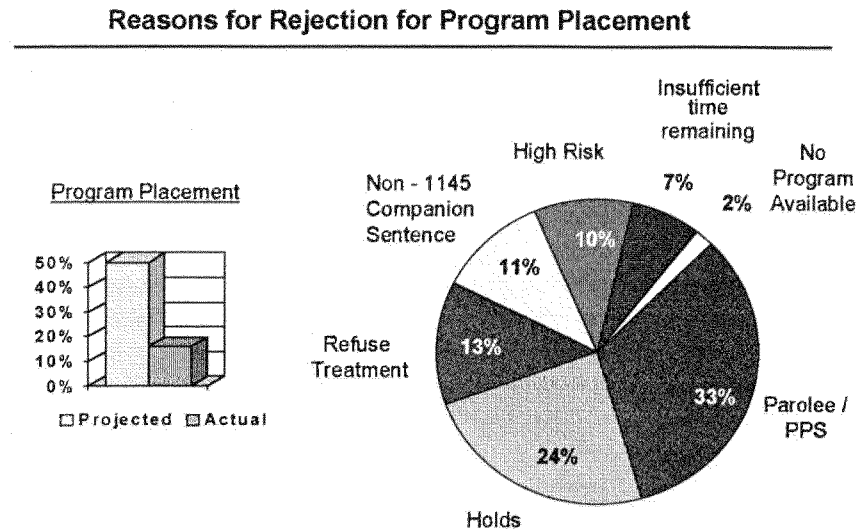
- *Insufficient Time Left to Access Program*

The combined effect of good/work time, and the local 30-day stay-policy is to reduce available time to such an extent that program options are severely limited.

- *No Program Available to Meet Need*

In some cases no appropriate program existed to address the unique or complex needs of the offender. But it is also important to note that the Secure Drug Treatment beds only became available early in 1998. The numbers placed in treatment increased significantly after this resource was made available.

Figure 3.



Source: DSS Download, 1997.

To better understand the population rejected for programs, case files for the last year were reviewed for certain categories. These and other groups are further discussed below.

Parolee/Post-Prison Revocations

*Couldn't move
revoked
parole/pps to
programs*

The original Multnomah County SB 1145 Plan did not account for the statutory prohibition against placing a revoked post-prison offender in alternative programs. This prohibition appears to have caught many jurisdictions by surprise. The other unexpected issue was the disallowance of good time and work time for this same population.

Given that in the first year, almost 40% of the SB 1145 offenders were Parole/PPS revoke cases, the inability to move them out of the jail represented a major constraint to program placement. This issue has been all but resolved with the implementation of SB 156. This legislation, which broadened the authority of local community corrections to impose administrative sanctions (of from 31 - 90 days), reduced the system incentive to revoke and has resulted in a wholesale shift in practice. And, unlike revoked offenders, sanctioned offenders are eligible for program consideration.

The impact of this change can already be observed in the increase in the number of cases placed in programs over the last six months. Given that the total numbers of sanctioned offenders is also going up, we can expect to see a continued growth in program placement over the coming months.

■ ■ ■

Holds

The Multnomah County planning model did not anticipate that such a large percentage of the 1145 group would have holds limiting their placement. Roughly 24% of the population has a hold.

Various efforts have been made to expedite the removal of holds. Personnel in the Sheriff's office, Adult Community Justice, the District Attorney, and the Public Defender's Office have all attempted to address this problem with little success. The two kinds of hold that merit further discussion are: Other County Holds, and INS holds

*44% of all holds are
'other county' holds*

Other County Holds This group constitutes 44% percent of all SB 1145 holds (DSS Download, 1997). County staff relate that a large percentage of these are holds for either Clackamas or Washington counties. Given the movement within this urban zone it is worth considering the development of a court to process holds for this tri-county area.

Apart from this, it is also worth noting that there are no restrictions to moving cases with other county holds to a jail alternative. Multnomah County Legal Counsel, responding to a question regarding holds indicated that, "The fact that a sentenced offender has an "other county hold" does not prevent the supervisory authority from placing the offender in community supervision in execution of the sentence." (Memo, Office of County Counsel, June 13, 1997)

*Local policy keeps
INS holds in Jail for
30 days*

INS Holds The local policy to hold INS inmates for 30 days should be reviewed. While the goal of equity is fundamental to any criminal justice system, it might be asked whether that objective can be met by other means. It might be argued that deportation itself is a punishment of equal or greater value than the 30 days in local bed custody. To address the issue of deported individuals returning to the local area, discussions should be initiated with the Office of the U.S. Attorney to explore their willingness to file Aggravated Re-entry charges in the event a deported individual returns.

Recommendation: Establish a Court to process Tri-County Holds.

Recommendation: Reconsider local 30-day custody policy for INS Holds.

■ ■ ■

Insufficient Time Left

The expected program placement rate of 50% was based on an assumption that there would be more time available to work with the offender.

*Expect further
reduction in
sanction length*

The effect of the decrease in length of stays has been significant. The original Multnomah County Plan anticipated that SB 1145 offenders would serve 4.5 months on a local sentence. In practice they have served an average of 2.5 months (DSS Download, 1997). And the system can expect the average stay to decrease even more over the next year, due to recent implementation of new sanction legislation and a resultant shift in sanctioning practices. This decrease in length of sentence can reduce population pressures on the jail, at the same time that it further challenges system efforts to provide well-structured and meaningful interventions. An average 71-day sanction translates into a 40-day stay, after good time and work time is applied. And research indicates that a minimum program stay of three months is needed to realize reductions in recidivism.

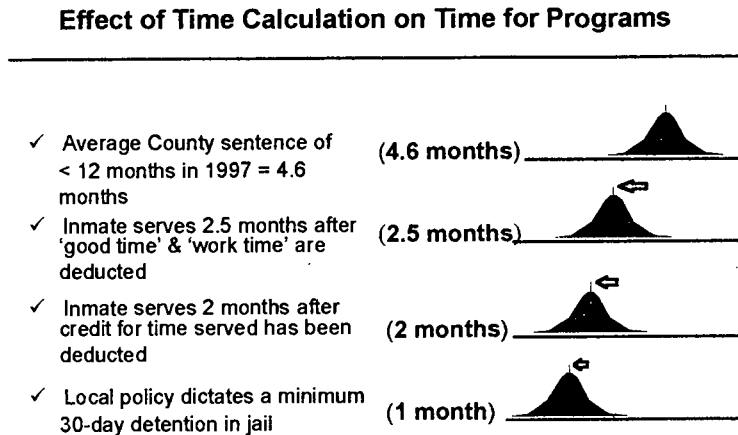
The local policy to hold all revoked offenders for at least 30 days in jail, was based on a goal of providing a minimum jail stay, for a population that would in the past have received a longer prison term. Yet, given the shortened time available to work with offenders, this policy should be reconsidered.

*Research
suggests 90 day
minimum program
stay is needed to
realize reduction
in criminal
behavior*

The importance of sufficient time for program involvement is a critical issue. One of the lessons from the literature on program effectiveness, is that program involvement of less than three months has no perceived long-term effect on recidivism. This research is strengthened by the recent outcome evaluation of the Multnomah County Drug Court. Given this, the 90-day threshold should become a standard for program involvement. Yet, this standard should not limit placement of an offender with only 60 days remaining in Local Control status, in a residential treatment program. It does suggest that offenders in a residential program should be routinely expected, by condition of supervision, to complete an outpatient phase of treatment to meet the minimum time involvement.

Another issue related to good/work time is the anomaly of a calculation formula that results in a person sentenced to 30 days serving 24 days, while a person with a 31-day sentence serves 18 days. This should be reviewed.

Figure 4.



Recommendation: Eliminate the blanket 30-day minimum jail stay before program placement.

Recommendation: Address disparities in good/work time that result in a 31-day sentence translating into less time than a 30 day sentence

Recommendation: Set as a standard condition, the continuation of residential treatment in an intensive outpatient setting.

■ ■ ■

Refuses Treatment

"We have been giving the inmate the option to refuse treatment, maybe we shouldn't give them the choice - they have shown that they're not very good at making choices." SB 1145 Screening Team Member

Inmates give many reasons for refusing placement in treatment. "Done that." "Don't need it." "Just send me to DOC (prison bed)."

*Treatment often
considered
'tougher' than
custody by
offender*

Treatment is tough time for many offenders. Given the choice between time in a hard bed and time in a program, many will choose the bed. This is consistent with studies related to offender choice. In an Oregon study, selected offenders were given the choice of serving a prison term or returning to the community to participate in an Intensive Supervision program with drug testing and mandatory services. Given the choice, about a third chose prison (Petersilia 1990).

This disinclination for treatment is made worse in the case of SB1145 offenders, in that time in treatment can serve to lengthen the time under "local control." Good time but not work time is applied while in a residential treatment program.

*Lack of treatment
preparation
contributes to
program failures*

While it is true that a fair number refuse treatment, it is also true that screening staff have very little time to spend explaining the available programs or educating people about their benefits. Case notes suggest that approximately one-third of this group have managed to elude treatment while under supervision. And this group includes a good percentage with histories of person-to-person crimes. Clearly, this is a group that could benefit from treatment. Yet, the benefits that may derive from coercing involvement must be weighed against the disruptive influence a short-term participant can have on a treatment program in-progress. Staff have seen the failure rates of offenders who were sent directly to one of the residential programs without the benefit of good information or solid preparation.

To address these issues, it is recommended that the In-Jail Inmate Program (IJIP) be restructured as a two-week Treatment Readiness track for the SB 1145 population. This two-week period would afford staff time to prepare the resistant inmate for treatment, and to assess the appropriate placement. Finer distinctions could then be made regarding placement in a residential program, or, for appropriate offenders - in the Restitution Center Program with intensive outpatient involvement.

Recommendation: *Modify the In-Jail Inmate Program.*

■ ■ ■

No Program Available to Meet Need

"Defendant has serious mental health issues. Claims issues are related to depression. Also has physical problems so can't work. Is on SSI. Seven year cocaine problem. Only had outpatient treatment but didn't complete. Good attitude. Is stable on medications but Yamhill program is down medical staff so can't accept." Case Notes for SB 1145

The profile of the population that couldn't be placed because no program was available stands apart for three reasons: 1) The incidence of chronic mental health issues, 2) The prevalence of serious medical issues, and 3) The percentage of female offenders.

Of those rejected for program placement, this group had the lowest history of violent offenses, the greatest history of drug-related convictions, and the most chronic physical and mental problems. This population presents a complex challenge to corrections systems not well equipped to provide comprehensive services.

*Assessments not
always available*

Roughly 10% of this group were not placed in a program because an assessment was not readily available. This speaks to the larger need to have, as a member of the SB 1145 team, someone who can provide needed assessments for addiction or mental health issues. Consideration should be given to having a staff person from the Target Cities Assessment Project join the SB 1145 work group. An integrated group of Public Safety personnel, Community Corrections, and Clinicians would provide a strong team.

Many offenders cannot afford prescribed medications, that if taken, might stabilize the person enough to make them a candidate for program placement.

*Lack of Transition
Housing limits
program placement*

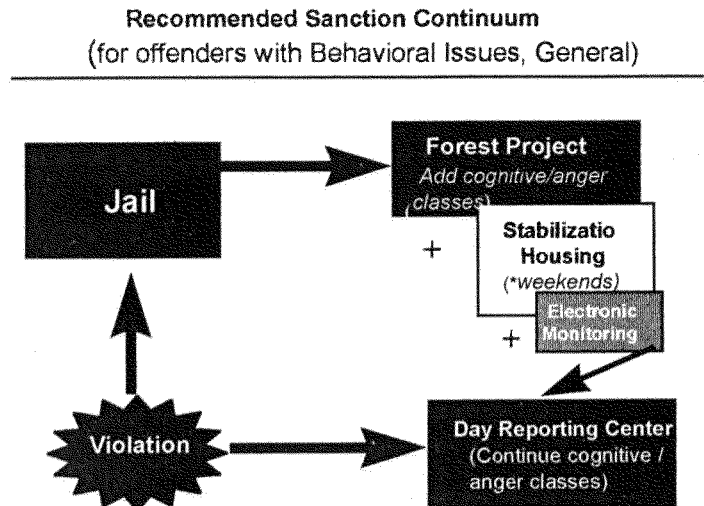
Not all individuals within this category possess chronic conditions which make placement problematic, some simply lack stable housing and therefore cannot be considered for the weekday Forest Work Program. Stabilization housing provided in conjunction with the Forest Camp would open this option for some, and for others provide another measure of public safety.

*Restitution Center
would be good option
for many*

The Restitution Center provides an ideal resource for the SB 1145 offender accessing other resources (such as outpatient treatment), or transitioning from a more secure program. Even so, it has been little used over the last eighteen months for this population. The Work Program is now ten years old and has been a success in the community.

It is time to review the eligibility criteria and consider it as a resource for an expanded group of offenders.

Figure 5.



Recommendation: Dedicate Target Cities staff to join SB 1145 team to provide assessment support.

Recommendation: Make a fund available to purchase already prescribed medications to stabilize offenders with unmet mental health needs.

Recommendation: Develop stabilization housing to be used in conjunction with the Forest Project

Recommendation: Reassess the Restitution Center eligibility criteria and consider it for the SB 1145 offender who is linked with other programs.

■ ■ ■

High Risk Offender

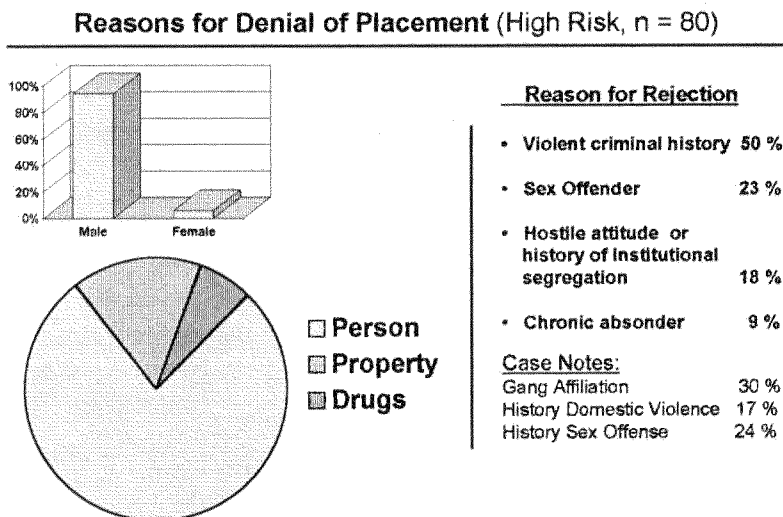
"Untreated, predatory sex offender with no home, no job, and no GEDHigh Risk to Re-offend. No appropriate program." Case Notes from SB1145 Screening Unit

It is a terrible irony that the offender considered too high risk for a treatment program is often the person held in jail and then released back to the streets, without any constructive intervention. Yet, the system is challenged by a group of recalcitrant, disruptive, and potentially volatile individuals; some who have tried and failed available programs. Others have not yet made it to the treatment door.

"Hostile, with a History of Institutional Segregation" "A Chronic Absconder" "Gang Affiliation with History of Domestic Violence . . . victim frightened"

The profile of the cohort rejected for program placement because of Risk paints a stark picture. Predominately male (94%), they have a significant history of person-to-person offenses (77%) as described in case notes at the time of screening.

Figure 6.

Most Serious Prior Conviction

Source: Review of Case files Rejected for Program Placement April 1997 to April 1998

"Sentenced for Possession of Controlled Substance II. Untreated sex offender. History of Attempted Rape(93) , Robbery II (88), Robbery III (91), Many PC charges. Initially stated that he wanted inpatient treatment, then changed mind and said that he has only used drugs for one year and doesn't need. High Risk"

Case Notes SB 1145 Screening

*No Appropriate
Services for High
Risk Sex
Offenders*

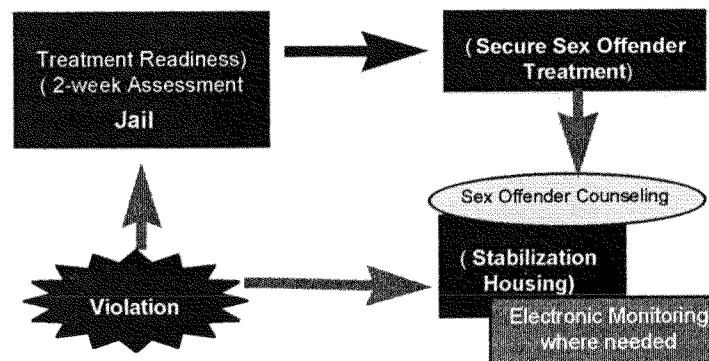
Roughly a quarter of the High Risk group rejected for program placement had a history that included a sex offense conviction. Several were listed as untreated, predatory sex offenders. It is difficult to place these individuals. Most programs won't take them. And the majority of good residential drug treatment programs are simply not equipped to deal with the issues related to treating both sexual pathologies and substance addictions. No secure, residential program designed specifically for sex offenders, is available in this State. Yet, a terrible need exists.

Consideration should be given to filling this gap with the development of a secure facility for this population. In the case files examined, 19 individuals were denied placement because they were sex offenders, often with other complications noted. However, a larger percentage of those denied for other reasons also have a sex offense in their criminal history.

As with the population placed in residential drug treatment, those placed in secure sex offender treatment will need to be engaged in treatment beyond the short time in SB 1145 status. This necessitates the continuation of treatment in an outpatient setting, and, where needed, a transition phase that incorporates stabilization housing.

Recommended Sanction Continuum (for Sex Offenders)

Figure 7.



Case: Original crime was Sex Abuse I. Predatory crime - victim was a stranger, 14 years old. Defendant on psychotropic medication regimen. Uses all street drugs, prefers methamphetamines by injection. Suspected in multiple sex abuse cases while on supervision. Defendant has become demanding and disruptive in custody - released to maximum close custody. Serious dual diagnosis. Not in compliance with sex offender counseling.

Case Notes from SB 1145 Screening

**Control Strategies
Needed for those
who pose
imminent risk**

**Recommend:
Review use of
electronic
monitoring**

No matter what provisions are made to deal with the high risk offender, some will never be appropriate candidates for community program placement, either because they cannot conform to the rigors of an interactive group setting, or because their pathologies leave them unresponsive to short-term therapeutic interventions. In these cases, the screening staff should simply address public safety issues and consider all available options at the time of release, such as intensified contact and electronic monitoring. The assessment process should also be refined to allow, where needed, a general determination of imminent risk for violence.

"Rejected due to assaultive history/domestic violence. Domestic assault. Victim indicated fearful. History of aggravated assault (87) assault (88), aggravated assault (88) gang activity association (88), assault - domestic violence (95), robbery (96). Feb. 97 became combative - struggled with security guard"

Case Notes from SB 1145 Screening

**Domestic Violence
Cases warrant
specialized
response**

The cases with domestic violence and assault involvement present their own concerns and frustrations. Multnomah County has taken a positive step in providing specialized supervision for this population of offenders, through its domestic violence unit. This effort would be complimented by an In-Jail track that continues to address anger management issues while in custody. These sessions could be continued in a Day Reporting Program (with electronic monitoring where appropriate).

"Defendant considered a high risk dangerous offender according to (sentencing guideline) Grid. Needs treatment but insufficient time for secure/inpatient treatment. History of Assault 2 (94), Assault 4 Domestic (97), Robbery 2 (94), PPDS contacts for theft, drugs, duii, burglary, forgery, domestic violence. Has never been to Day Reporting Program, Work Release or Forest Project. Was supposed to do outpatient but didn't."

Case Notes from SB 1145 Screening

*Longer
incarceration
option needed to
address few
cases*

Still, there will always be those few chronic, dangerous offenders for whom a longer period of incarceration is needed. The logic of SB 1145, that argues for maintaining offenders in the community applies to most individuals under supervision. Yet, for a small number of non-compliant offenders, access to a prison bed is an important option. It offers additional leverage to compel treatment compliance for a high risk population, and it provides additional time to address serious treatment needs in a secure setting.

SB 1145 bifurcated the Corrections System. It created two separate systems, a county system and a State system. To adequately address the high risk dangerous offender these systems need to be re-linked. While prepared to initially propose a call for the restoration of the full continuum as part of this Report, further research has revealed a clause in recently implemented legislation (SB 156) that provides this longer term prison option. The language of SB 156 allows the imposition of up to 24 months of prison time under the following circumstance:

*Extend continuum
to prison*

ORS 144.108,

Section 5 (1) If the violation of post-prison supervision is new criminal activity or if the supervisory authority finds that the continuum of sanctions is insufficient punishment for a violation of the conditions of post-prison supervision, the supervisory authority may:

- (a) Impose the most restrictive sanction available, including incarceration in jail;
- (b) Request the State Board of Parole and Post-Prison Supervision to impose a sanction under subsection (2) of this section; or
- (c) Request the board to impose a sanction under section 2 of this 1997 Act.

Section 2.The board shall adopt rules under subsection (1) of this section that include, but are not limited to, a sanction under ORS 144.108 of imprisonment in a correctional facility for a period that may exceed 12 months. The rules adopted by the board may not allow the imposition of more than 24 months of imprisonment without a subsequent hearing to determine whether additional imprisonment is appropriate.

Recommend:
State
development of
Violator Program
Camp

The language in ORS 144.108 applies only to a person serving a term of post-prison supervision for a felony committed on or after the effective date of the Act, which is July, 1997. Counties should pursue discussions with the Parole Board and the State Department of Corrections regarding the implementation of this provision. What rules will be adopted? What criteria will be used to select appropriate candidates? And, while the prison bed will be available for these few, the State may want to consider managing them in a manner that is consistent with the philosophy of Local Control — to provide programs as well as beds. If the interest is to reduce risk, a longer term Violator Program Camp might best meet community safety needs.

"Defendant housed in administrative segregation and is on disciplinary lockdown unit for disruptive behavior and threats to staff. Has 17 entries on discipline screen. Listed as a gang member."

Case Notes from SB 1145 screening

"Defendant to remain in a Dept. of Corrections rental bed due to institution behavior - inmate assault. In lockdown."

Case Notes from SB 1145 screening

In the past, the system response to the High Risk offender has been to imprison. Yet we know that while this served a short-term public safety goal, it did not address long-term public safety needs. However, the community corrections continuum may not yet be fully capable of addressing the complex issues presented by this group. As Local Control strategies evolve, it becomes increasingly important to ensure that the local continuum can accommodate this population. Good assessments, secure treatment for sex offenders, and stabilization housing linked with programs would expand local service options.

Recommendation: *Develop secure, residential sex offender treatment*

Recommendation: *Develop transition housing linked to treatment*

Recommendation: *Make routine, the continuation of treatment in an outpatient setting*

■ ■ ■

VI. MANAGING THE CONTINUUM

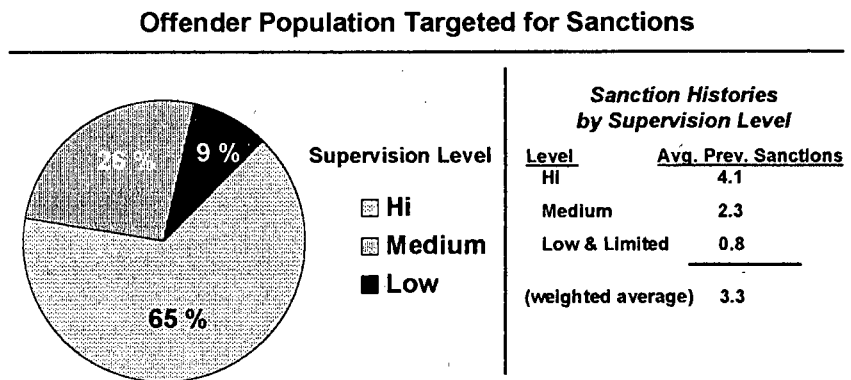
"If Public Safety is our goal, then we must give people the skills to manage their own lives." Elyse Clawson, Director of Adult and Juvenile Community Justice

Target Population

Majority of sanctioned offenders are high risk cases

The population targeted for sanctions and interventions is that high risk group for whom supervision resources are targeted. Sixty five percent (65%) of those sanctioned in the first six months of 1998 were supervised at a high level. The offenders in this group had, on average, received 4.1 previous sanctions.

Figure 8.



Source: (Sanctions Tracking Unit 1/1/98 through 6/30/98)

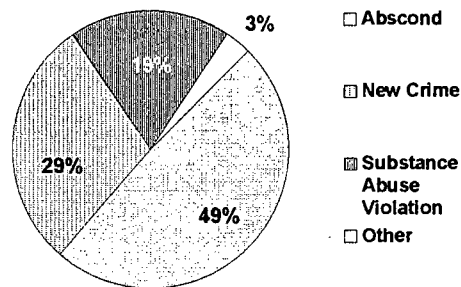
Footnote: Does not include Probation Revocations or Judge imposed sanctions.

The most frequent reason for violation was Failing to Report to a Probation or Parole Officer (Abscond), comprising forty-nine percent (49%) of all violations.

Figure 9.

Reasons for Violation (SB 1145 + Non-SB 1145 Offenders)*

Absconding is the most frequent violation



Source: Sanctions Tracking Unit, 1/1/98 through 6/30/98.

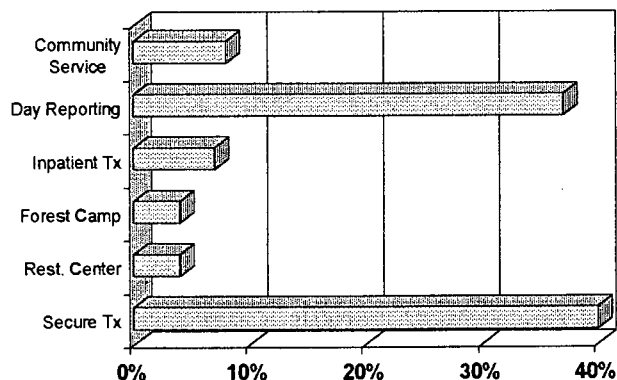
* All, except probationers processed by Judges.

The Lower End of the Continuum

Both ends of continuum are well utilized

By design, Multnomah County makes good use of the lower end of its continuum. The expansion of the Day Reporting Center serves a central function in the sanctioning of lower risk behavior. Once jail is imposed, the Day Reporting Center is still an important tool. In fact, when examining the type of programs imposed with a Jail sanction, the Day Reporting Center is imposed as frequently as Secure Treatment. Clearly, both ends of the sanction continuum are fully used.

Figure 10.

Type of Program Imposed with Jail
(All Local Sanctions, Including SB 1145)*

Source: Sanctions Tracking Unit, 1/1/98 through 6/30/98.

* Does not include Probationers sanctioned by the Court.

The Jail Resource

*Majority of jail
sanctions are for
30 days or less*

When Jail is used as a sanction, the majority of placements are for the shorter (non SB 1145) stays of thirty days or less. Seventy seven percent (77%) of all jail sanction units imposed in Multnomah County are for 30-days or less (Sanctions Tracking Unit Data. July, 1998)

In a one-day Jail snapshot taken for this Report in July, 1998, 61% of the total post-trial population of 582 inmates were SB 1145 offenders (353 inmates).. [see Appendix for Jail Snapshot breakout]

VII. EFFECTIVENESS

"In summary, regardless of the review or the standard of effectiveness set, when one examines the actual studies reviewed the positive evidence regarding effective intervention is found in tests of correctional treatment services rather than tests of official punishment". Andrews, 1994

How can the lessons from the corrections literature on effectiveness be applied to the business of sanctioning offenders? Support for the local management of offenders was based, in part, on the conviction that prison sanctions in and of themselves had not proven successful in reducing recidivism, and that effective practices required a balance of sanctions and treatment. Yet, as Oregon approaches the two-year mark of the SB 1145 experience, statistics indicate that the majority of offenders are now serving their sanction exclusively in a county jail. At this juncture, the underlying premise of the Local Control philosophy should be reviewed, and strategies refined.

A body of scientific literature on the effectiveness of corrections interventions now exists. Its lessons are still being taught, and the application of its principles tested. These principles include:

- ◇ **Balance Supervision, Sanctions, and Supervision**
- ◇ **Ensure Treatment Involvement of At Least Three Months**
- ◇ **Target the Higher Risk Offender**
- ◇ **Focus on Underlying Issues Linked to Criminal Behavior**
- ◇ **Provide Programs that are of Sufficient Duration**
- ◇ **Provide Programs with a Cognitive/Behavioral Approach**
- ◇ **Responses to Non-Compliance should be Swift and Certain**

"Every tax dollar spent on alcohol and drug treatment produced \$5.60 in avoided costs to the Oregon taxpayer" (Finigan, 1996)

Multnomah County has, in the focus on higher risk cases, the planned enhancement of alcohol and drug resources, and the use of cognitive skills sessions, adopted programs and approaches consistent with effective correctional practices. There is room, however, in the next phase of development, for Multnomah, and other counties to assess how to best translate other principles into practice.

How can sanctions be applied in a manner both equitable and predictable? The existing Structured Sanctions Guidelines ensure a greater measure of uniformity than existed under the previous system; but with the overlay of new legislation and administrative rules, the Guidelines have become overly complex.

In serving the goal of standardization, Oregon may have traded certainty for a labyrinthine uniformity. Clearly, we've traded clarity. The predictability of a short and certain sanction (like that used in DROP programs), is lost when probation officers must employ a multi-step process just to determine the starting point on a sanctions grid. If sanctions are to ever meet the test of "certainty," they must also pass a test of "simplicity."

In programs in which offenders received both supervision and treatment, recidivism was reduced 20-30 percent.
(Petersilia, 1990)

How can we ensure that responses are balanced? The research on the effectiveness of balanced supervision, sanctions and treatment is compelling (Petersilia, 1990). Given this, the pursuit of balance should not begin at the point of violation. Balance must be achieved within the larger context of supervision planning. And a good place to start is with the Action Plan, devised at the time of intake. Each Plan, based on an individualized assessment of risk and needs, should map out a balanced strategy for the offender, and include clear expectations and predictable consequences. With this in place, the SB 1145 screening would become less a task of devising a plan, and more a task of implementing an already designed strategy.

What kind of assessment is needed to ensure that priority for drug treatment is given to those for whom addiction is directly linked to criminal behavior? The cost effectiveness of alcohol and drug treatment has been proven (Finigan, 1996); and a recent national study demonstrates the prevalence of addiction among the supervised population, and its terrible contribution to crime — almost half of probationers were under the influence of alcohol or drugs at the time of their offense (BJS, 1998). Yet, given the cost of residential treatment, who do we target for this scarce resource?

These questions represent just a few of the issues community corrections agencies in Oregon will need to address, as they continue the challenge of transforming the science of corrections into sound policies and realistic sanctioning practices.

VIII. ADMINISTRATION OF SB1145

The administration of SB1145 relies upon the combined efforts of a team of Jail and Community Corrections staff. The duties and roles of these staff members have evolved over the last eighteen months, and will continue to be refined as practices change and policies are reviewed. But a good foundation has been established.

SB 1145 Team

Joint training advised

Any team is made stronger by proximity. The Jail and Community Corrections staff would benefit from being housed in the same office. This would allow them to more closely monitor and review cases.

It would also be advisable if the expertise of both staff were tapped when interviewing the offender. Currently, only Jail personnel interview the inmate, and then both staff come together to review paper records and deliberate over the placement decision. Given the importance of the two perspectives, both should be engaged in the initial assessment.

In addition, future training opportunities made available to one agency's members should be made available to the entire team. This will facilitate the development of a common language.

Recommendation: *Co-locate Jail and Community Corrections staff and share training.*

Recommendation: *Involve both Jail staff and Community Corrections staff in interviewing offender.*

Placement Guidelines

Policy Shapes Response

The SB 1145 Team must make difficult decisions about the placement of offenders in community programs. These decisions should be influenced by written policy guidelines. These guidelines should be shaped by the two Supervisory Authorities, and debated by the local Criminal Justice Coordinating Council. Once adopted, SB 1145 team members should be given permission to take risks within this policy framework.

Recommendation: *The Criminal Justice Council should develop Policy Guidelines for Offender Placement.*

Designing a Response

Philosophy shapes response

Corrections practices are best developed within a theoretical framework. An example of such a framework is the "Balanced Approach," in which the response to the offender is based on three considerations:

- (1) Accountability : Has harm been inflicted that needs to be restored?
- (2) Reducing Risk : What underlying issues should be addressed to reduce future risk?
- (3) Controlling Risk : What level of control is needed to manage existing risk?

This model assumes that immediate public safety concerns are addressed; efforts are undertaken to reduce future criminality; and that the offender will be expected to repay debts or restore harm.

The kind of questions that are asked at the time of screening will to a large degree dictate what options are developed, and ultimately determine how success is measured.

Recommendation: *Discuss the considerations/questions that should help shape the system response to violation behavior.*

Role of Originating Probation Officer

Case Continuity - the benefits

At the time of revocation, the originating officer closes the case and transfers it to the SB 1145 team for the duration of their Local Control status. The argument advanced for this arrangement relates to the complexity of SB 1145, and the short-term need for more intensive supervision.

On the other hand, it might be argued that the benefits derived from continuity of case management outweigh the disadvantages. In fact, it might be argued that it is the point of non-compliance when the case familiarity and specialized expertise of the originating officer is most needed.

Recommendation: *Continue to debate the advantages and disadvantages of having originating officer close case at time of revocation.*

*Meeting Statutory
deadlines*

Hearings Officer

Post-Prison Supervision cases in the Jail on a detainer must be released from custody if not granted a hearing within 15 days. Jail staff track these cases and on the 14th day in custody send a teletype to the parole officer, supervisor, and sometimes the Parole Board, notifying them that the individual will be released if no action is taken. In the four month period reviewed for this Report (March - June, 1998), 173 teletypes were sent and 124 offenders were released, because a hearing had not been conducted within the two-week deadline. This issue merits further review and analysis. It may speak to the need for more Hearing Officer resources to ensure that cases can be processed within statutory time frames.

Recommendation: Review Hearing Officer resource needs.

IX. INFORMATION AND ANALYSIS

Analysis is only as good as the data from which it is drawn. The State and the counties are in a difficult position today when it comes to analyzing SB 1145 data. Jail systems are not linked to the State Department of Corrections; the DOC database was not designed to track detailed movement between community programs; and at the community corrections level, SB 1145 data is often not centralized. In the end, it is difficult to know with complete confidence statewide, how many SB 1145 offenders have been processed, how much custody resource they used, and how they were managed once moved from jail. This needs to improve.

Information Systems

Fragmented Databases

In Multnomah County, SB1145 data is kept in several databases. The SB 1145 team has developed a system of working with the jail to capture entry and exit information for Local Control offenders. This information is entered into the DOC database. With the need to also track 31+ day sanctions, this effort needs to be linked to that of the *Sanctions Tracking Unit* to ensure that all information is captured. The *JC-2 Court* has a stand-alone database that has data on Probation revocations and sanctions; and the *Sheriff's Office* collects SB 1145 information and generates a monthly Offender Management Report.

In a cursory review of these databases, it is not surprising that discrepancies were found. Some discrepancies are explained by problems of identification, problems of completeness, and by differences in the time of information entry. A system this fragmented, is broken.

Discrepancies in data

These information systems need to be integrated. Although the Multnomah County Bond Technology Project holds out hope for large-scale data 'warehousing,' it should not delay the integration of SB 1145 databases. This immediate need should be addressed short of other long-term information projects. And after the databases are merged, regular audits should be conducted to ensure that the information collected is complete and accurate.

Recommendation: *Integrate SB 1145 data systems.*

Information Linkage*Accessing
Information*

The Sheriff's SB 1145 Team should have access to the Community Corrections database (ISIS). This access would provide important offender information for purposes of case screening. Creating this linkage requires the State to provide an ID number. This has been requested.

Recommendation: *Link Sheriff's SB 1145 Team members to Adult Community Justice Offender database.*

Information Routing*Tracking the
Information*

Apart from the problem of data systems, is the issue of how information is routed for entry into those systems. Currently, court orders are sent to clerks in seven separate field offices for return to the probation officers. This process could be streamlined to ensure that full information is captured on SB1145 cases, and to serve as a check and balance mechanism for other data collection efforts.

Recommendation: *Route court orders to centralized record-keeping unit in Adult Community Justice.*

Information Interpretation*Deciphering the
Information*

At the time of jail booking, the Records Unit must determine whether the case is in SB 1145 status, how credit for time served is to be applied, and whether the judge denied consideration for alternative jail placement. This is not as straightforward as might be expected, in large part because it involves the interpretation of Court Orders. Jail Records Unit staff indicate that the lack of standardized Court Orders, coupled with the way in which information is documented, make this a sometimes difficult task. This can lead to errors in identification and processing. Given this, the system may want to address this issue.

Recommendation: *Consider whether Court Orders can be modified to more clearly identify SB1145 status.*

*Suggested
Studies*Analysis

Once the databases are merged and on-going analysis made feasible, routine reports should be generated for Criminal Justice Council review. At the very least, these reports should detail the number of SB 1145 offenders admitted by category, and describe how they were processed. In response to issues raised in this Report, other more detailed analyses are also recommended over the coming months. These include:

- (Forecasting SB 1145)

Carefully monitor the number of SB 1145 admissions, duration of stay, and placement rates over the coming months to support planning for next biennium.

- (SB 1145 Sex Offenders)

Conduct a more thorough analysis of revoked and sanctioned sex offenders to further explore the level of need for a secure treatment program.

- (SB 1145 Profile)

Develop a baseline of data for this population by conducting a more detailed analysis of a sample of "local control" offenders. Special attention should be given to an analysis of sanction and revocation practices of minority populations.

- (Release of Unprocessed Cases)

Collect more information regarding the number of individuals (both post-prison supervision and probation cases) who are in jail pending a hearing or sanction determination, and then released because they are not processed within mandatory time frames.

- (Cost/Benefit Analysis)

What are the cost savings associated with increased diversion and lower end sanctioning? What are the cost savings associated with sanctioning parolees/pps versus revoking them? And what are the unforeseen or unfunded costs?

Outcome Evaluation*Suggested
Evaluations*▪ (Recidivism Study)

The County should begin planning an outcome evaluation to judge the effects of this intervention. A recidivism study could be constructed that compared a group of "local control" offenders with a matched population, previously served with only a prison stay. As part of this study it would be interesting to examine the relationship between technical violations and new criminal activity. Is there a correlation? This question remains unanswered in the corrections literature.

- (Sanction Effectiveness Study) A study of the relative benefits of various sanction options could provide valuable information to guide future practices. If the goal is recidivism reduction, does a shorter term sanction yield as much benefit as a longer term sanction? The community corrections system can now apply from 31 - 90 days of sanction units. Are 90 units more effective than 50? Do sanctions coupled with treatment yield better results? And what would be the effect of sanctions delivered (in a Drug Court model), that are spelled out in advance, and achieve the objectives of swiftness and certainty? With the largest offender population in the State, Multnomah County is well positioned to make a significant contribution to the knowledge base on sanction practices.

X. FUNDING

There is no room for competition between jails and community corrections for State funding. To ensure that County Commissioners are not faced with impossible decisions regarding the support of expensive jail beds and the funding of necessary programs, State funding must be fairly developed and equitably distributed. It should also reward effective and low-cost practices.

SB 1145 Operational Funding

The State funding made available for the management of the SB 1145 population was based on an assumption that on any given day, 75% of this population would be in custody, and 25% would be in a community-based program. Given that local operational costs are higher than the statewide average, Multnomah had to devise a Plan based on an assumed 50/50 split (half in custody and half in the community).

*Distribution of
Offenders
between Jail and
programs different
than expected*

In practice, the planned distribution between jail and non-jail programs was not realized. By July of 1998, the number in a non-jail program was the highest it had been over the first 18 months, leaving 84% of the population in jail on any given day (OMU Data, July 1998). The reason that this outcome did not "break the bank" was because the total number of SB 1145 offenders booked into the facilities was less than anticipated, and when they arrived they stayed for shorter periods than originally expected.

But intake numbers are now on the increase. At the same time, the impact of trends in sentence length (down), and program placement (up), is unknown. This speaks to the need to closely model the effects of these changes over the coming months in order to foresee the fiscal impact of SB 1145 over the next biennium.

*Per-day costs are
higher than
funded*

For purposes of State budget development, the actual per-day costs of managing "local control" offenders needs to be revised. A recent statewide effort to capture the actual average cost of managing this population has just been completed. If the revised figures are used to calculate the baseline funding for the next biennium, per-day jail costs will be calculated at \$80.64 (current biennium is \$66.96 per-day) and \$18.69 for community sanctions (current biennium rate is \$7.21 per-day). A separate analysis of the cost of Work Release Centers was also included.

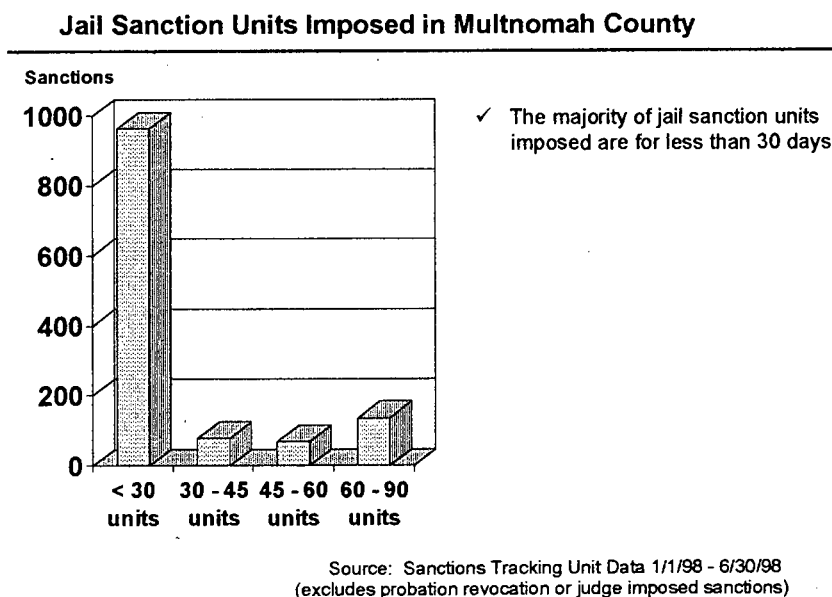
The State should be encouraged to revise per-day costs based on this statewide study, and to also revise the assumed 75/25 distribution to

reflect the actual distribution of cases between custody and the community over this biennium. (Although the current distribution in Multnomah is 84% jail and 16% in jail alternatives, this ratio can be expected to change both here and around the state in the coming months, as the shift from revoking to sanctioning parolees/pps cases continues, as more programs come on-line, and as screening and placement policies and procedures are refined.).

*No funding
credit given for
less than 30
day jail stays*

As SB 1145 evolves, another issue to track will be the use of the jail for less than 30-day sanctions. This activity is not reflected in SB 1145 funding because it falls below the threshold historically eligible for a prison sanction. Yet, consistent with the decrease in sentence lengths, counties might expect to see this group increase. In Multnomah County, less than 30-day jail sanctions comprise 77% of all local jail sanction units imposed (Sanctions Tracking Unit, July 1998). The efficient use of short-term sanctions benefits the entire system. Given this, consideration should be given to rewarding counties for the judicious use of jail resources.

Figure 11



Under the existing funding scheme, if an offender receives a 30-day jail sanction and then exits jail for the Day Reporting Program there is no SB 1145 compensation. But, if the offender receives a 90-day sanction, and then serves 30 days in jail before being placed in the community, they are considered an SB 1145 offender. The Jail impact is the same in both cases, but for purposes of budget planning, the State counts the one and not the other.

Recommendation: *Encourage the State to Adjust Funding Based on Revised Per-Day Costs and the Actual Distribution of Offenders Between Jail and the Community.*

Field Supervision, Services and Sanctions Funding

No funding
credit given for
diversion

The baseline funding for Field Services is based on a case rate that estimates the costs of managing felony offenders under supervision. Yet, this formula does not capture the good work being done by counties, like Multnomah, in diverting offenders from the system altogether through programs like the Drug Court.

Consideration should be given to constructing a formula that financially rewards low-cost diversion options

Recommendation: *Encourage the State to Reward Diversion Activities.*

Allocation Formula

Funding
allocation does
not reflect
operational
costs

Related to the construction of baseline funding is the issue of how funds are then distributed. The current allocation formula multiplies a statewide average workload for the less-than-12-month population, against each counties' total supervised population. This approach, (the use of a "leveler") was devised to neutralize the effect of local practice in managing Local Control offenders. The intent was to neither reward higher than expected sanctioning practices, nor to punish lower than expected activity. This makes good sense. Yet, while the sole reliance on averages is relevant when dealing with more dynamic factors, such as offender management, it does not also acknowledge the more fixed and static costs associated with managing a population in jail.

***The average. per-
day cost of a jail
bed in Multnomah
County is
\$103.37***

While jail costs influence baseline funding, the distribution of these funds to each county bears no relationship to local custody costs. So, while the high average cost of jail operations in Multnomah County (\$103.37) drive up the statewide average (\$80.64) for purposes of constructing a budget, these higher than average costs are not then reflected in the distribution of that budget. The State should be encouraged to add an "adjustment factor" to the distribution formula to acknowledge the disparity in county jail operational costs.

Recommendation: *Encourage State to build in an "adjustment" factor to reflect differences in local custody costs.*

XI CONCLUSION

The passage of Measure 11 has challenged the Oregon Corrections System. Mandatory minimum legislation has sent more individuals to prison for longer periods of time. Yet, at the same time that Oregon implements a more punitive, prison-based approach to criminal behavior, a different approach to failure is being tested in its counties.

Local Control legislation (SB 1145) is based on the premise that, given a full continuum of resources, counties can effectively manage most offender failure. Its theoretical base is a body of corrections research which suggests that swift and certain sanctions, delivered within the context of a balanced strategy of supervision and treatment is the most effective corrections strategy.

The shift to Local Control is pragmatic in its approach. If prison sanctions punish but do not reduce recidivism, they do not in the end protect. A more successful approach is needed. It holds out hope for effecting positive change in individuals and communities. And hope has been a scarce commodity in corrections.

The shift to Local Control is also idealistic in its goals, with counties agreeing to assume the management of all offenders previously sentenced or sanctioned to prison for a less than twelve month period. This is no small task. Yet, in many respects it is the final chapter in a community corrections movement which is based on the belief that, in most cases, local problems are best managed at the local level. And this philosophy is evident in other efforts: community policing, court-based mediation and restorative justice. Increasingly, the community is being called upon to address issues that affect their quality of life. They are being challenged to act as problem-solvers.

Counties in Oregon now have more than one year of experience with the management of Local Control offenders. Overall, the experience is different than expected. Statewide, there are less offenders in SB 1145 status than expected on any given day; but a greater percentage than planned are serving all their time in jail. The Multnomah County experience is no different. In Multnomah County the average daily population of SB 1145 offenders is less than expected given the increased diversions of offenders to drug court, increased utilization of non-jail sanctions, and an overall reduction in sentence length. This reflects the judicious management of local resources. This is positive.

On the other hand, the planned transition of offenders from jail to programs has not been as successful as hoped. In part, this was a

function of the statutory prohibition against moving revoked parole and post-prison supervision cases (40% of SB1145) to a jail alternative. And in part, it can be explained by the fact that not all planned program options were fully implemented in the first year.

With a recent shift in parole officer practices, that is resulting in more sanctions than revocations, the first problem should be mitigated. And with the implementation of new and planned programs, the second issue should be better addressed. Still there are other constraints to program placement that this report addresses: the management of high risk offenders; the processing of "holds;" the response to offenders who are resistant to treatment; and the challenge of shortened periods of time in which to provide meaningful interventions. As these and other issues are addressed the county should also continue to assess how to provide sanctions and services that are balanced and that meet the test of swiftness and certainty. In order to test the success of the Local Control premise, it must be fully implemented.

The first phase of this new corrections strategy has been challenging. At the same time, Multnomah County deserves praise for its approach. The Commissioners supported and supplemented a strong foundation of local services. The Sheriff adopted a policy that, unlike some other counties, excluded SB 1145 offenders from the matrix release. And Adult Community Justice implemented innovative practices that targeted resources, and ensured that non-Jail sanctions were fully employed. The groundwork has been laid for the next phase of development.

In the next phase, local SB 1145 policies should be clarified, state funding formulations revised, and the existing continuum refined. In the end, the success of Local Control legislation will be judged based on measures of public safety and calculations of cost. Oregon has led the nation in many corrections innovations. The outcome of this new approach will be worth watching.

APPENDIX A

INDIVIDUALS IN MULTNOMAH COUNTY INTERVIEWED FOR REPORT

Honorable Judge Frank Bearden
Maria Alvarez, , Probation/Parole Officer, SB 1145 Unit, ACJ
Duane Cole, SB 1145 Unit Leader, ACJ
Jim Carlson, Evaluation Specialist, Dept. of Support Services
Elysè Clawson, Director, Dept. of Juvenile & Adult Community Justice
Honorable Judge Jim Ellis, Presiding Judge, Multnomah County Courts
Joyce Griffith, Administrator Records Unit, Sheriff's Office
Bob Grindstaff, Former Deputy Director, ACJ.
Sandy Haffey, Manager, Target Cities Program
Cary Harkaway, ACJ Administration
Jim Hennings, Executive Director, Metropolitan Public Defender
Sharron Kelley, Multnomah County Commissioner
Honorable Judge Bill Keys
Jackie Jamieson, Commander, Program Operations, Sheriff's Office
Mike King, District Manager, ACJ
Ginger Martin, Program Administrator, ACJ
Byron Moore, Manager Detention Programs/SB 1145 Coordinator,
Sheriff's Office
Dan Noelle, Multnomah County Sheriff
Peter Ozanne, Executive Director, Public Safety Coordinating Council
Larry Reilly, Director of Planning and Research, Sheriff's Office
Suzanne Riles, Ph.D. Director of Research, Public Safety Coord. Council
Jim Rood, Deputy Director, ACJ
Wayne Salvo, Program Administrator, ACJ
Sheryle Sample, Senior OA, SB 1145 Team, ACJ
Mike Schrunk, Multnomah County District Attorney
John Siebenaler, Probation/Parole Officer, SB1145 Unit, ACJ
Barbara Simon, Executive Assistant, Sheriff's Office
Beverly Stein, Multnomah County Commissioner, Chair
Don Trapp, Probation/Parole JC-2 Court, ACJ
Dave Warren, Multnomah County Budget Manager
Jacqueline Weber, Multnomah County Legal Counsel
Bill Wood, Former Director of Planning and Research, Sheriff's Office
Charissa Zebede, SB 1145 Team, Sheriff's Office
Kathy Zimmerman, Sanctions Tracking Unit, ACJ

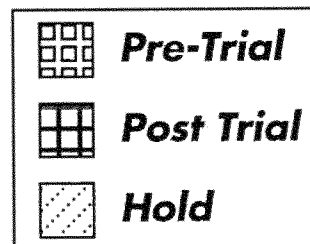
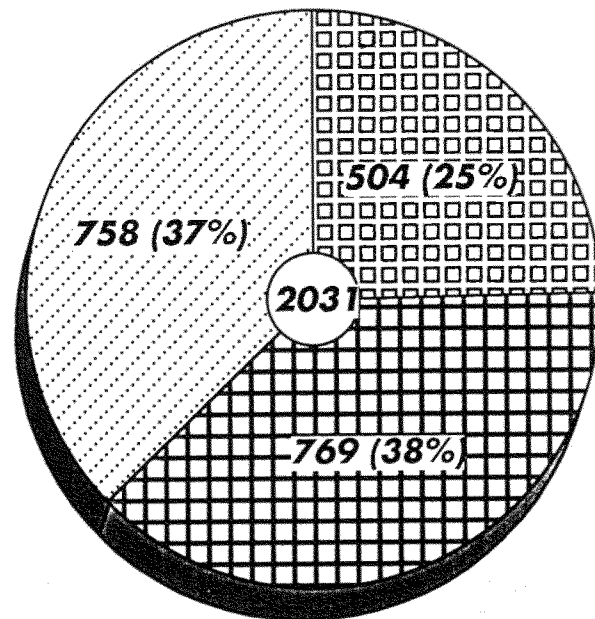
Note: Other individuals contacted or interviewed for this Report include:
staff from Oregon Dept. of Corrections, Oregon Board of Parole and
Post-Prison Supervision, Oregon Criminal Justice Commission, and
Corrections officials from other Oregon counties. Our sincere thanks to
all those who took time to share their thoughts and ideas on this topic.

APPENDIX B

Multnomah County One Day Jail Snapshot (July, 1998)

Jail Population Breakdown

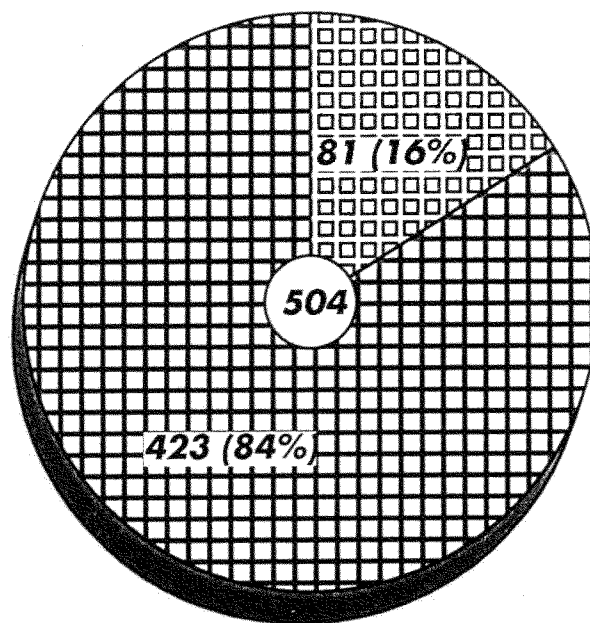
Prisoner Status



Multnomah County

Jail Population Breakdown

Pre-Trial Prisoners



Misdemeanor

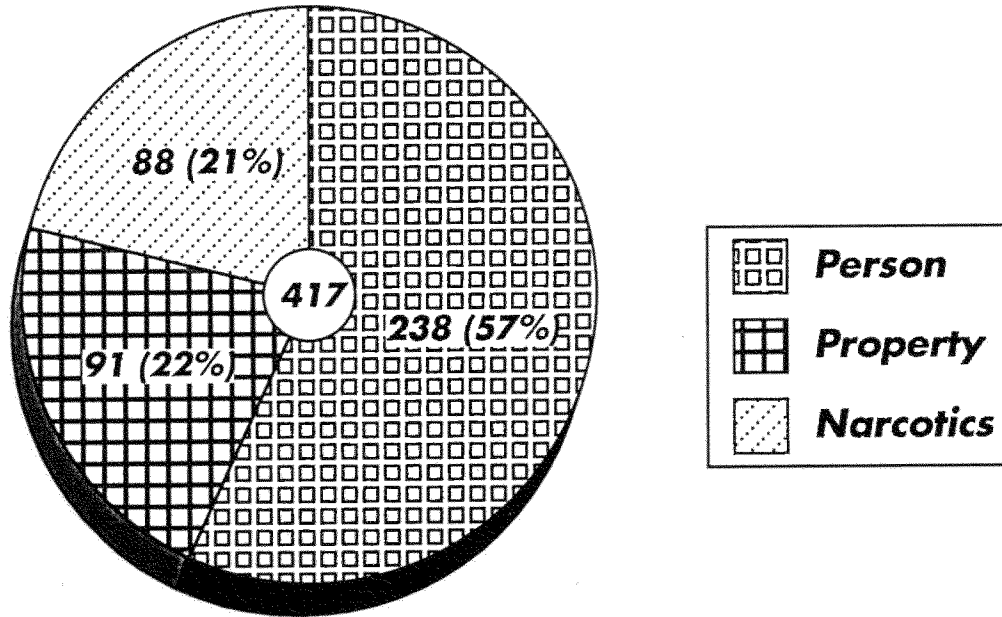


Felony

Multnomah County

Jail Population Breakdown

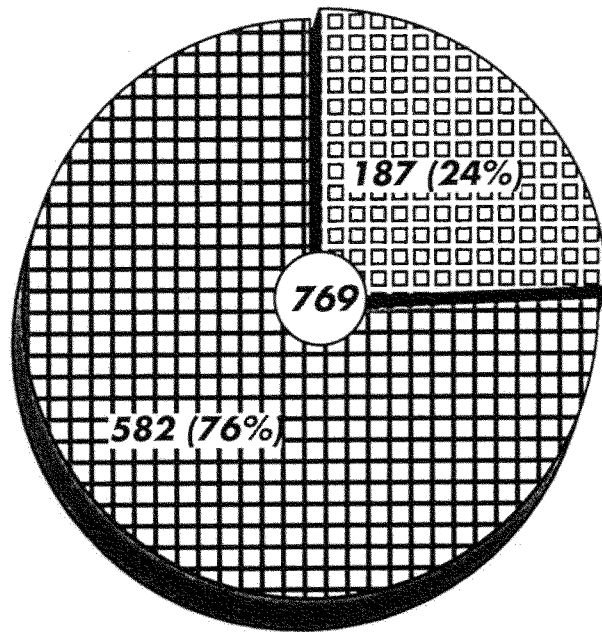
Pre-Trial Felons Charge Category



Multnomah County

Jail Population Breakdown

Post Trial Prisoners



Misdemeanor

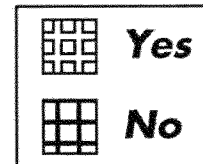
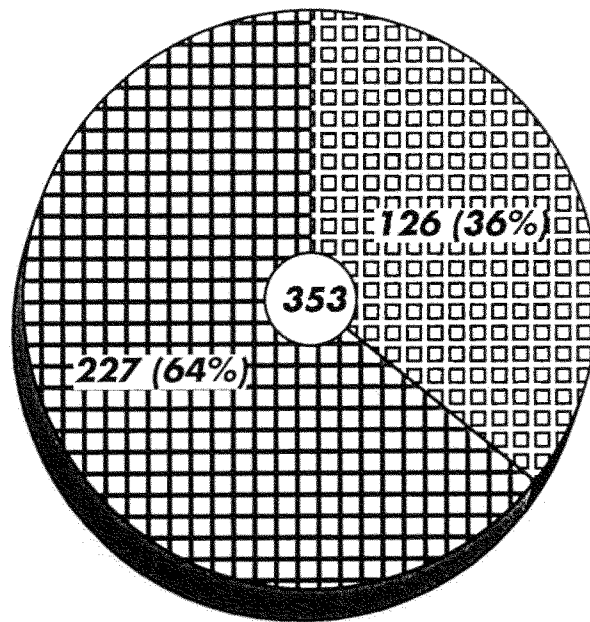


Felony

Multnomah County

Jail Population Breakdown

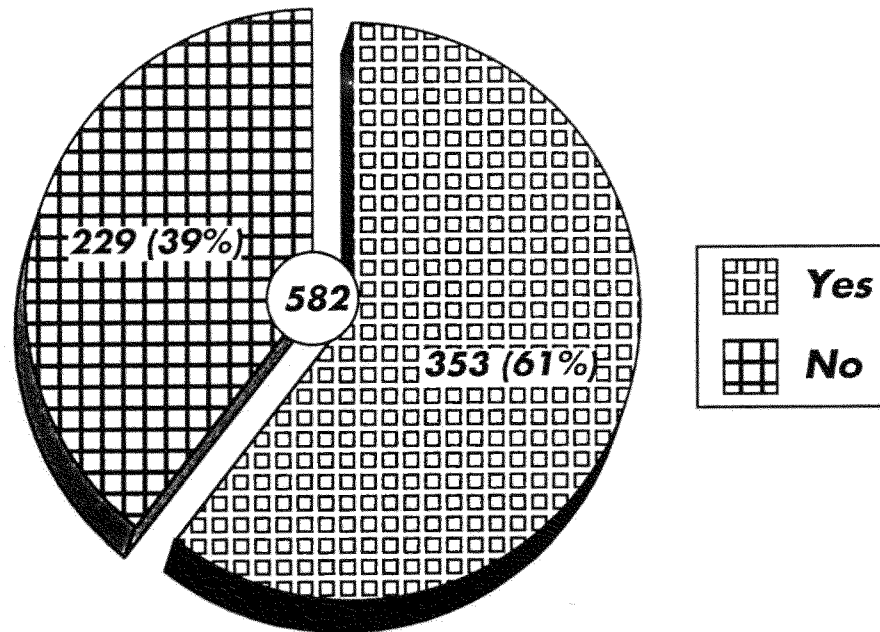
**Post Trial 1145 Felons
Sanctioned Parole Violator?**



Multnomah County

Jail Population Breakdown

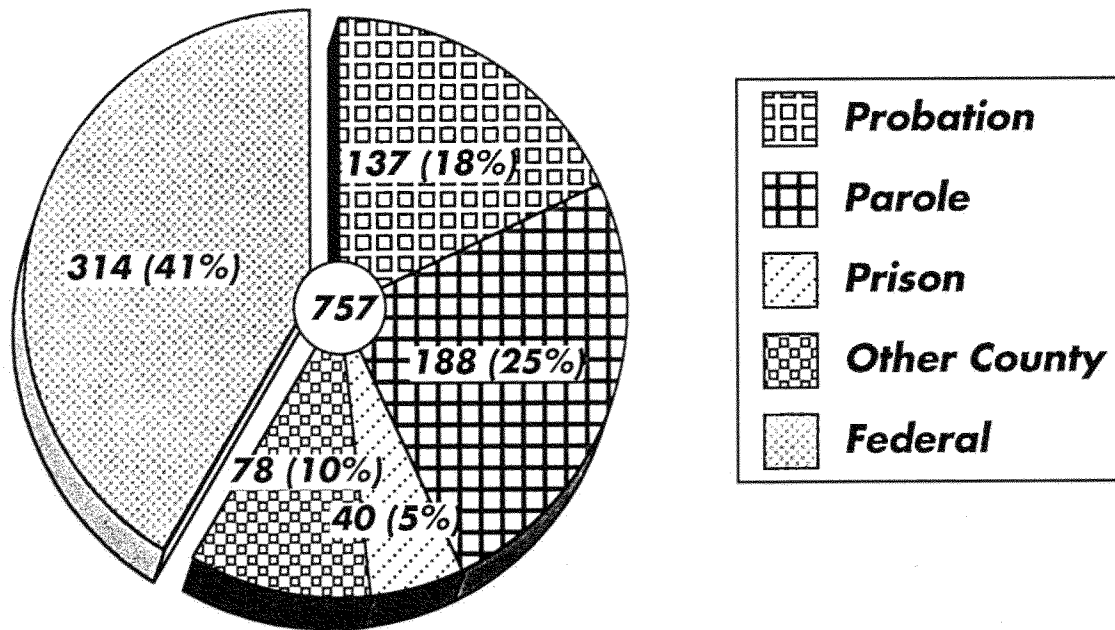
**Post Trial Felons
1145?**



Multnomah County

Jail Population Breakdown

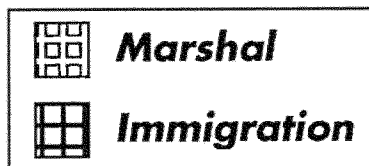
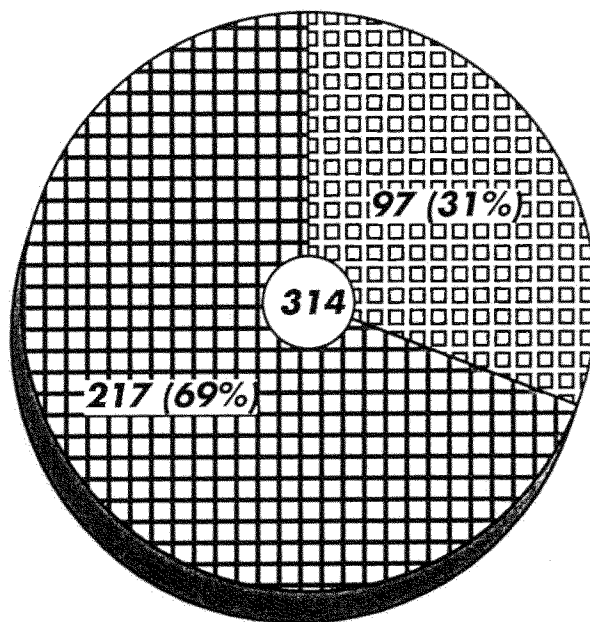
Holds



Multnomah County

Jail Population Breakdown

Federal Prisoners



Multnomah County

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