

## **ANNOTATED MINUTES**

*Tuesday, November 10, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602*

### **BOARD BRIEFINGS**

- B-1** *Partners' Project Update and Further Explanation of Budget Modification DSS #23 Requesting \$100,000 from General Fund Contingency to Increase Multnomah County Participation in the Project's Funding Pool. Presented by Gary Nakao.*

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS  
WITH GARY NAKAO, ELLEN DECK, BARRY KAST AND  
ARDYS CRAGHEAD.**

- B-2** *Briefing on the Transfer of the Youth Program Office from the Mental Health, Youth and Family Services Division to the Housing and Community Services Division; Development of Two Pilot Family Support Centers; and Recommendations for Implementing a Revitalized Children and Youth Services Commission. Presented by Gary Nakao.*

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS  
WITH GARY NAKAO AND MICHAEL MORRISSEY.**

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*Tuesday, November 10, 1992 - 10:45 AM  
Multnomah County Courthouse, Room 602*

### **PLANNING ITEMS**

*Vice-Chair Sharron Kelley convened the meeting at 10:45 a.m., with Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present, and Chair Gladys McCoy excused.*

- P-3** SEC 6-91a  
HDP 4-91a **REHEARING, ON THE RECORD, WITH TESTIMONY LIMITED TO 15 MINUTES PER SIDE** in the Matter of the October 13, 1992 Board of Commissioners Continued Review, Resulting in a 2-2 Vote, of the June 16, 1992 Hearings Officer Decision Denying a Request to Amend SEC 6-91a and HDP 4-91a, and Permit a Culvert/Fill Driveway Crossing Over a Tributary of Balch Creek, on Property Located at 6125 NW THOMPSON ROAD.

**PLANNER MARK HESS AND COUNTY COUNSEL PETER LIVINGSTON DISCUSSION REGARDING TWO WEEK CONTINUATION. MICHAEL ROBINSON, JOHN SHERMAN AND AL BURNS TESTIFIED THEY HAD NO OBJECTION TO CONTINUANCE. ARNOLD ROCHLIN TESTIFIED IN OPPOSITION TO CONTINUANCE. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT THE REHEARING ON SEC 6-91a/HDP 4-91a BE CONTINUED TO**

**1:30 PM, TUESDAY, DECEMBER 15, 1992.**

P-4      **CU 11-92**      *In the Matter of the Review of the Board of County Commissioners Decision Which Approved a Non-Resource Related Single Family Residence in the Multiple Use Forest Zoning District, Subject to Conditions for Property Located at 43640 EAST LARCH MOUNTAIN ROAD; and Consideration of Adoption of a FINAL ORDER by the Board*

**MR. HESS AND MR. LIVINGSTON SUBMITTED AN AMENDED FINAL ORDER AND RESPONDED TO BOARD QUESTIONS AND DISCUSSION. MR. ROBINSON RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, AMENDED FINAL ORDER CU 11-92 IN THE MATTER OF THE REVIEW OF THE BOARD'S DECISION WHICH APPROVED, WITH CONDITIONS, A NON-RESOURCE RELATED RESIDENCE IN THE MUF ZONING DISTRICT, (ORDER 92-196) WAS UNANIMOUSLY APPROVED.**

*There being no further business, the meeting was adjourned at 11:10 a.m.*

**OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON**

  
Deborah L. Bogstad

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**Tuesday, November 10, 1992 - 1:42 PM  
Multnomah County Courthouse, Room 602**

**AGENDA REVIEW**

B-5      **Review of Agenda for Regular Meeting of November 12, 1992.**

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**Thursday, November 12, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602**

**REGULAR MEETING**

*Vice-Chair Sharron Kelley convened the meeting at 9:35 a.m., with Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present, and Chair Gladys McCoy excused.*

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-5) WAS**

**UNANIMOUSLY APPROVED.**

**JUSTICE SERVICES**

**SHERIFF'S OFFICE**

- C-1     Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:  
Dispenser Class A for the CHINA HUT RESTAURANT, 16721 SE DIVISION, PORTLAND 97236; TIPPY CANOE INN, 28242 CROWN POINT HIGHWAY, TROUTDALE 97060.
- C-2     Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:  
Dispenser Class B for the RACQUET CLUB, 1853 SW HIGHLAND ROAD, PORTLAND 97221.
- C-3     Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:  
Package Store for ALBERTSON'S FOOD CENTER #502 1350 NE 122ND AVENUE, PORTLAND 97230; BOB & ANN'S GROCERY, 11811 SE HAROLD, PORTLAND 97266; BOB'S CORNER GROCERY & DELI, 13110 SE DIVISION, PORTLAND 97236; COUNTRY FOOD MART, 5708 SE 136TH, PORTLAND 97236; CRACKER BARREL GROCERY, 15005 NW SAUVIE ISLAND ROAD, PORTLAND 97231; FOSTER FOOD MART, 12918 SE FOSTER ROAD, PORTLAND 97236; FRED'S MARINA, 12800 NW MARINA WAY, PORTLAND 97231; FRED MEYER, 14700 SE DIVISION, PORTLAND 97206; K.S. FOOD MARKET, 15231 SE DIVISION, PORTLAND 97236; LARSON'S MARINA, 14444 NW LARSON ROAD, PORTLAND 97231; ORIENT COUNTRY STORE, 29822 SE ORIENT DRIVE, GRESHAM 97080; PLAINVIEW GROCERY, 11800 NW CORNELIUS PASS ROAD, PORTLAND 97231; 3-D MARKET, 1739 SE 139TH AVENUE, PORTLAND 97233; WEECE'S MARKET, 7310 SE PLEASANT HOME ROAD, GRESHAM 97080;
- C-4     Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:  
Retail Malt Beverage for CLUB GENESIS, 13639 SE POWELL, PORTLAND 97236; 4 ACES, 15826 SE DIVISION, PORTLAND 97236; HAPPY LANDING TAVERN, 520 SE 148TH AVENUE, PORTLAND 97233; PLEASANT HOME SALOON, 31637 SE DODGE PARK BOULEVARD, GRESHAM 97030; POWELHURST TAVERN, 844 SE 144TH, PORTLAND 97233; ROSE BOWL, 3800 SE 164TH AVENUE, PORTLAND 97236.

**DEPARTMENT OF SOCIAL SERVICES**

- C-5     Ratification of Intergovernmental Agreement Contract #103213 Between Multnomah County and the Oregon Housing and Community Services Department, Providing Funds for Operation of the Low Income Rental Housing Assistance (LIHRA) Program, for the Period October 24, 1992 through June 30, 1993

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED  
BY COMMISSIONER ANDERSON, CONSIDERATION OF THE**

**FOLLOWING UNANIMOUS CONSENT ITEM WAS  
UNANIMOUSLY APPROVED.**

**JUSTICE SERVICES**

**COMMUNITY CORRECTIONS**

- UC-1      *Ratification of Intergovernmental Agreement Contract #900383 Between Multnomah County and the Oregon Department of Corrections, Providing the Temporary Services of an Executive Manager to the Department of Corrections' Assistant Director for Community Corrections, for the Period November 20, 1992 through November 15, 1993*

**JOANNE FULLER EXPLANATION AND RESPONSE TO  
BOARD QUESTIONS. UPON MOTION OF COMMISSIONER  
ANDERSON, SECONDED BY COMMISSIONER BAUMAN,  
THE AGREEMENT WAS UNANIMOUSLY APPROVED.**

**REGULAR AGENDA**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-1      *First Reading of an ORDINANCE Establishing an Advisory Committee on Animal Control Policies and Procedures*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES  
AVAILABLE. COMMISSIONER HANSEN MOVED AND  
COMMISSIONER ANDERSON SECONDED, APPROVAL OF  
FIRST READING. NO ONE WISHED TO TESTIFY. MOTION  
UNANIMOUSLY APPROVED. SECOND READING  
SCHEDULED FOR TUESDAY, NOVEMBER 24, 1992.**

- R-2      *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a \$10,000 Grant from the Oregon State Marine Board to be Used for Repairs to the Sheer Log Boom and Boom Piles at the M. James Gleason Boat Ramp*

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED  
BY COMMISSIONER ANDERSON, R-2 WAS UNANIMOUSLY  
APPROVED.**

**NON-DEPARTMENTAL**

- R-3      *First Reading of an ORDINANCE Establishing the Duties and Responsibilities of Purchasing, Contracts and Central Stores*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES  
AVAILABLE. COMMISSIONER BAUMAN MOVED AND  
COMMISSIONER ANDERSON SECONDED, APPROVAL OF  
FIRST READING. ROBERT TRACHTENBERG, JOHN DuBAY  
AND GARY BLACKMER DISCUSSION CONCERNING  
POSSIBLE CHANGES TO ORDINANCE. BOARD**

**COMMENTS. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT THE FIRST READING BE CONTINUED TO TUESDAY, NOVEMBER 24, 1992.**

- R-4 *RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of Revenue Bonds Issued to Finance the Exposition Center Facilities*

**UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, RESOLUTION 92-197 WAS UNANIMOUSLY APPROVED.**

- R-5 *Ratification of the Collective Bargaining Agreement Between Multnomah County and the Multnomah County Deputy Sheriff's Association, for the Period July 1, 1992 through June 30, 1995*

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, R-5 WAS UNANIMOUSLY APPROVED.**

- R-6 *Ratification of the Collective Bargaining Agreement Between Multnomah County and Paint Makers, Sign, Display, Truck Painters and Allied Trades Local 1094 of Washington and Oregon, AFL-CIO, for the Period July 1, 1992 through June 30, 1995*

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, R-6 WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF HEALTH**

- R-7 *Ratification of Intergovernmental Agreement Contract #201213 Between Multnomah County and the University of Washington Department of Civil Engineering, for Development of an Emergency Medical Services Information and Mapping System for Multnomah County Emergency Services, for the Period Upon Execution through December 31, 1992*

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, R-7 WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF SOCIAL SERVICES**

- R-8 *Budget Modification DSS #23 Requesting Authorization to Transfer \$100,000 from General Fund Contingency to the Mental Health, Youth and Family Services Division Budget, to Increase the County Contribution to the Partner's Project Funding Pool*

**COMMISSIONER HANSEN MOVED AND COMMISSIONER**

**ANDERSON SECONDED, APPROVAL OF R-7. GARY NAKAO  
EXPLANATION AND RESPONSE TO BOARD QUESTIONS.  
BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

- R-9      *Ratification of Intergovernmental Agreement Contract #103353 Between Multnomah County and the City of Wood Village, Providing \$60,920 of Federal Community Development Block Grant Funds for Replacement of an Asbestos Water Line at NE 240th and 241st Place and Replacement of a Sanitary Sewer Line Between Elm Avenue and the Wood Village Trunk Line, for the Period Upon Execution through September 30, 1994*

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED  
BY COMMISSIONER ANDERSON, R-9 WAS UNANIMOUSLY  
APPROVED.**

- R-10      *Ratification of Intergovernmental Agreement Contract #103373 Between Multnomah County and the City of Gresham, Providing the Transfer of \$323,370 in Federal Community Development Block Grant Entitlement Funds from Multnomah County to the City of Gresham as Authorized Under Department of Housing and Urban Development Regulations, for the Period Upon Execution through June 30, 1993*

**UPON MOTION OF COMMISSIONER ANDERSON,  
SECONDED BY COMMISSIONER HANSEN, R-10 WAS  
UNANIMOUSLY APPROVED.**

- R-11      *Ratification of Intergovernmental Agreement Contract #103423 Between Multnomah County and the City of Portland, Awarding the Mental and Emotional Disabilities Homeless Shelter \$16,015 in Emergency Shelter Funds Via Community Development Block Grant and Stewart B. McKinney Grant Funds, for the Period August 15, 1992 through June 30, 1993*

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED  
BY COMMISSIONER ANDERSON, R-11 WAS UNANIMOUSLY  
APPROVED.**

**PUBLIC COMMENT**

- R-12      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

*The Board adjourned the regular meeting at 9:55 a.m. and reconvened at 10:00 a.m. for the following briefing.*

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*Thursday, November 12, 1992 - AM  
Multnomah County Courthouse, Room 602*

**BOARD BRIEFING**

- B-1      *Briefing and Discussion Concerning Plans for Library Services, Corrections and Jail*

*Levies. Presented by Ginnie Cooper, Tamara Holden, Gary Walker and Dave Warren.*

**DAVE WARREN, GARY WALKER, TAMARA HOLDEN,  
LARRY AAB AND GINNIE COOPER INPUT AND RESPONSE  
TO BOARD QUESTIONS AND DISCUSSION.**

*There being no further business, the meeting was adjourned at 10:46 a.m.*

**OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON**



**Deborah L. Bogstad**



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277 • 248-5222

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

NOVEMBER 9 - 13, 1992

Tuesday, November 10, 1992 - 9:30 AM - Board Briefings. . . .Page 2  
Tuesday, November 10, 1992 - 10:45 AM - Planning Items. . . .Page 2  
Tuesday, November 10, 1992 - 11:30 AM - Agenda Review . . . .Page 2  
Wednesday, November 11, 1992 - VETERANS DAY HOLIDAY - OFFICE CLOSED  
Thursday, November 12, 1992 - 9:30 AM - Regular Meeting . . .Page 3  
Thursday, November 12, 1992 - AM - Board Briefing . . . .Page 5  
(Immediately Following Regular Meeting)

[MEETINGS ARE CANCELLED THE WEEK OF NOVEMBER 16 - 20, 1992]

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers  
Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers  
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers  
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.



Tuesday, November 10, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Partners' Project Update and Further Explanation of Budget Modification DSS #23 Requesting \$100,000 from General Fund Contingency to Increase Multnomah County Participation in the Project's Funding Pool. Presented by Gary Nakao. 9:30 AM TIME CERTAIN, 45 MINUTES REQUESTED.
- B-2 Briefing on the Transfer of the Youth Program Office from the Mental Health, Youth and Family Services Division to the Housing and Community Services Division; Development of Two Pilot Family Support Centers; and Recommendations for Implementing a Revitalized Children and Youth Services Commission. Presented by Gary Nakao. 10:15 AM TIME CERTAIN, 30 MINUTES REQUESTED.
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Tuesday, November 10, 1992 - 10:45 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

- P-3 SEC 6-91a  
HDP 4-91a REHEARING, ON THE RECORD, WITH TESTIMONY LIMITED TO 15 MINUTES PER SIDE in the Matter of the October 13, 1992 Board of Commissioners Continued Review, Resulting in a 2-2 Vote, of the June 16, 1992 Hearings Officer Decision Denying a Request to Amend SEC 6-91a and HDP 4-91a, and Permit a Culvert/Fill Driveway Crossing Over a Tributary of Balch Creek, on Property Located at 6125 NW THOMPSON ROAD. 10:45 AM TIME CERTAIN.
- P-4 CU 11-92 In the Matter of the Review of the Board of County Commissioners Decision Which Approved a Non-Resource Related Single Family Residence in the Multiple Use Forest Zoning District, Subject to Conditions for Property Located at 43640 EAST LARCH MOUNTAIN ROAD; and Consideration of Adoption of a FINAL ORDER by the Board. 10 MINUTES REQUESTED.
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Tuesday, November 10, 1992 - 11:30 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-5 Review of Agenda for Regular Meeting of November 12, 1992.
-

Thursday, November 12, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:  
Dispenser Class A for the CHINA HUT RESTAURANT, 16721 SE DIVISION, PORTLAND 97236; TIPPY CANOE INN, 28242 CROWN POINT HIGHWAY, TROUTDALE 97060.
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DEPARTMENT OF SOCIAL SERVICES

- C-5 Ratification of Intergovernmental Agreement Contract #103213 Between Multnomah County and the Oregon Housing and Community Services Department, Providing Funds for Operation of the Low Income Rental Housing Assistance (LIHRA) Program, for the Period October 24, 1992 through June 30, 1993

## REGULAR AGENDA

### DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 First Reading of an ORDINANCE Establishing an Advisory Committee on Animal Control Policies and Procedures
- R-2 Request for Approval in the Matter of a NOTICE OF INTENT to Apply for a \$10,000 Grant from the Oregon State Marine Board to be Used for Repairs to the Sheer Log Boom and Boom Piles at the M. James Gleason Boat Ramp

### NON-DEPARTMENTAL

- R-3 First Reading of an ORDINANCE Establishing the Duties and Responsibilities of Purchasing, Contracts and Central Stores
- R-4 RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of Revenue Bonds Issued to Finance the Exposition Center Facilities
- R-5 Ratification of the Collective Bargaining Agreement Between Multnomah County and the Multnomah County Deputy Sheriff's Association, for the Period July 1, 1992 through June 30, 1995
- R-6 Ratification of the Collective Bargaining Agreement Between Multnomah County and Paint Makers, Sign, Display, Truck Painters and Allied Trades Local 1094 of Washington and Oregon, AFL-CIO, for the Period July 1, 1992 through June 30, 1995

### DEPARTMENT OF HEALTH

- R-7 Ratification of Intergovernmental Agreement Contract #201213 Between Multnomah County and the University of Washington Department of Civil Engineering, for Development of an Emergency Medical Services Information and Mapping System for Multnomah County Emergency Services, for the Period Upon Execution through December 31, 1992

### DEPARTMENT OF SOCIAL SERVICES

- R-8 Budget Modification DSS #23 Requesting Authorization to Transfer \$100,000 from General Fund Contingency to the Mental Health, Youth and Family Services Division Budget, to Increase the County Contribution to the Partner's Project Funding Pool
- R-9 Ratification of Intergovernmental Agreement Contract #103353 Between Multnomah County and the City of Wood Village, Providing \$60,920 of Federal Community Development Block Grant Funds for Replacement of an Asbestos Water Line at NE 240th and 241st Place and Replacement of a Sanitary Sewer Line Between Elm Avenue and the Wood Village Trunk Line, for the Period Upon Execution through September 30, 1994

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- R-11 Ratification of Intergovernmental Agreement Contract #103423 Between Multnomah County and the City of Portland, Awarding the Mental and Emotional Disabilities Homeless Shelter \$16,015 in Emergency Shelter Funds Via Community Development Block Grant and Stewart B. McKinney Grant Funds, for the Period August 15, 1992 through June 30, 1993

PUBLIC COMMENT

- R-12 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

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Thursday, November 12, 1992 - AM  
(Immediately Following Regular Meeting)

Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-1 Briefing and Discussion Concerning Plans for Library Services, Corrections and Jail Levies. Presented by Ginnie Cooper, Tamara Holden, Gary Walker and Dave Warren. 45 MINUTES REQUESTED.



# GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204  
(503) 248-3308

## M E M O R A N D U M

TO: Office of the Board Clerk  
Board of County Commissioners

FROM: Gladys McCoy  
Multnomah County Chair

DATE: October 30, 1992

RE: Absence from office

I will be out of my office from November 9 through 13. I will not attend the Board meetings, Tuesday, November 10 and Thursday, November 12.

BOARD OF  
COUNTY COMMISSIONERS  
1992 OCT 30 AM 8:38  
MULTNOMAH COUNTY  
OREGON

Meeting Date: NOV 10 1992

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Briefing on Partners' Project

BCC Informal November 10, 1992 BCC Formal 11-12-92  
(date) (date)

DEPARTMENT Social Services DIVISION Administration

CONTACT Gary Nakao TELEPHONE 248-3782

PERSON(S) MAKING PRESENTATION Gary Nakao

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 minutes (9:30 Time Certain)

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

The Board requested an update on the Partners' Project and further explanation of Bud Mod DSS 23 which requests \$100,000 from General Fund Contingency to increase County participation in the Project's funding pool.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER Gary Nakao (ac)

(All accompanying documents must have required signatures)

BOARD OF  
MULTNOMAH COUNTY  
OREGON  
1992 NOV -2 PM 9:39

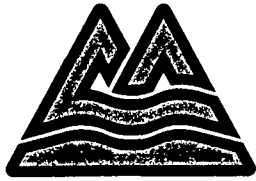
BOARD OF COUNTY COMMISSIONERS BRIEFING  
Department of Social Services  
Partners' Project

November 5, 1992

PRESENTATION:

Partners' Project

1. Overview of Partners' Project
2. Issues (Attachment A)
  - \* Flexible Funding Pool and Medicaid
  - \* Strengthen the Gatekeeping function
  - \* Data tracking system
  - \* Establish Problem Resolution Process
  - \* Additional management resource needed
  - \* \$100,000 request
3. Anticipated next steps
  - \* Decision on \$100,000
  - \* Recruit Project Manager and Managed Care Supervisor
  - \* RFP issued in Spring
  - \* Target of July 1, 1994 for RFP award



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES  
421 S.W. FIFTH AVENUE, SUITE 600 .  
PORTLAND, OREGON 97204  
(503) 248-3782  
FAX: (503) 248-3828

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## BRIEFING SHEET Partners Project July 27, 1992

### Background

The goal of the project as taken from the application was to afford "...the State of Oregon a unique opportunity to expand the array of services available to children who are seriously mentally ill and their families in Multnomah County, to improve efficiency and coordination of service delivery among provider agencies, and to develop an effective financial and service model for further progress in the improvement of the child mental health system statewide." To this end, the Partners Project was created with a model of service delivery which included the following elements:

1. A "pooling" of resources by the partner agencies and the Robert Wood Johnson Foundation.
2. The creation of a financing strategy which allowed for the expansion of Medicaid coverage to include in-home support and more extensive crisis respite services, blending of resources from state agencies, school districts, and other local agencies, and to expand the users and the payors of the project.
3. The establishment of a managed care system in which the primary function of the Managed Care Coordinators will be to insure that each child has received a complete biopsychological assessment resulting in a collaborative treatment plan with the involvement of care providers, family and concerned others. Then, based upon their authority to authorize services and payment, the Managed Care Coordinators will enroll the child in an appropriate range of services and monitor his or her progress.

Over the course of the first two years of the project, there has developed implementation difficulties based upon a number of factors. Some of the major causes of the difficulties appear to be:



1. The initial case load of a Managed Care Coordinator (MCC's) was targeted for approximately 25 children. Based upon the experience of the MCC's, the case loads were adjusted downward to 17. This was due in part to the children and families representing the most complex situations and with long histories of being inadequately served by the system. It is not surprising that the demands on the MCC's were very intense and also made more so by the starting up of the project and starting from the beginning with families. The reduced case loads have resulted, however, in a higher than projected expenditure for the managed care function. The issue revolves around whether the intensive case management is the function of the MCC or whether that function should be with providers.

Comment: Experience has shown that focusing on the most difficult children and starting with a new program has required the ratio of staff to child/family to be lower than the initially projected 25. The MCC's have felt that they needed to integrate the intensive case management with the care coordination order to meet the needs of the children and families. The suggestion made by the Foundation is that the intensive case management is not the function of the care coordinators.

2. County government is perceived as being too slow and political to be able to function as the entity for the project.

Comment: It is uncertain at this point what problem areas currently are being perceived as a function of our being a governmental entity. Project staff have indicated that there have been a number of normal county processes which have been waived to accommodate the project. The Foundation clearly believes that the Partners Entity should not be a governmental entity.

3. The change of the Partners Project Supervisor last year created interagency difficulties and questions of the role of the entity in making personnel decisions without consulting the other partners.

Comment: Although the personnel management of the project staff was with the county, consultation with partners could have been accomplished. There continues to be feelings among some of the partners about whether the releasing of the Partners Project Supervisor was appropriate. It also appears that this also marked the gradual eroding of the confidence in the county as the entity.

4. There is an issue of whether it is appropriate for a partner to also be the entity.

Comment: It is the feeling of the State and the Foundation that the entity should be independent from any and all of them. Also the Foundation feels that the entity should not be a governmental body

since there is inherent beauracracy and limited flexibility. At this point the whole area of a managed mental health care approach as well as the capitation model is new and it would appear to be reasonable to consider many different alternatives to establish a viable system. Certainly, the private provider model in the health area has been utilized for some time. In a managed mental health delivery model, however, there would not appear to be any reason for county government not to fill that role.

5. Because of the target group identified in this project, the capitated rate for the 150 children in the project is high. In order to make the project financially viable, it is proposed that the population of children be expanded to include more of a range of need. This would allow an averaging of high and low cost children to make a lower average cost per child.

Comment: The question raised is whether the expansion of the base of population does in fact lower the cost of the program or simply shows an average lower cost but does not lower the amount of total resources needed. An additional factor here is whether services currently being provided by any partner can be billed against Medicaid thus allowing a leveraging of the General Fund. It appears at this point that there are some services currently being provided by the schools which may be able to be matched through the Partners Project. This would also have the advantage of expanding the population and also the General Fund base to allow continuation of the Project after the RWJ Grant runs out.

6. The Juvenile Justice Division was perceived to have committed \$100,000 to add to the pool of funds based upon figures provided by the Division of Mental Health, Youth and Family Services. These funds were not forthcoming.

Comment: Juvenile Justice did not commit the \$100,000. The figure used was a reflection of the cost of services in the Partners Project for those children who were also served by Juvenile Justice. The error in the figure used, however, was that the Juvenile Justice Division does not fund the services which have been provided through the Partners Project. The understanding seemed to be that the contribution would normally be approximately the amount the agency would ordinarily have spent without the Partners Project. At this point, however, the expectation is for the county to contribute \$100,000 into the pool.

7. Miscellaneous issues have been:

- a.1 The work of the Managed Care Coordinators have not decreased the workload of the School District's social workers for the school age Partners children.

Comment: There was no intent to decrease the existing work load of other agencies. This does demonstrate, however, that there appears to be different expectations of the project among Project Partners.

- b. When the project limited the referrals of school children requiring day treatment because of funding limitations, county staff were perceived to have referred the children to the schools because they have the entitlement.

Comment: If this is accurate, this should be corrected.

- c. There was a concern that there was not enough psychiatric consultation during the development of the program plan.

Comment: This will be examined.

- d. There was concern that alternatives to day treatment were not developed in a timely manner to reduce the need for high cost day treatment.

Comment: Contributing to this issue may be a need for further working together with the schools to facilitate supports in the schools and also a smooth transition back into the schools if a special out of school program is necessary for a period of time.

- e. An example was given in which the program plan of the team was not carried out by one of the team members.

Comment: A meeting was held with the relevant participants to discuss the situation. A problem resolution process was worked out to address these situations in the future.

#### Actions Taken

1. Met with representatives of the Foundation and the State to discuss changes to be made in order to address concerns.
2. Met with representatives of the School Districts to discuss their concerns about the project.
3. Formulated a plan to address concerns of the Foundation, State, and the School District.

#### Recommendation

1. It would be my suggestion that the County consider funding the \$100,000 for the Partner's Project for the '92-93 fiscal year.

2. I would further recommend that the County move forward in operating the Partner's Project for the next six months.
3. A consultant from the School District will be contracted for four months.
4. Additional consultants may be requested as indicated and as budget allows.
5. Training will be requested from the State.
6. After the "redesign group" formulates the requirements and capacities of the reconstituted entity, the County will make a decision whether they would be interested in the role of the reconstituted entity and whether it is consistent with the role of the County.

BRIEFING SHEET UPDATE  
Partners' Project  
October 6, 1992

In late July, 1992, I prepared a briefing sheet mainly for my own information on the Partners' Project since it had been the subject of significant controversy prior to my arrival in June, 1992. The major issues associated with the Partners' Project are basically the same identified in the July 27, 1992 Briefing Sheet. This update will give the status of the recommendations suggested earlier.

1. It would be my suggestion that the County consider funding the \$100,000 for the Partners' Project for the '92-93 fiscal year.

Misunderstandings about the \$100,000 aside, the real problem this fiscal year is the shortage of funding largely resulting from the decreasing participation of the Robert Wood Johnson Foundation on a year to year basis. Various Partners have increased their contribution as well as increasing the amount of Medicaid funding. We will be requesting the \$39,963 we had contributed last year through an IGA and the additional \$100,000 from contingency.

2. I would recommend that the County move forward in operating the Partner's Project for the next six months.

The Project Finance/Program Advisory Board and the Robert Wood Johnson Foundation have agreed to have the County continue as the entity until the first of the year. During this time a request for proposal will be developed based upon the agreed upon performance measures for the Project.

3. A consultant from the School District will be contracted for four months.

An IGA will be brought to the Board by mid October, 1992, to provide a school district representative to serve with the project to help address some of the coordinative and procedural questions the schools had and to provide additional technical assistance to the Project.

4. Additional consultants may be requested as indicated and as budget allows.

Three consultations are being requested from the State and the Robert Wood Johnson Foundation in the areas of managed care, individualized and wrap-around services, and assistance in the development of alternative resources.

5. Training will be requested from the State.

In addition to the consultations referred to in "4" above, we have also requested technical assistance in compliance with Medicaid rules and regulations.

6. After the "redesign group" formulates the requirements and capacities of the reconstituted entity, the County will make a decision whether they would be interested in the role of the reconstituted entity and whether it is consistent with the role of the County.

The discussion about the RFP Process is scheduled for October 6.

In addition to the issues discussed above, there are still some issues yet to be resolved. They include:

1. The Partners' Project participants have indicated their desire to move in the direction of a managed care model. The issues related to this are described in Attachment A.
2. After the RFP is issued, we will analyze whether it is in the best interest of the County to apply to become the "entity". Some of the issues to be clarified include:
  - a. Is the model of service one which the County feels will deliver the best service to the population?
  - b. Can the County serve as a managed care entity and accept risk?
  - c. Does the County want to stay in the business of children's mental health services? If the County is not the "entity", what is the role of the County incident to its current Mental Health Authority responsibilities.
  - d. If the County were not the "entity" we would want to insure that the staff of the Partners' Project were transferred to the new "entity" and had the appropriate protections.

ISSUE PAPER  
PARTNERS' PROJECT  
Multnomah County Department of Social Services  
September 15, 1992

Background

The issue to be addressed in this paper is well framed in the State's Continuation Application for Years 4 & 5 of the Mental Health Services Program For Youth to the Robert Wood Johnson Foundation, March 15, 1992. The section on Managed Care states:

"The vision of the Project is to design a Managed Care Model which provides the functions of case coordination and fiscal management through Managed Care Coordinators (MCC's). These MCCS are to be clinically trained and experienced with this population and to have the skills for the fiscal oversight necessary to assure provision of the most clinically appropriate, cost effective services. Both the child/family and the service system are the MCC's clients. Their primary tasks are: 1) to support the family's willingness to utilize services and the family's ability to advocate for their needs, and 2) to provide the clinical and fiscal oversight to prevent duplication and unnecessary services.

The Project MCCS have the defined qualifications and provide the described tasks and more. The time required to develop individual Plans of Care is significantly more than planned for in the development of the Project due to the support needed by the families, the complexity of the service delivery system, and the intricate negotiation of roles among the providers. The Project dealt with this by allowing the MCCs to become more like intensive clinical case managers than managed care coordinators. While this intensive support service is important to families, it is problematic for the Project. To provide this level of service caseloads were lowered from 25:1 to 17:1 and major difficulty occurred in implementing the managed care model. The concept of implementing managed care versus intensive case management with this population is being reviewed. The Project will explore other ways to provide support services to families and allow for the MCCs to continue the development of clinically appropriate Plans of Care and to use their pre-authorization authority in purchasing individualized services."

This paper will discuss the issues related to the request made of the Project to "explore other ways to provide support services to families and allow for the MCCs to continue the development of clinically appropriate Plans of Care and to use their pre-authorization authority in purchasing individualized services."

Discussion

For purposes of discussion the functions of the MCC will be broken down into the following:

1. Traditional medical model managed care

- a. Authorizing services
- b. Quality assurance
- c. Utilization review
- d. Identifying a vendor pool

2. Case management

- a. Interview agencies
- b. Interview families
- c. Engage families in becoming part of the team process
- d. Engage agencies in becoming part of the team process
- e. Develop plan of care which is individualized
- f. On-going work with the family to enable the plan of care to be successful and also to adapt the plan as clinically indicated
- g. On-going assessment

What the project has evolved in response to the needs of the family and child is an integration of traditional medical managed care and case management. Project staff found that the children and families referred had generally not been served adequately because of the complexity of their challenges and the lack of a full range of service alternatives. In order to begin empowering families and engaging families in the treatment process, work had to be done to begin gaining their trust and confidence in the service system.

Additionally, MCC often spend time in working with different agencies serving a child to coordinate services and efforts in a unified plan of care. Because a full range of service options were not available, MCCs were also finding it necessary to perform program development functions as well as those generally associated with the original concept of MCC. Finally, the startup time was extremely short (approximately 3 months) and did not allow sufficient time to build the infrastructure and also to begin serving children and families.

Conventional wisdom in social services state that 20% of the clients require 80% of the system's resources. In the Partner's Project, the focus is on the most difficult of the 20% and would logically require a small staff to client ratio to be effective. The programmatic argument is that best practice for multiple problem children would dictate small ratios. Overlaying a managed care model does not obviate the need for the small ratio.

Best practice aside, economics would indicate that the Partners Project Model is effective in the following ways:

1. It is a means to leverage federal funds thereby increasing the funding available to serve children.
2. Effective interventions offered by a flexible spending pool offers the opportunity to develop specific services to meet needs rather than buying packages of services.
3. Many children have been diverted from more expensive options because of the activities of the MCC and the services purchased. —
4. The interagency team process is a mechanism to reduce duplication and maximize available resources.



### Budget Breakdown

The 1992-93 budget for the Partners Project identifies the following:

1. The percentage of non-contracted dollars is 25.6%
2. The percentage of contracted dollars is 74.4%
3. The percentage of staff in the non-contracted dollars is 88%

The pure administrative costs are a 20% Administrator and a portion of a fiscal specialist working with the project. The rest of the staff are direct service staff or support staff to the direct care function. Additionally, the Department of Social Services Director and Deputy Director are directly involved in the management of the project as well as other supervisory staff of the Division.

### Research Project

The research project which is evaluating the Partner's Project has been awarded to the Regional Research Institute, Portland State University. In the research plan for the project, the following is stated about case management:

"Of all of the shifts in thinking about the delivery of services to children with serious emotional disorders, one over-arching strategy - case management - is receiving perhaps the most positive attention. Stroul & Friedman (1986) describe case management as an essential service that involves brokering services, advocacy, developing and monitoring treatment plans, progress review and service coordination. Behar (1986, p. 9) suggests that 'case management...has been perhaps the most essential unifying factor in service delivery.' Characterized as 'service coordination at the individual child and family level,' case management was chosen as one of four major issues for attention at a conference convened to set a national agenda for families with serious emotional disorders (Friesen, 1990). It is also emphasized as an essential service in the Mental Health Services Program for Youth of the Robert Wood Johnson Foundation (Beachler, 1990)."

The research design seeks to answer the following questions:

1. Does the combination of case management and flexible funding lead to better service fit and treatment outcomes compared to conventional service delivery strategies now being used?
2. How does case management itself (without flexible funding) compare to conventional service delivery approaches with respect to service fit and treatment outcomes?
3. How does case management alone compare to case management plus flexible funding with respect to service fit and treatment outcomes? In other words, does the flexible funding component appear to add anything to case management?

4. How does case management, by itself and in conjunction with flexible financing, affect the cost of delivering mental health services to children with emotional disturbance, both in total and from the standpoint of the state? By leveraging state Medicaid funds with federal Medicaid matching funds, the Partner's Project may actually reduce the case costs paid by the state of Oregon.

The questions above will be addressed using a three-group experimental design with random assignment. The three groups are case management & flexible funding, case management only, and conventional services. The research for the Partners Project, therefore, is primarily focusing in on examining case management and flexible funding to determine if one or both of these variables contribute to a good "fit" between service and needs. The Project concludes, therefore, that the case management function was viewed as integral to the Project and was one of the major variables in the research design.

### Alternatives

An alternative to the current service model of the Project is to conceptualize the separating out of the managed care and the case management function. Since case management is a critical variable in the Project and the research component, the alternative would be to vendor out the case management function. The contracted case management should be independent of a provider organization and would be anticipated to be more costly than the current model and could contribute to continued fragmentation of services (see attachment a). The consequence of this alternative would be to require a new research design to be developed.

Another option would be to increase the ratio of the MCCs from 1:17 to 1:25 thus lowering the percentage of the non-contracted dollars. The experience of the MCCs have been, however, that approximately 17-18 is a manageable case load to produce the results we have made. Changing the ratio at this point also would change the conditions of the research-project. This option moves in the direction of a conceptual model in which the managed care component deliberately is removed from the case management function with the rationale that more objective decisions can be made regarding the treatment plan. The conceptual model for the current MCC function is that a direct knowledge of the child, family, and their needs is necessary for the most efficient and effective treatment planning.

A third option would be to continue the current project as structured and discussed in the Finance Committee but move toward exploring variation of the intensive case management component. If alternatives to the family support being provided by the MCCs could be created the MCC may be able to move in the direction of care manager and use other members of the team to help support the family. Some of the notions being discussed in the Family Mosaic Project in California is the use of paraprofessionals or other parents to help support the families or the use of specialized intensive case managers serving a group of families but working within a team. These strategies may assist in moving in the direction of managed care without losing the strengths of support to the families. Also after the MCC becomes familiar with the family, it may be possible to establish a professional distance in their role in managed care. Creating a resource development function may also assist reduce the demands on the MCC.

## Public Versus Benefits Managed Care

The experience in the Partners Project suggests that managed care in the public sector with the most complex children is different than the traditional medical model managed care. Where there are defined benefits and treatment guidelines in the medical managed care systems, a corresponding system has not been established as yet in the mental health system. The Partners Project, on the other hand, is maximizing the concept of flexibility of meeting very complex and compelling service needs with existing or creative services to meet those needs. The Partners Model does not lend itself, at this point, to a medical model managed care approach. The primary vehicle for managed care in the Partners Project is the managed care coordinator who uses the tools of flexible spending, engaging the family and the service system in meeting the needs of children, avoid duplication and maximizing coordination of services, while at the same time being very conscious of fiscal and programmatic accountability. As the Oregon Health Plan develops and service standards are developed for all mental health services, there could be a movement to more of a managed care approach. It is anticipated, however, that the case management component will continue to play an important role regardless of how the service is delivered.

## Recommendations

After careful analysis of the issues, it is the recommendation of the Partners Project staff that the current model of service be continued but that the Project begin exploring some of the alternatives to intensive case management which have been discussed in the Family Mosaic Project. The rationale is:

1. The research design is based upon the current model of service.
2. The cost of immediately contracting the case management function would not be expected to save any funds.
3. The experience to date of the project staff is that the integrated case management and managed care functions for this population is the most effective.
4. Analysis or change of service model could be a natural outgrowth of the results of the research project. Of particular note would be the satisfaction level of families and extent to which the results of the project were realized. Project staff believe that it is the integration of the case management and managed care functions and also the ratios (1:17) which has had a significant impact on the success of the project. If alternatives to intensive case management are developed, the process should be systematic so that families are not left without a support structure.

ATTACHMENT A

DATE: SEPTEMBER 15, 1992

TO: CARLA G., JAMES E.  
FROM: STEVE Y.

RE: RESPONSE TO QUESTIONS BY DR. NAKAO

Last Friday, Dr Nakao asked for input regarding the project. In the few minutes available, Liz, Carla and I responded to his questions. Afterwards, with more time to reflect, what I believe to be better formulated responses occurred to me. In particular, Dr. Nakao's primary question (see I. below), seems possible to answer with a quantified means of demonstrating support for the current MCC caseloads of 17 cases. What follows are premises upon which the quantified validation of low caseloads rest, as well as a service costs illustration.

I. QUESTION: WHY IS IT LESS EXPENSIVE AND MORE EFFICACIOUS TO COMBINE THE SERVICE BROKERAGE/QUALITY ASSURANCE FUNCTIONS AND THE INTENSIVE CASEMANAGEMENT/ASSESSMENT-INFORMATION-EVALUATION/SYSTEMS-INTERVENTIONIST FUNCTIONS IN THE SAME ROLE OF THE MANAGED CARE COORDINATOR?

A. PREMISE: High-need, high-risk, and multiple-problem young people and their families usually require multiple services. As such, this population typically requires access to intensive casemanagement support to serve the following functions (see project core values and guiding principles):

1. Assessment of spheres of influence (systems) impacting upon the child/family functioning, child/family needs, and potential natural resources valuable toward enhancing their opportunities for success.
2. Determination of minimum changes necessary to achieve remediation of the child/family issues which seriously impede healthy family functioning, healthy individual development, or determination of changes necessary to prevent a child's removal from the current/optimum family/school system.
3. Evaluation of the optimal, most-efficient points of intervention, with consideration of available service options. Recycled reformulation of evaluation based upon information feedback/feedforward gathered/shared.
4. Supporting families in being full participants in all aspects of planning and service development.
5. Advocacy in accessing (overcoming obstacles to) services which are the least restrictive, most normative, clinically appropriate comprehensive services delivered in a timely manner with sensitivity to cultural/special needs. Also, advocacy toward ensuring that services are child-centered, family-focused, community-based, and

individually tailored in regards to treatment planning and services, so as to address the unique needs and potentials of each child.

5. Clinical advocacy/service coordination towards integrating service planning/delivery, and towards avoiding fragmentation of services and decreasing the wear & tear on the family in regards to service coordination.
6. Support children/families in moving through significant transitions with the least disruption of services. Support children/families in successfully moving through the system of services in accordance with their changing needs.

- B.     PREMISE:     For high-need children/families, overall service coordination and case management support is ideally situated outside of the domain of any particular service provider, thus avoiding myopic formulation of family and needs and service implementation (provider needs), as well as establishing a base for facilitating the continuity of casemanagement/service coordination with the ability to support multiple services which change across time.
- C.     PREMISE:     Flexible funding is necessary to meet service needs of high-need children/families, both to facilitate access to the most appropriate traditional mental health services, but also to fund nontraditional services which may be less accessible while still being priorities according to the child/family needs (e.g., respite care, social-recreational opportunities, et cetera).
- D.     PREMISE:     In order to facilitate the functions described in sections A. & B. above, the functions of case coordination/case management, service brokerage and quality assurance are ideally located in the same role. This provides ready access to funds for purchase of the most appropriate array of services for each child/family, easing the ongoing evolution of planning and service development in accord with changing needs of the child/family. Further, by the managed care coordinator being actively involved in service coordination and casemanagement functions, this role is ideally positioned to be optimally informed of the broad, ecosystemic needs of the child/family, thus increasing the efficacy of service brokerage and quality assurance functions with the addition of ample information and responsiveness to changing needs. In other words, maximum interaction of service brokerage, quality assurance, case coordination/casemanagement functions are facilitated by being located in the same role/person, thus increasing the efficacy of overall service delivery via increased information, responsiveness, flexibility, timeliness, and appropriateness of well-integrated services, developed in partnership with the family and service providers. To adequately assume the functions of the MCC role, combining service brokerage, quality assurance, and case coordination/casemanagement functions, personnel require a high level of clinical expertise and sufficient program support.

E. PREMISE: Combining the function of casemanagement/case coordination with the functions of service brokerage and quality assurance is less expensive than separating out the casemanagement function, and contracting for that service from another provider.

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**ILLUSTRATION:**

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\* Cost of MCC: \$42,000 = \$2,470.59/per family/yr.\*\*  
Caseload #: 17

Cost of MMC: \$42,000 = \$1,400.00/per family/yr.  
Caseload #: 30

\$2,470.59 - \$1,400.00 = \$1,070.59 less cost per family/yr.

X 17 Cases  
\$18,200.03 less cost per caseload/yr.

Assuming that high-need families will require at least an average of 2 hours of casemanagement support per month:

MCC w/ caseload of 17 X 2 hrs/mo X 12 mos. = 408 total hrs. casemanagement  
MCC w/ caseload of 30 X 2 hrs/mo X 12 mos. = 720 total hrs. casemanagement  
312 Difference

**METHOD S--MCC Caseload of 30 w/ Casemanagement Purchased Separately From Provider**

If MCC caseload were increased from 17 to 30 cases, and a minimum of 2 hrs. per month per family were purchased by another provider\*\*\* at \$68.00/hr:

30 cases X 2 hrs/mo X 12 mos. X \$68/hr = \$48,960.00  
+ \$42,000.00 (Cost of MCC)  
Total costs of MCC plus casemanagement = \$90,000.00 (Method S)

**METHOD C--MCC Role Including Casemanagement w/Caseload of 17/Cost for 30 Cases**

Caseload of 30 case combining casemanagement w/ MCC function costs \$2,470.59/per family/yr.\*\* X 30 cases = \$74,117.70 (Method C)

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Method S/\$90,000.00 - Method C/\$74,117.70 = \$15,882.30 Minimum Expected Savings for Combined Casemanagement/MCC role

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MMC: Managed Care Coordinator

\* Cost of MCC: refers to estimated average salary, benefits, misc.

\*\* \$2,470.59/per family/yr: refers to cost per family per year for the services of the MMC, including casemanagement function. This does not include other costs accumulated via services purchased from providers (other than MMC).

\*\*\* Casemanagement: The above illustrations refer to ways of providing families with a maximum of 2 hours of casemanagement services per month. It is likely that this is a very low allocation of what high-need families actually require, and currently obtain (on average) in the present Partners Project design of 17 cases per MCC caseload. Even more importantly, if 2 hours of casemanagement services were allocated separate from the MCC role, it is unrealistic to assume that (without the experience and information otherwise obtained by the MCC activities aside from strict casemanagement functions) a clinician can function, in an informed manner, to adequately provide the casemanagement support a high-need family requires within only 2 hours per mo.

PARTNERS PROJECT  
MANAGED CARE COORDINATOR MODEL CHANGE  
Multnomah County Social Services  
September 15, 1992

Background

In order to approximate a managed care system, the Multnomah County Partners Project will be exploring alternative ways of implementing the Project goals. Subject to the directions of the Partners Project Financial/Program Advisory Committee and the Executive Committee, the Partners Project would be intending to examine the following areas: (1) Developing alternative ways of addressing the intensive case management needs of the Partners Project, refining the managed care element, development of additional program options to day treatment, and working with the education and children's services partners in refining the team and collaborative process. These will be discussed in more detail in the following section.

Proposed Changes

Currently, the Managed Care Coordinators (MCCs) are performing the functions of care management, intensive case management, and resource development. The Project will explore alternatives to differentiating the three current functions of the MCCs. These include:

Care management - With the approval of the State and the Foundation, we would propose that David Dangerfield be brought to consult with the Partners Project in the structure of the care management component. The projected date of the consultation would be on October 18 and 19, 1992.

Intensive case management - At this point, some of the major functions of the intensive case management include developing and coordinating the plan of care, engaging families in the treatment process, engaging other agencies in the treatment process, and supporting families. Therapy is currently contracted out. We will explore methods of using the team to increasingly handle the support and management of a child and family. Alternatives which will be explored include:

- a. Using parents to assist other parents for support and information.
- b. Move to an intensive case manager for a team to meet the on-going support needs for a group of children and families. The potential trade off would be the ability to increase the case loads of the MCCs and shift some of the intensive case management functions to another function which is tied to the team to insure continuity and attempt to retain the familiarity and trust with the children and families.

- c. Exploring with other team members a coordination of the various case management responsibilities. Some of the preliminary thinking would be to explore CSD and Education developing specialized case loads for the children in the Partners Project. Also a possibility was to explore a closer relationship with Juvenile Justice.

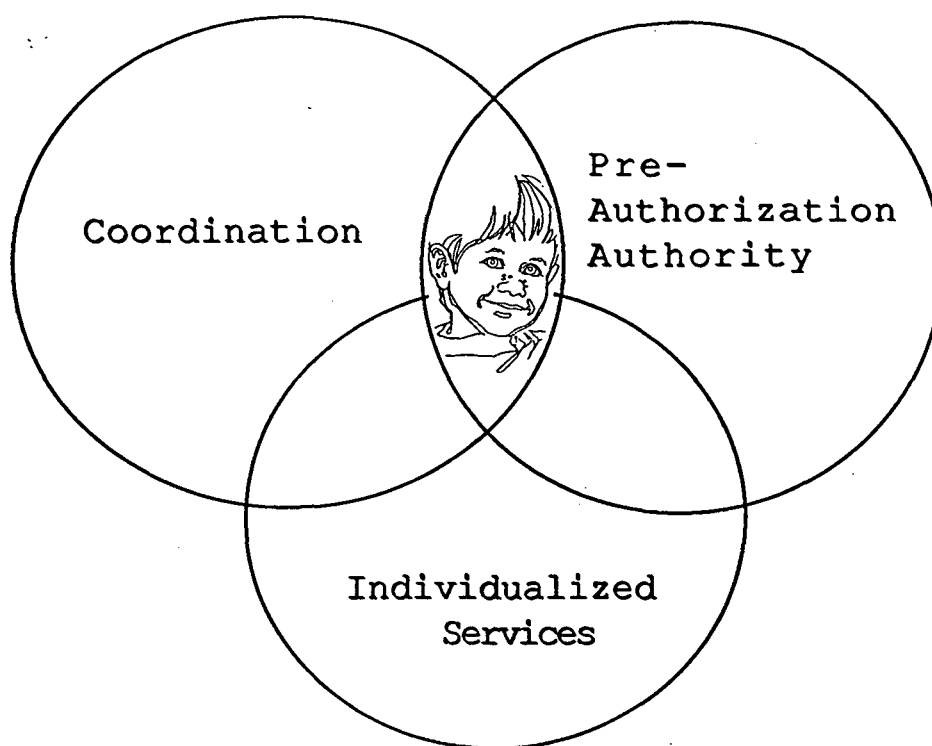
We would be requesting a consultation from Karl Dennis and Kathy Potter on strategies for developing the alternative supports.

Resource development - The final area of exploration would be in the development of a richer array or the capacity for alternatives to day treatment. We are suggesting a consultation from Mareasa Isaacs, Ph.D., for a 2-4 week period of time to actually assist in the development of alternatives. A current limitation in the Project currently is the need for alternatives to day treatment for new children but also to alter the current reliance on day treatment for existing Partners Project participants.



# OREGON'S MULTNOMAH COUNTY Partners' Project Model

## Managed Care



**Coordination:** Development of a plan of care which includes family and interagency collaboration.

**Pre-authorization Authority:** Efficient and/or timely approval and provision of services.

**Individualized Services:** Services developed to meet needs of child/adolescent/family **NOT** simply based on available services.

## MULTNOMAH CO. PARTNERS' PROJECT

MENTAL HEALTH  
AND  
DEVELOPMENTAL  
DISABILITY SERVICES  
DIVISION

### WHAT IS THE PARTNERS' PROJECT?

A project that is funded by the Robert Wood Johnson Foundation to the Oregon Office of Child and Adolescent Mental Health Services within the Oregon State Mental Health and Developmental Disability Services Division to develop a coordinated, family-centered, community-based system of care for children/adolescents that are severely emotionally disturbed.

### WHERE IS THE PARTNERS' PROJECT?

The project is operated by the Multnomah County Department of Social Services through Multnomah County Mental Health, Youth and Family Services Division. The Oregon State Office of Child and Adolescent Mental Health Services oversees the development and implementation of the Project.

### WHO IS SERVED IN THE PARTNERS' PROJECT?

Families and their children/adolescents whose emotional impairment puts them at imminent risk of inpatient psychiatric hospitalization or long-term residential care.

Eligible children/adolescents must meet the following criteria:

- a. an emotional impairment in two or more major areas:  
self-care; interpersonal relationships; self-direction; in jeopardy of being separated from family and/or ability to learn
- b. a DSM III-R diagnosis
- c. the impairment has existed for more than 6 months
- d. the child is between the ages of 5 and 18
- e. the child is at risk of separation from the family
- f. the child is a resident of Multnomah County and resides within Portland Public Schools and Centennial School District
- g. the child is within the jurisdiction of 2 or more Partner agencies
- h. there is some expectation of benefit from treatment

The maximum number of children eligible for the project at this time are 150 children during any month.

Barbara Roberts  
Governor



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## **WHAT SERVICES ARE PROVIDED?**

Care Coordinators work with the families and agencies involved with the child to develop an individualized family service plan. The Partners' Project utilizes a Managed Care Model of service delivery and authorization in which each child/family is assigned a Project Managed Care Coordinator. The Coordinator, along with the child's family and other involved professionals, comprise a service planning and delivery team. This team designs a service package to meet the specific needs of the child and family; the Care Coordinator has the responsibility for authorizing payment and assessing the progress and continuing appropriateness of each service.

Services may include, but are not limited to evaluation, crisis treatment services, day treatment, respite care, intensive family-based treatment services, therapeutic foster care, outpatient treatment, after school daily structure and support, transportation, individualized mental health services through the agencies serving the child and community support services.

## **WHO PAYS FOR SERVICES?**

What is unique about the project is the evolving partnerships across state and local agencies: State and Regional Children's Services Division, State Mental Health and Developmental Disability Services Division, School Districts (presently Portland Public Schools and Centennial School District), State Office of Medical Assistance, and Multnomah Co. Social Services Department. These Partners support a flexible pool of funds to pay for and design individual services to meet the needs of individual families and their children.

## **WHAT ARE THE PARTNERS' PROJECT CORE VALUES?**

See attached sheet.

## **WHO DO YOU CONTACT FOR INFORMATION?**

Madeline Olson, State Mental Health and Developmental Disability Services Division, Office of Child and Adolescent Mental Health, 2575 Bittern Ave. N.E., Salem, Oregon 97301

Phone: (503) 378-2460

Elleen Deck, Project Supervisor, Multnomah County Mental Health, Youth and Family Services Division, 426 S.W. Stark Street, 7th Floor, Portland, OR 97232

Phone: (503) 248-3999

# **SYSTEM OF CARE VALUES AND PRINCIPLES**

## **CORE VALUES FOR THE SYSTEM OF CARE**

The system of care should be child-centered, with the needs of the child and family dictating the types and mix of services provided.

The system of care should be community-based, with the focus of services as well as management and decision-making responsibility resting at the community level.

## **GUIDING PRINCIPLES FOR THE SYSTEM OF CARE**

Children with emotional disturbances should have access to a comprehensive array of services that address the child's physical, emotional, social and educational needs.

Children with emotional disturbances should receive individualized services in accordance with the unique needs and potentials of each child, and guided by an individualized service plan.

Children with emotional disturbances should receive services within the least restrictive, most normative environment that is clinically appropriate.

The families and surrogate families of children with emotional disturbances should be full participants in all aspects of the planning and delivery of services.

Children with emotional disturbances should receive services that are integrated, with linkages between child-caring agencies and programs and mechanisms for planning, developing and coordinating services.

Children with emotional disturbances should be provided with case management or similar mechanisms to ensure that multiple services are delivered in a coordinated and therapeutic manner, and that they can move through the system of services in accordance with their changing needs.

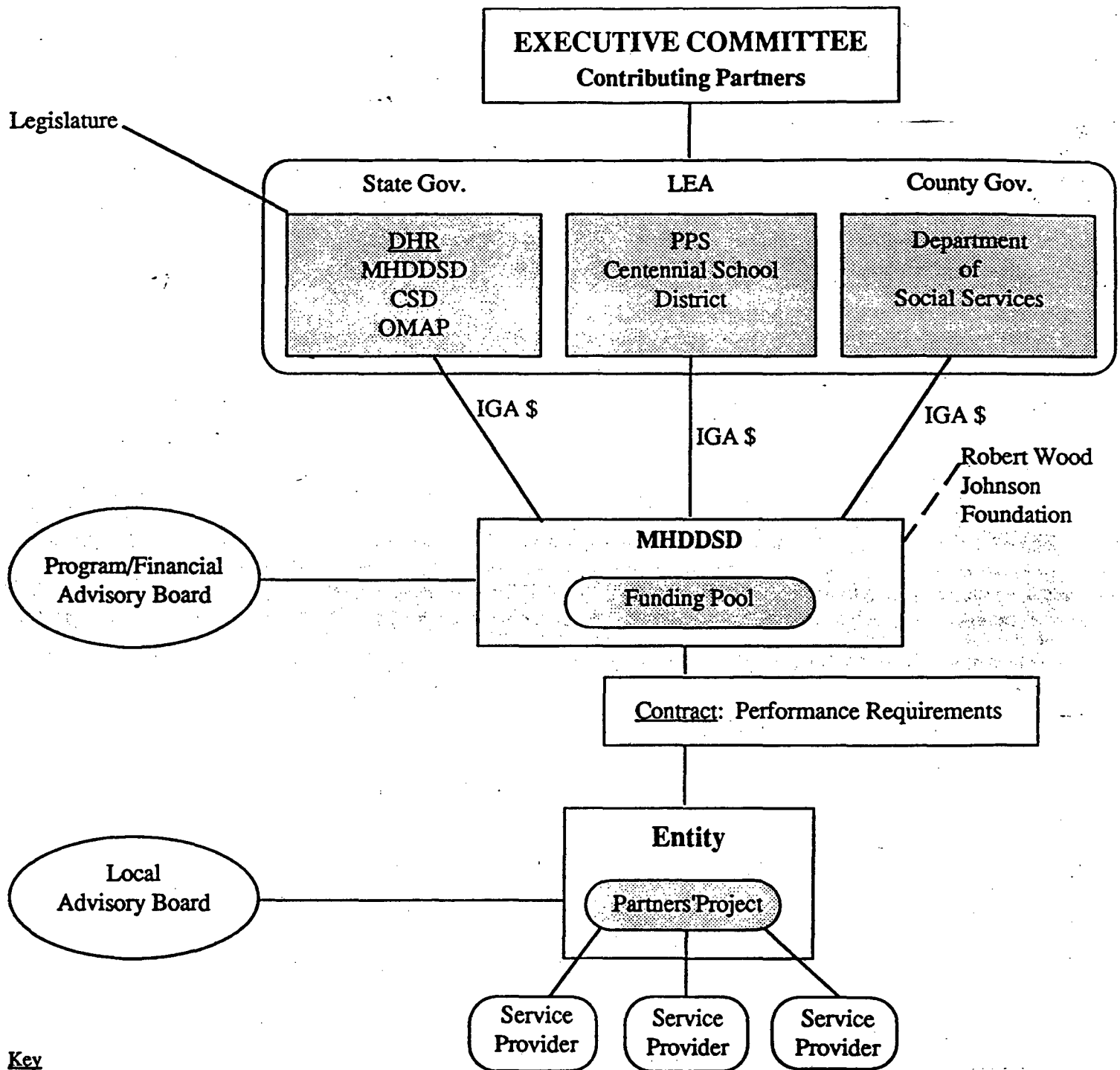
Early identification and intervention for children with emotional problems should be promoted by the system of care in order to enhance the likelihood of positive outcomes.

Children with emotional disturbances should be ensured smooth transitions to the adult service system as they reach maturity.

The rights of children with emotional disturbances should be protected, and effective advocacy efforts for children with emotional disturbances should be promoted.

Children with emotional disturbances should receive services without regard to race, religion, national origin, sex, physical disability or other characteristics, and services should be sensitive and responsive to cultural differences and special needs.

# NEW PROPOSED PARTNERS' PROJECT GOVERNANCE MODEL



**Key**  
 CSD Children's Services Division  
 DHR Department of Human Resources  
 IGA Intergovernmental/Agency Agreement  
 LEA Local Education Agencies  
 MHDDSD Mental Health & Developmental  
       Disability Services Division  
 OMAP Office of Medical Assistance Programs  
 PPS Portland Public Schools

Meeting Date: NOV 10 1992

Agenda No.: B-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Briefing on the Youth Program Office Transfer, Family Support Centers, and the Children and Youth Services Commission  
BCC Informal November 10, 1992 BCC Formal \_\_\_\_\_  
(date) (date)  
DEPARTMENT Social Services DIVISION Administration  
CONTACT Gary Nakao TELEPHONE 248-3782  
PERSON(S) MAKING PRESENTATION Gary Nakao

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes (10:15 Time Certain)

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

The Board will be briefed on the following:

1. The transfer of the Youth Program Office from the Mental Health, Youth and Family Services Division to the Housing and Community Services Division.
2. The development of two pilot Family Support Centers.
3. Recommendations for implementing a revitalized Children & Youth Services Commission.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER Gary Nakao (cc)

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
MULTI-JURISDICTIONAL  
COUNTY  
1992 NOV -2 AM 9:38  
OREGON

BOARD OF COUNTY COMMISSIONERS BRIEFING  
Department of Social Services  
Family Support Centers  
Children and Youth Planning

November 5, 1992

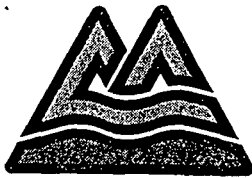
PRESENTATION:

Family Support Centers

- \* Overview
- \* Concept Paper (Attachment A)

Children and Youth Planning

- \* Proposal for comprehensive children and youth planning  
(Attachment B)



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES  
YOUTH PROGRAM OFFICE  
426 S.W. STARK ST., SIXTH FLOOR  
PORTLAND, OREGON 97204  
(503) 248-3565  
FAX NUMBER 248-3379

CHILDREN AND  
YOUTH SERVICES  
COMMISSION

## MEMORANDUM

TO: Dr. Gary Nakao, Director  
Department of Social Services

VIA: Gary Smith, Director,  
Mental Health Youth and Family Division  
*[Signature]*

FROM: Michael Morrissey, Manager  
Youth Program Office

SUBJECT: Report on Family Service Centers  
(Child and Youth Centers)

DATE: September 22, 1992

Attached you will find a report which succinctly describes the work and conclusions of our work group. The work group was representative of a variety of disciplines, approaches and desired outcomes. Despite these very real differences, and the knowledge that there is no new money to do all the things we'd like to do, the work group was consistently positive and hard working.

The biggest hurdle was to get away from a program design that would pretend to be all things to all people. To that end this report recommends centers that are resources to children, youth and families first. On the other hand, the model being recommended delineates a clear direction for growth while requiring a substantial change in operating assumptions and practices as compared to current Youth Service Centers.

The work that the Integrated Services planning team has done is crucial to helping clarify what the Child and Youth Centers are and aren't expected to be and do. Clearly service integration is expected of many county offices and non-profits funded by them, not only Child and Youth Centers. Furthermore a Family Support System seems to be emerging which would share the ability to serve families through Community Service Centers and Aging Service Centers.



This is the blueprint from which we propose to create a Request for Proposal. I hope the Department and CCYSC will be able to analyze and respond to this report in a positive and timely manner.

I want to thank the members of the committee, the other participants, and Mary Li of our office who staffed this committee for a job well done.

cc: Committee

# MULTNOMAH COUNTY CHILD AND YOUTH CENTERS

## CONCEPT PAPER

### Work Group Process

In June 1992 a multi-disciplinary group of County representatives, providers, and community members were jointly appointed by the Department of Social Services (DSS) and the Multnomah County Community Children and Youth Services Commission (CCYSC) to serve as a work group for the development of a plan for the implementation of Child and Youth Centers (CYCs). Membership is listed at the end of this paper. The group has met almost weekly for the past three months in order to produce the work reflected in this concept paper in time for a Request for Proposal (RFP) process in October 1992. This paper will be reviewed and adopted by the DSS Division Managers Group on Youth (DMGY) and CCYSC. The RFP will be written by Youth Program Office (YPO) staff following that review and adoption.

### Mission Statement

**The mission of the Child and Youth Centers (CYCs) is to support the children, youth and families of Multnomah County so that they may enjoy positive personal and family relationships and in all ways reach their potential as productive members of their community through services which:**

**Provide a highly visible, community-based presence accessible to children, youth and families which is actively linked to neighborhood resources and responsive to the needs of the community;**

**Enhance the growth and development of children, youth and families through the provision of direct services and community prevention strategies; and**

**Provide at-risk children, youth and families with the skills and opportunities to complete their education and avoid involvement in the juvenile justice system.**

This mission statement is a change from the previous Youth Service Center System (YSCS) in that there are three main foci: service access, prevention, and at-risk as opposed to one: prevention of juvenile delinquency. Each focus is equal in emphasis and importance to the other two. Together they form the mission for CYCs. This not only changes the type of services to be provided, but also the philosophy by which they are provided. We believe this provides the impetus for expanded directions for these Centers as a part of the County Family Support System (FSS).

## Guiding Principles

In keeping with the new direction of the mission statement, the following guiding principles were developed. It's intended that any proposals for service delivery models, contract development, evaluation, etc... will be measured against these principles as to their worth and efficacy. Each of these principles has been defined so that their usage will be standardized across Centers.

### Empowerment

Empowerment is the overriding principle of the CYCs, the empowerment of individuals, families, and communities. The other guiding principles together build the foundation on which empowerment exists as an integral component of the System.

### CYCs will serve families with children.

Families with children means a parent/care giver(s) with children pre-natal through age 18. Each member of the family is valuable, deserving respect and access to services as both a member of the family and as an individual.

### Everyone who comes to a CYC will receive help regardless of their family status and/or need.

On-site services will be provided to children, youth, and families with children. Access to other services for those without children or those without parent/care giver(s) will be available. This means that everyone will receive real assistance in identifying their needs, problem-solving about those needs, finding the appropriate services to address those needs, and making a solid connection with the appropriate service provider(s).

### CYCs will be community based and consumer oriented and centered.

Community based and consumer oriented and centered means not only families, but also the communities in which the services are offered will have involvement with the CYCs. Services will be offered in a manner which identifies, affirms, and builds upon family, their individual members', and community strengths. Families and their individual members will be respected and supported in both positive growth and development, and in problem-solving to best address their needs. The communities in which a Center is located will be equal partners with that Center.

### CYCs will be focused on positive and developmentally appropriate growth promotion.

Services which support positive and developmentally appropriate growth promotion will be provided to children and youth, the adults in their lives, and the communities in which the Centers exist. This means that services will be both non-problem based and allow for identification of problems with appropriate intervention; family focused; proactive rather than

reactive; and help to provide the necessary tools for each family to live in a more fully functioning way.

**CYC services will be flexible.**

Standard core services will be assured at each Center. The delivery of those core services will be flexible. Individual families and communities will identify the services they need. Multiple services will be provided which will be responsive to family and individual community needs. Providers will be expected to respond to those needs through the development of services in addition to core services and in fine tuning exactly how those services are to be provided in order to be accountable to those needs.

**CYCs will depend upon partnerships.**

Partnerships among the County, service providers, families, the CYCs, and the community will exist. Providers will be committed to working as a team within their individual communities. Staff will work and be stationed at various sites within the community as appropriate. Written agreements will exist which document expectations and responsibilities. These partnerships will be visible to the community.

**CYCs will be culturally competent.**

Culture is defined broadly and includes both race/ethnicity, language, gender, class, sexual identity, physical ability, religion, age, etc... and any other family based cultural reality which impacts upon an individual family. Services will be sensitively provided and will meet each family where they are culturally. Staff will be trained and will build the expertise necessary to provide all services in such a manner.

**CYCs will be accountable.**

Standards for accountability among the County, service providers, families, the Centers, and the community will be built into the CYCs model. Progress towards those standards will be measured and evaluated in a timely and consistent manner. Measurement of accountability will not be punitive. It will be creative, effective, and streamlined.

**Core Services**

There are 10 core services for the CYCs. Each of the core services relates to the three foci of the CYCs mission statement. Ideally, all core services would be delivered in a manner which is reflective of the access, prevention, and at-risk areas of the mission statement and the CYCs Guiding Principles. Current funding is not adequate for all 10 services to be fully funded nor reflected. While it is yet to be determined how this will be operationalized into a RFP, it is anticipated that successful bidders will minimally provide a plan to build the capacity to do so.

### Alcohol and Drug

- o Services to: non-using children and youth; children and youth at high-risk of using/abusing alcohol and other drugs; families, child and youth serving professions, and the community designed to reduce or prevent alcohol and drug use/abuse by children and youth.
- o Services to: identify children and youth in need of alcohol/drug services; refer children and youth to an appropriate treatment provider; track the involvement and attachment of children and youth to an appropriate treatment provider.
- o Services to assess, educate, and provide individual, group, family counseling for children and youth abusing/dependent upon alcohol/drugs in order to stop that use/abuse through constructive alternatives.

### Culturally Specific Services and Outreach

- o Provider is aware of cultural/ethnic populations in service district and of the special needs of children, youth and families in these populations.
- o Center identity and services are seen by these populations as a resource for them. Services include special programming, brochures and flyers in appropriate languages, outreach, etc...
- o Programming for multiple cultures exists.
- o Representation of those populations exists on Center staff and agency board. There is a mechanism for feedback from individuals, communities, and key agencies on a regular and on-going basis.

### Employment

- o Services to children and youth include: pre-employment training; job placement and mentorship focusing on year-round placements; career education and mentorship to move beyond short-term jobs to long-term employment and careers; cultural enhancement specific to service district populations.
- o Services to adults will primarily focus upon service access, referral, and advocacy rather than direct service provision of above listed services.

### Family Counseling

- o Services for children, youth and families which: are front-end in regard to the mental health system; provide triage to long term services; serve as a resource for information about appropriate behavior and development.
- o Appropriate issues for Center service include: rule setting, breaking and consequences; school behavior problems; family conflict; depression; discipline choices; school avoidance; other more serious mental health problems.
- o Service modalities include: individual, group and family sessions; skill-building opportunities; mediation; peer support; etc...

## Health

- o Provide access point for advocacy, linkage, and assist children, youth and families to connect with existing health care systems and/or providers including County community health nurse field services and clinics.
- o Conduct outreach through community health nurse home visits to pregnant women and new parents within service districts to provide healthiest start for children, youth and families.
- o Provide health education and promotion activities.
- o Offer select, targeted clinical services dependent upon service district need, i.e. immunization clinics.

## Law Related Services

- o Diversion Services-Diversion from formal Juvenile Court process for minor misdemeanants and status offenders. Provides resource for parents, teachers, police, etc... to bring/refer young people who are demonstrating anti-social behavior, but haven't entered a formal system yet.
- o Supportive Law-Allows for presence of on-site law enforcement professionals; predominately children and youth related. Could include: information on civic matters; assistance with motor vehicles; mediation of neighborhood disputes; local and state government code information; safety information/education; crime prevention assistance; law related career recruitment; community welfare promotion from law perspective; home visits; etc...

## Mentorship

- o Mentoring builds relationships between adults and children/youth, children and youth, adults, and families. Relationships could be of both short and long term nature. If service is between adult and child/young person, provider must be a member of the Big Brother/Big Sister (BB/BS) national affiliate and the match made between that adult and child/young person must be made in compliance with BB/BS standards.

## Parent Education/Child Development

- o Accurate information on the growth and development stages of children (pre-natal through adolescence).
- o Developmentally appropriate information on guidance, discipline, health and safety, communications, healthy social, emotional and learning environments, and all other information which would increase a parent/care giver's knowledge base.
- o Opportunities to see good role models interacting with children and youth.
- o Opportunities to practice good parenting skills with supportive feedback.
- o Parenting resources, support, and referral to other services.

### Recreation

- o Variety of opportunities for different types of activities which are developmentally appropriate for a range of ages 0-18 yrs.
- o Potential activities include: play groups; adult exercise; family outings; sports; games; challenges; crafts; social opportunities; space for "hanging out"; etc...

### Service Access

- o Provide assessment and appropriate linkages to children, youth and families in need, in order to ensure single entry access to the network of family support services within service districts and throughout the County.
- o "Single entry access" means once a child, youth or family makes contact with a Center and the County Family Support System (FSS), they will be provided appropriate access to the range of County funded social services (based on an assessment of need) and not simply referred off to any agency. Community members interested in volunteer opportunities will also be afforded "single entry access".
- o Services include: information and active referral; assessment/eligibility determination; case management-service planning/advocacy/linkage/coordination/follow up; access to basic needs; volunteer opportunities.

### Service Districts, Sites, Boundaries

There will be six service provision districts. Agreement upon the number of districts was driven by Department of Social Services, the work group did not delve deeply into the issue. The boundaries for these districts will be identical to the County Integrated Service Districts. The boundaries of the current YSCS are almost the same as these new boundaries, each service district will change little. Within each district there may be more than one service provision site dependent upon community need, available resources, partnerships with other providers, etc...

### Services Integration and the Family Support System

Following months of discussion and planning the County is in the midst of a major initiative to coordinate all of its social services with each other. Services integration is the strategy the County is using to develop and build what will be known as the Family Support System (FSS). Existing County services such as Community Service Centers, Aging Service Centers, Health Clinics, Mental Health, Juvenile Justice, etc... will form, along with the Child and Youth Centers, a comprehensive support system for Multnomah County citizens with single entry access.

The proposed CYCs are an integral piece of the FSS being built. While they are an integral piece, they will not be expected to "do it all". Providers will be expected to participate fully

in the on-going planning process for the FSS, and the Request For Proposals will be weighted towards the successful respondent's ability to either coordinate and integrate or plan to do so. Coordination and integration will be promoted not only among County services, but also among other community based providers. Partnerships between and among County departments, divisions, and community based providers will be utilized.

### **Funding**

Fund allocation for the six districts will be based upon population and demographic information in each area. Factors will be a mix of prevention and at-risk. Weighing of those factors will be 50% prevention and 50% at-risk. Consideration will be given to minimum contract amounts for each service district. Possible factors include:

- o Youth Population 0-18
- o Minority Youth Population 0-18
- o Live Births
- o Single Parent Households
- o Juvenile Arrests for divertable offenses
- o Households receiving both Public Assistance and Food Stamps

There is the potential for an additional factor which identifies alcohol and drug issues within any given service area. The changing of these factors and boundaries from the previously proposed one for the YSCS will result in changed allocation amounts from those that currently exist.

### **Phases**

The Department of Social Services acknowledges that current funding is not sufficient to fully fund the 10 core services, nor the three foci of the mission statement. The Department has proposed a phase-in approach to the core services. At this time it has not been determined what this will look like. The phases described below do not necessarily correspond to any specific RFP and could occur simultaneously or sequentially.

#### **Phase One (I)**

- o New Name
- o New Mission
- o Increased provider service provision flexibility
- o Proposed service plan for each service district detailing progress towards comprehensive 0-18 yrs services over next 3-5 years
- o RFP respondents must state how their proposed service plan will address the three mission statement foci, the 10 core services and the Guiding Principles.



### Phase One (I), con't.

- o Concrete service provision plans for the current YSCS Services-Diversion, Counseling, Mentorship, Employment, and A&D
- o Service Access
- o Prevention Services Capacity
- o Service Integration within District
- o Speak to capacity for other core services through partnerships and coordination

### Phase Two (II)

- o Redeployment and expansion of County Services
  - Health
  - OCAMHS (Family Counseling)
  - Sheriff (Law Related Services)
  - HCD (Service Access)
  - DD (Service Access)
  - ETC...
- o Current Parent Child Centers (2) increase capacity to serve 0-6 years

### Phase Three (III)

- o Add Parent Child Center services to every Family Service Center
- o Add remaining core services, any other identified, and build capacity for existing core services

Phases II and III will largely be dependent upon the proposed plans developed in Phase I.

## FAMILY SERVICE CENTER SYSTEM WORK GROUP

### M E M B E R S H I P

Michael Morrissey, Chairperson  
Youth Program Office

Paula Corey  
Housing and Community Development (HCD)

James Edmondson  
Office of Child and Adolescent Mental  
Health (OCAMHS)

Lt. Rod Englert  
Multnomah County Sheriff

Diane Feldt  
North Portland Youth Service Center  
(NPYSC)

Karen Hefflin  
CCYSC-Early Access Committee

Sharon McCluskey  
CCYSC-Prevention Committee

Bill Thomas  
Housing and Community Development (HCD)

Jan Peterson  
Developmental Disabilities

Lorenzo Poe  
Juvenile Justice Division (JJD)

Helen Richardson  
Mainstream Youth Program

Nan Waller  
CCYSC-Intervention

Jan Wallinder  
Health Department

Chiem-Seng Yaangh  
NorthEast Youth Service Center (NEYSC)

Mary Li, staff  
Youth Program Office

#### Other Attendees:

Janice Gratton-OCAMHS, Jana McClellan-JJD, Kathy Himsl-Mainstream, Dana Brown-HCD, Larry Foltz-NEYSC, Brian McNicholas-ECYSC, Tim Haley/Larry Schram-OEYSC, Mamak Tabrizian-SEYSC, Sherri Campbell-Carlisle-SEPCDC, Sue Clark/Larry Reeves/Gary McClellan-WSYSC, Carol Wire-YPO

COMPREHENSIVE CHILDREN AND YOUTH SERVICE PLANNING  
MULTNOMAH COUNTY  
Department of Social Services and Department of Health  
October 9, 1992

**DRAFT**

Background

Currently within Multnomah County, services for children and youth are found in the Multnomah County Divisions of Mental Health, Youth and Family Services, Juvenile Justice, and Housing and Community Services and in the Department of Health. There are four Advisory Committees or Commissions which provide input and guidance into these programs for children and youth. There is an administrative structure for the coordination of children and youth programs currently operating within the County which is called the Youth Services Management Team (YSMT). The YSMT is composed of the program managers or administrators over the various programs within the County.

Currently there is no counterpart of a coordinating mechanism for Advisory Committees and Commissions which focus their attention on services for children and youth. The proposal is to use the Community Children and Youth Services Commission as the coordinative mechanism to bring planning efforts of the Mental Health Advisory Committee, Developmental Disabilities Coordinating Council, MED Children and Youth Services Advisory Committee, the Community Action Commission, and the Community Health Council planning efforts together.

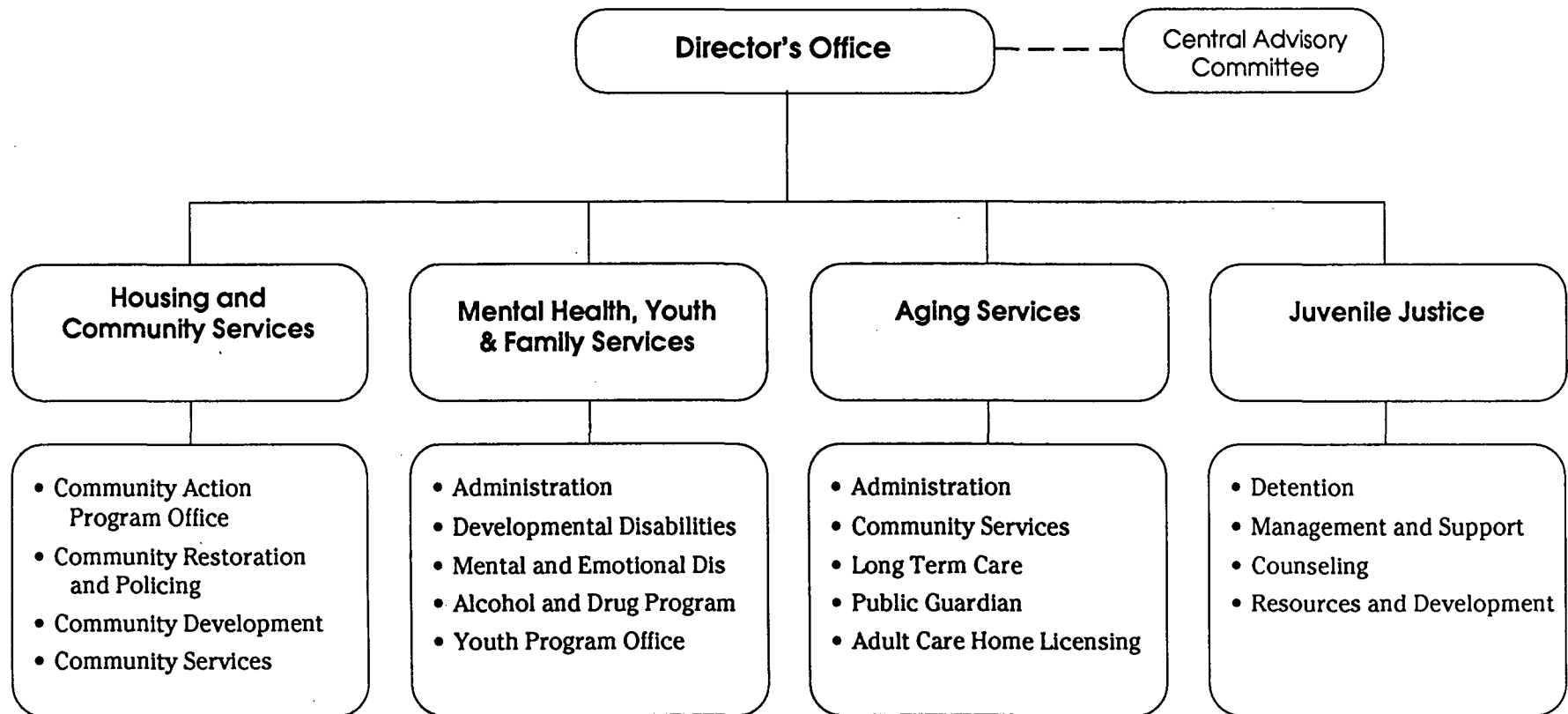
Proposal

The proposal would be to bring together the appropriate groups or subgroups of Advisory Committees and Commissions together in order to coordinate all of the children and youth planning activities within the County's Health and Social Services. The goal would be to move toward a true comprehensive planning system for children and youth in Multnomah County.

# Department of Social Services

## Fiscal Year 1992-93 Structure

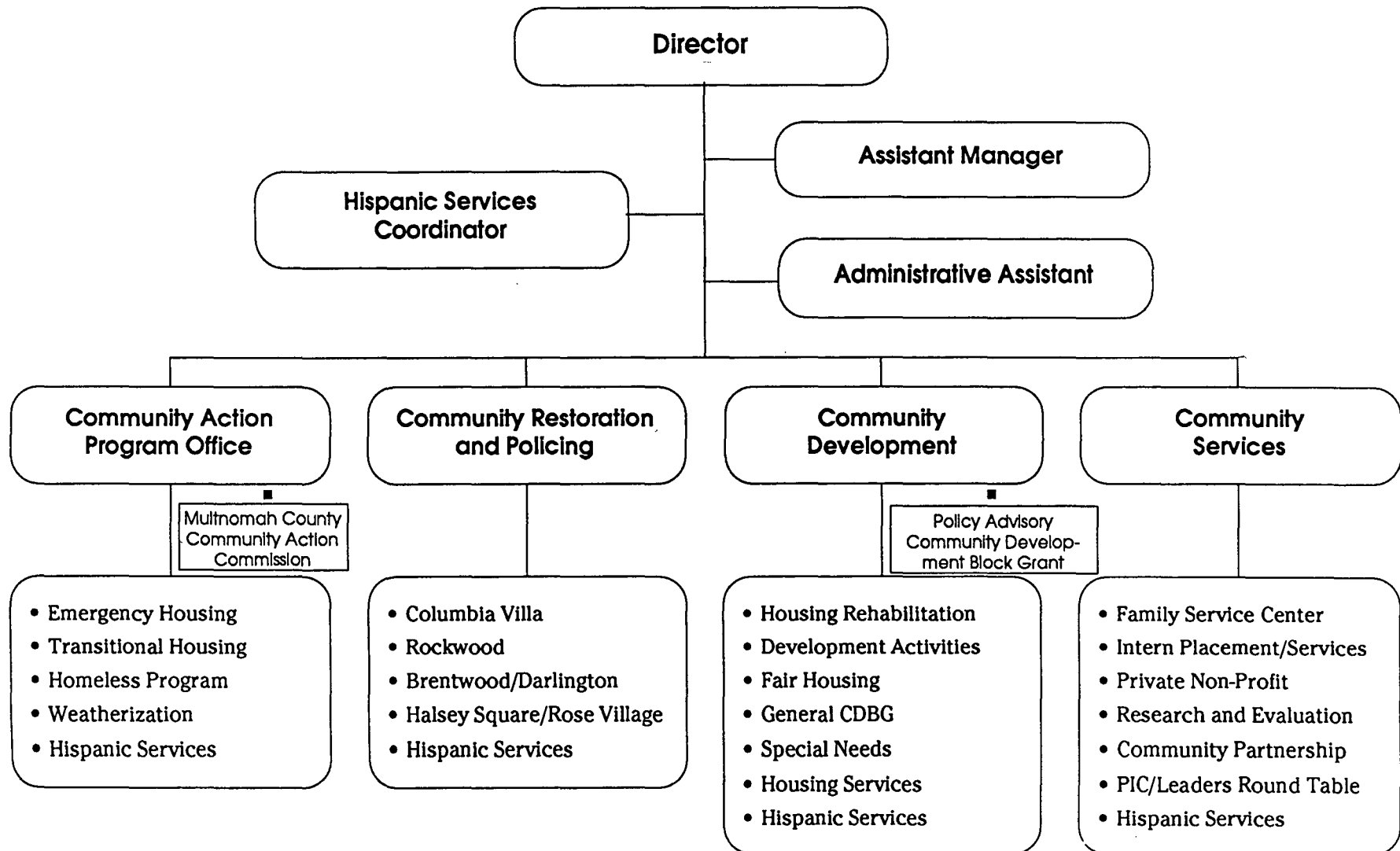
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# Multnomah County Department of Social Services

## Housing & Community Services

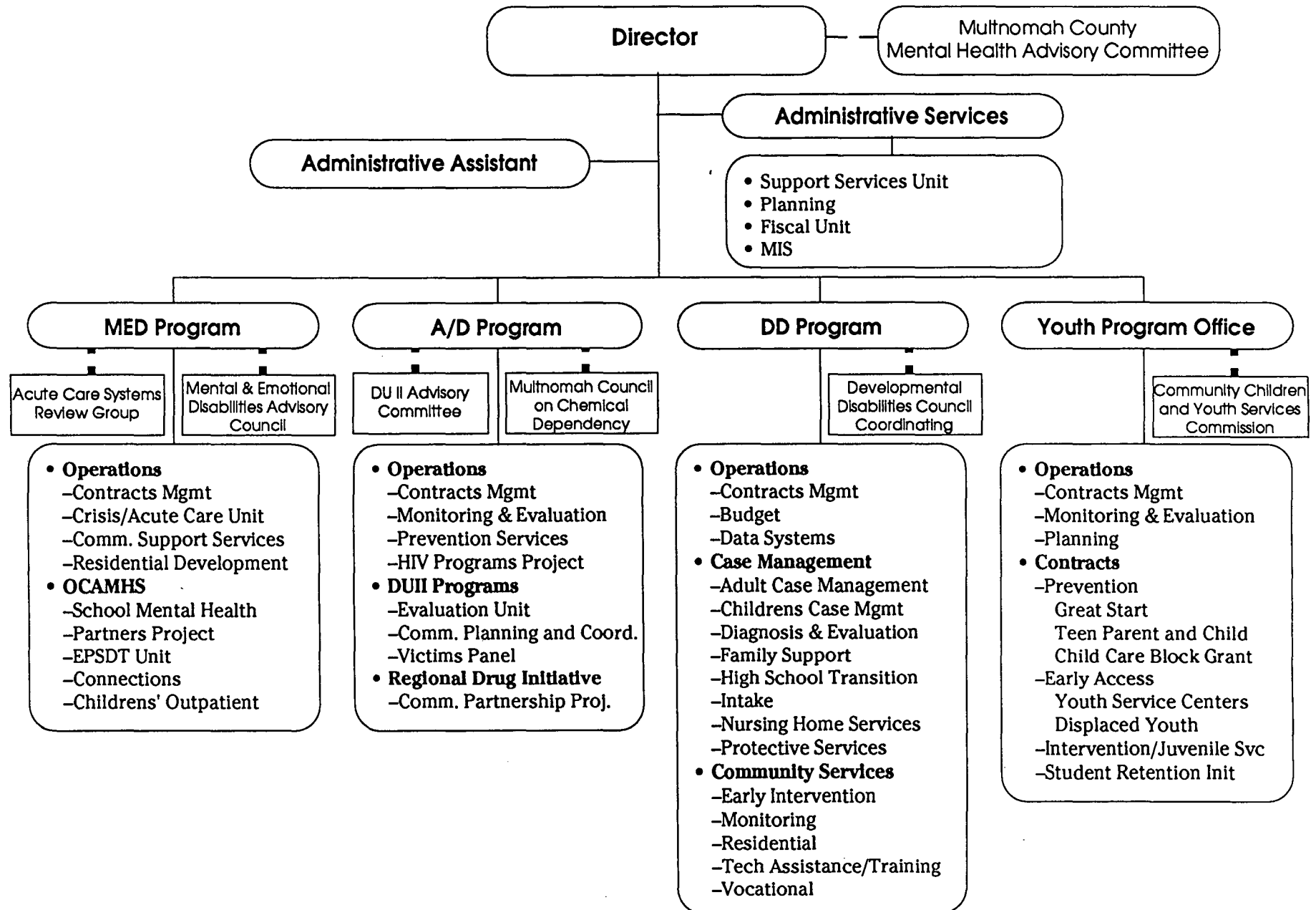
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# Multnomah County Department of Social Services

## Mental Health, Youth & Family Services Division

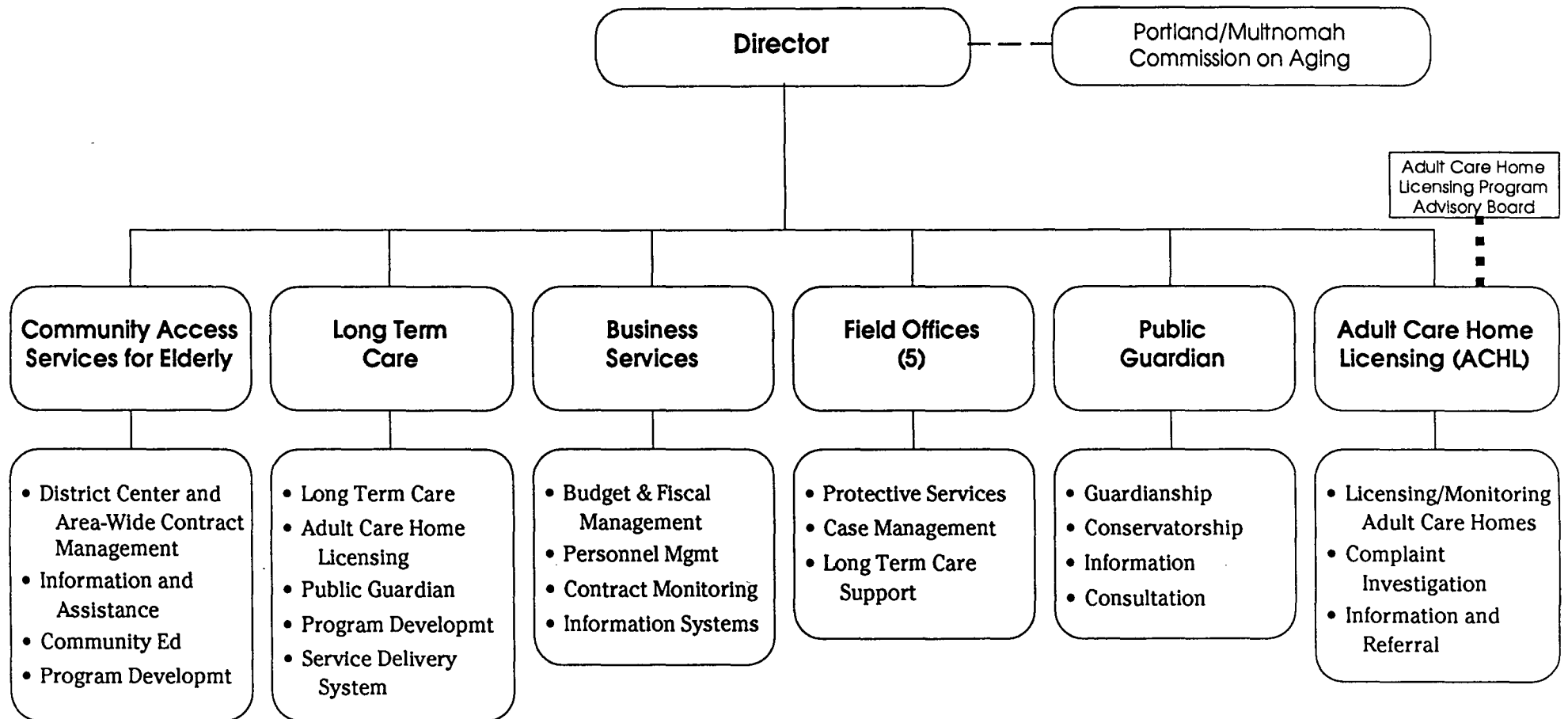
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Multnomah County Department of Social Services

# Aging Services Division

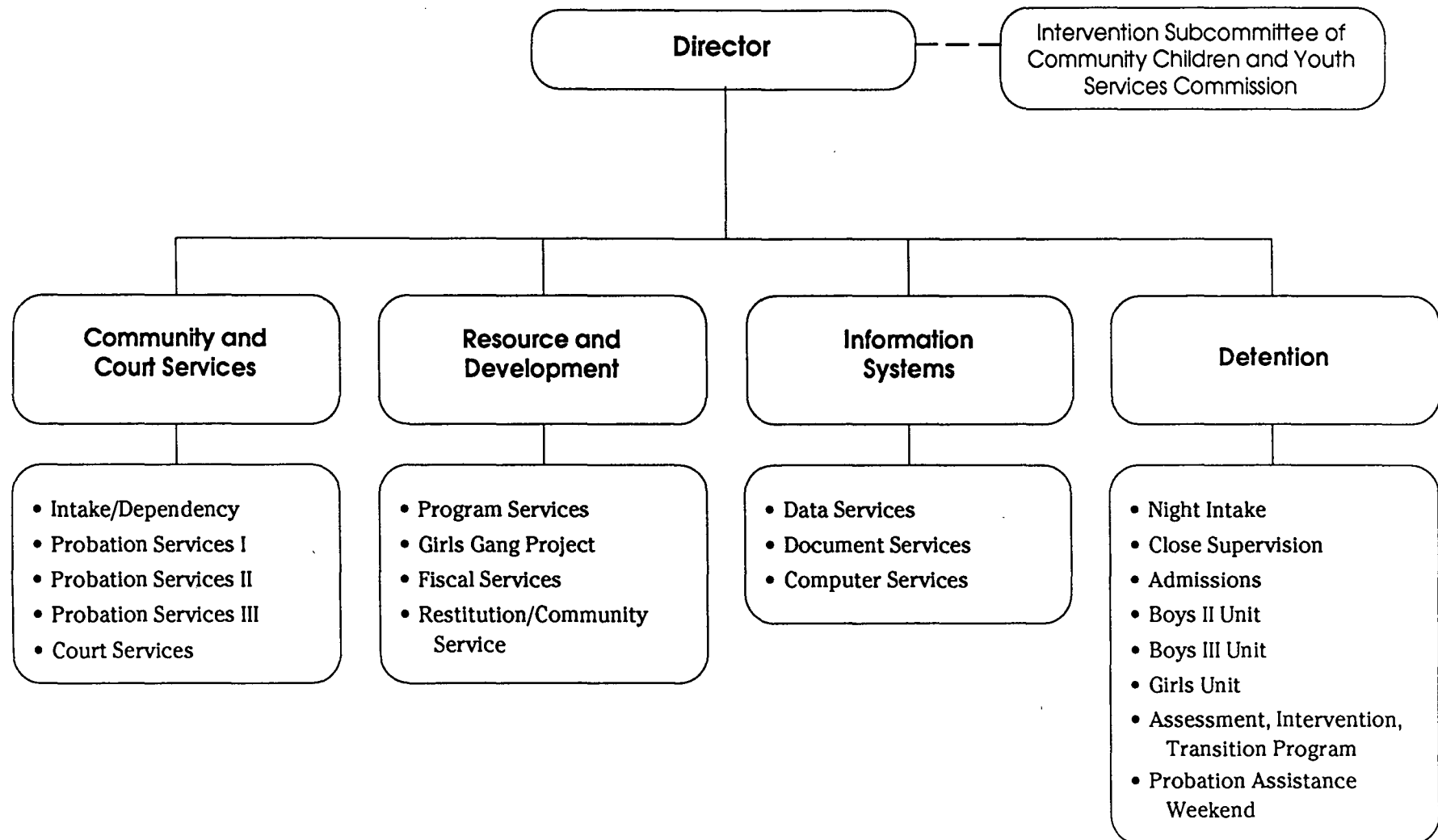
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Multnomah County Department of Social Services

# Juvenile Justice Division

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**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 11-10-92

**NAME** MICHAEL C. ROBINSON

**ADDRESS** 1727 NW HOYT

**STREET**

PORTLAND OR 97209

**CITY**

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** P-3

**SUPPORT**



**OPPOSE**

**SUBMIT TO BOARD CLERK**

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 11/10/92

**NAME** Arnold Rocklin

**ADDRESS** P.O. Box 83645

**STREET**

Portland, OR 97283

**CITY**

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** P-3

**SUPPORT** of the Hearings Officer's decision **OPPOSE** Rehearings

**SUBMIT TO BOARD CLERK**

PLEASE PRINT LEGIBLY!

MEETING DATE 11/10/92

NAME Al Burns, Portland Planning

ADDRESS 1120 SW 5th Ave, Rm 1002

STREET

Portland, OR

CITY

97204  
ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # SEC 691a  
HPD 4-9/a

SUPPORT \_\_\_\_\_ OPPOSE ulvert P-3  
SUBMIT TO BOARD CLERK and fill

Meeting Date: November 10, 1992

Agenda No.: P-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Re-Hearing - NW Thompson Road - McKenzie Culvert Appeal

BCC Informal \_\_\_\_\_ (date) \_\_\_\_\_ BCC Formal November 10, 1992 (date)  
DEPARTMENT DES DIVISION Planning  
CONTACT Sharon Cowley TELEPHONE 2610  
PERSON(S) MAKING PRESENTATION Mark Hess

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 hour

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

SEC 6-91a/HDP 4-91a Review the case concerning a culvert-fill driveway crossing over a tributary of Balch Creek.

The Board will re-hear the matter with oral argument to be On the Record Only, limited to 15 minutes per side, for property located at 6125 NW Thompson Road.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER *PC Maria Rojas*

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1992 NOV - 6 PM 2:55  
MULTNOMAH COUNTY  
OREGON



## NOTICE OF PUBLIC HEARING BOARD OF COUNTY COMMISSIONERS

Department of Environmental Services  
Division of Planning and Development

2115 SE Morrison Street  
Portland, Oregon 97214

This notice concerns a rehearing on the following item on the date and at the time and place indicated below. The hearing will be conducted pursuant to the Board of Commissioners' *Rules of Procedure* (enclosed). Interested parties have opportunity to appear and testify at the hearing, within the prescribed time limits. Failure to raise an issue in person, or by letter, or failure to provide sufficient specificity to allow the Board an opportunity to respond to the issue precludes appeal to LUBA on that issue. The Board of Commissioner's Decision on the item may be announced at the hearing, or upon continuance to a time certain.

All materials submitted in the record are available for inspection and review prior to the hearing, and copies may be purchased at reasonable cost. For further information, call the Clerk of the Board at 248-3277.

---

**Date: November 10, 1992 Time: 10:45 a.m. Place: Room 602, Multnomah County Courthouse**

---

**SEC 6-91A BOARD REHEARING ON THE "MCKENZIE CULVERT" APPEAL**  
**HDP 4-91A**

**SCOPE OF REVIEW:**

**ON THE RECORD; 15-MINUTES ORAL ARGUMENT PER SIDE**

The case concerns a culvert/fill driveway crossing over a tributary of Balch Creek on property located at 6125 NW Thompson Road, also known as Tax Lot '1' of Lot 37, Mountain View Park Addition #1.

A County Hearings Officer denied SEC and HDP permits for the culvert on June 16, 1992. An appeal of the Hearings Officer Decision was heard by the Board of County Commissioners (Board) on September 22, 1992. The Board continued deliberations to October 13, 1992, ending with a 2—2 tie vote on a motion to reverse the Hearings Officer Decision. The tie vote resulted in a default denial, and vacated the prior decisions on the request to amend SEC 6-91a and HDP 4-91a. There were no findings adopted in support of the Board decision.

On October 27, 1992, the Board unanimously approved a motion by Commissioner Anderson to rehear the matter pursuant to MCC 11.15.8285.

The Board will rehear the matter at 10:45 A.M., November 10, 1992, in Room 602 of the Multnomah County Courthouse. Oral argument will be on the record only, and limited to 15-minutes per side. A Board decision on the item will usually be announced at the close of the hearing, or upon continuance to a time certain.

**NOTE:** A written Board Order will be filed with the Clerk of the Board usually within five business days after announcement of a decision. Board decisions are final at the close of business on the tenth day after the decision is signed by the Board's Presiding Officer, and filed with the Clerk of the Board pursuant to MCC 11.15.8280(C) & (D).



CITY OF  
**PORTLAND, OREGON**  
BUREAU OF PLANNING

Gretchen Kafoury, Commissioner  
Robert E. Stacey, Jr., Director  
1120 S.W. 5th, Room 1002  
Portland, Oregon 97204-1966

Telephone: (503) 796-7700  
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FAX: (503) 823-7800

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
NOV - 6 PM 3:07

November 6, 1992

Office of the Board Clerk  
Multnomah County Board of Commissioners  
1120 Southwest Fifth Avenue  
Portland, Oregon 97204

Re: Rehearing of an Appeal of the Hearings Officer's Decision Concerning SEC 691a  
and HPD 4-91a, the "McKenzie Culvert" Appeal

The Portland City Council amended its Comprehensive Plan, land use regulations, and zoning maps to protect natural resources within the Balch Creek Watershed. These amendments became effective on February 8, 1991. The City Parks and Environmental Services Bureaus have begun comprehensive restoration and enhancement programs to carry out the Council's objectives. Mr. McKenzie's unpermitted placement of a culvert and fill in the NW Thompson Road Branch of Balch Creek is frustrating the City's efforts to meet its own environmental policies. Even though the violation is beyond the City's jurisdiction, Mr. McKenzie's actions have a direct and significant affect on the Portland's ability to maintain cutthroat trout within its city limits. The following are management objectives from the Balch Creek Watershed Protection Plan:

“• **Maintain Balch Creek Cutthroat Trout.**”

“These fish should be maintained in all of their present range and at population of at least 2,000. Opportunities for stream enhancement should also be maintained.”

“• **Protect Streams and Forests.**”

“All full year streams, intermittent streams, ravine bottoms, springs, and all significant ground water recharge areas should be protected; significant conifer forests and significant mixed broad-leaved and conifer forests should also be protected.”

Mr. McKenzie's actions contradict the both of these objectives. The Multnomah County Board of Commissioners took official note of the Balch Creek Watershed Protection Plan when it voted to apply its Hillside Development and Erosion Control regulations to the County's portion of the Balch Creek Watershed (Ordinance 691, 1991). Paragraph 11.15.6700(F) of the amended regulations reads, “Control stormwater discharges and protect streams, ponds, and wetlands within

the Tualatin River and the Balch Creek Drainage Basins [*emphasis added*]."  
Approval Standard 11.15.6730 (A) (2) (e) states that, "Whenever feasible, natural vegetation shall be retained, protected, and supplemented." Another regulation, 11.15.6730 (B) (2) states that it is the responsibility of the permit holder to, "... maintain as nearly as possible in its present state the stream [*during the permitted activity*] , and to return it to its original or equal condition." The Hearings officer was correct in recognizing that a bridge was necessary to meet the requirements of both the Hillside Development and Significant Environmental Concern regulations.

I was invited to make a presentation to the County Board when Ordinance 691, 1991 was adopted. It was my clear impression that, with the adoption of this Ordinance, both the County and the City believed that we had a coordinated management strategy in place which would ensure the perpetuation of an inter-jurisdictional resource.

Please allow me to review the City authorities which are companion to the County authorities cited above. The following Portland Comprehensive Plan policy summarizes the City's strategy for Balch Creek:

**"8.11 Special Areas"**

"Recognize unique land qualities and adopt specific planning objectives for special areas."

**"B. Balch Creek Watershed"**

"Protect and preserve fishery, wildlife, flood control, and other natural resource values of the Balch Creek Watershed through the application of special development standards and approval criteria in the environmental overlay zones."

The fishery component of this policy is carried out, in part, by the following approval criterion in the Portland Zoning Code:

**"33.430.340 Approval Criteria"**

**"I. Development in the Balch Creek Watershed.** In addition to the approval criteria stated above, the following approval criteria must also be met in resource areas and transition areas in the Balch Creek Watershed."

- "1. Fish. Balch Creek cutthroat trout must be maintained in a range at least as extensive as their range in 1987 and at population of at least 2,000. Opportunities for stream enhancement must also be maintained."

The best available information of 1987 conditions is the Oregon Department of Fish and Wildlife's original field surveys conducted in 1986 and 1987. The field notes and

fish sample data are in the County's Record of Hearing. These notes confirm that cutthroat were found in the Thompson Branch above Cornell Road. The ODFW estimated that cutthroat were present one-and-one-half miles up the Thompson Branch, well upstream of the present site of Mr. McKenzie's culvert and fill.

The City firmly believes that substantial evidence in the County's record demonstrates that the McKenzie property, before the violation occurred, was significant for the perpetuation of an isolated population of Cutthroat Trout, and thus was a "Class I Stream" within the meaning of Oregon Law. What at first glance appears to be evidence to the contrary, are mistaken and unsubstantiated opinions. The most recent change to the Forest Grove District's map of stream classes was never authorized. Forest Department Districts can only act through the means prescribed by the Board of Forestry's Rules and the Attorney General's Model Rules of Procedure. Failure to do so constitutes a denial of the due process and renders the result a legal nullity. The unauthorized act of a State Officer, and the mistaken beliefs of others relying on the unauthorized act, bears no relation to the real issue, the importance of the affected stream segment for the spawning, rearing, and migration of a game fish species. My clear impression is that the Multnomah County Board of Commissioners has always believed that, at least the first half mile of the Thompson Branch of Balch Creek, was important to cutthroat trout, and nothing in the record substantiates a conclusion to the contrary. Indeed, this very believe was responsible for the 1991 amendments to the County Code.

Aside from matters of policy and evidence, the City has procedural concerns. I have been advised by the City Attorney that the County Attorney made a serious error in not allowing me to respond to new evidence presented in October 13, 1992 hearing. During this final hearing, impressions gathered from *ex parte* contacts and a field visit related directly to the importance of the affected stream segment for game fish. The City had a right to respond at this point, and participate in its own right. It is a mistake to assume that the interests of the City are coterminous and fully represented by the other participants opposed to the culvert and fill. The County Attorney also ruled that, even though twelve days had passed, the ten day limit prescribed by Board Rules for rehearings, had not been exceeded. While the City welcomes the rehearing as an opportunity to be heard, my impression is that these hearings have not been conducted with the evenhandedness needed for an adjudicative process. The County and City are co-equal partners in the management of the Balch Creek Watershed. I pledge my full cooperation in this partnership, and respectfully request the opportunity to make a statement of less than two minutes at the rehearing.



Multnomah County Board of Commissioners  
November 6, 1992  
Page 4

An important component of this partnership is the recognition that City regulations, for the most part, protect rearing and migration habitat used all year, but these habitats are of critical importance during summer and fall low water. Spawning gravels are largely in the County, and are used during high flows in the spring of the year. Without all three habitat types, rearing, migration, and spawning, there would be no Cutthroat Trout in Balch Creek. This resource needs both of us.

In summary, I ask the board to adopt a finding that the segment of Balch Creek affected by the McKenzie culvert and fill was, before the violation occurred, significant for the maintenance of suitable spawning habitat for cutthroat trout. A bridge was needed to meet both the Hillside Development and Environmental Concern approval criteria. The decision of the Hearings Officer should be affirmed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Burns", with a long horizontal flourish extending to the right.

Al Burns  
City Planner, Long Range Planning and Urban Design Section

ccs;  
Stacey  
Clay  
Imperati  
Ochner  
Sjulin

**PRESTON  
THORGRIMSON  
SHIDLER  
GATES & ELLIS**

ATTORNEYS AT LAW

3200 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, Oregon 97204-3688

Telephone: (503) 228-3200

Facsimile: (503) 248-9085

## FACSIMILE COVER PAGE

November 9, 1992

To: SEE BELOW  
(Individual)From: DAN KEARNS

(Company)

No. of Pages: 2  
(Including Cover Page)

(Telecopy No.)

Client/Matter No.: 30183-00001

(Confirmation No.)

Client/Matter Name: FRIENDS OF FOREST PARK

If you do not receive all of the pages, please contact our telecopy operator at (503) 228-3200.

- ☐ Original will not be sent.  
☐ Original sent by U.S. mail.  
☐ Original sent by overnight mail.

## COMMENTS:

TO:

BOARD OF COMMISSIONERS

248-5440 (PAULINE ANDERSON OFFICE) AND  
248-3308 (GLADYS MCCOY OFFICE)

MARK HESS / MULTNOMAH CO. PLANNING

248-3389

PETER LIVINGSTON / MULTNOMAH CO. COUNSEL

248-3377

MICHAEL ROBINSON / O'DONNELL RAMIS

243-2944

ARNIE ROCHLIN / FRIENDS OF FOREST PARK

289-2657

TO COMMISSIONERS' CLERK: PLEASE DISTRIBUTE THIS LETTER TO ALL COMMISSIONERS. THANK YOU.

The information contained in this facsimile is confidential and may also be attorney-privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by a collect telephone call to (503) 228-3200, and return the original message to us at the address above via the U.S. Postal Service. Thank you.

**PRESTON  
THORGRIMSON  
SHIDLER  
GATES & ELLIS**

ATTORNEYS AT LAW

3200 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, OR 97204-3688Telephone: (503) 228-3200  
Facsimile: (503) 248-9085

DANIEL H. KEARNS

November 9, 1992

BY FAX: 248-5440 and 248-3308

Multnomah Board of County Commissioners  
Attn: Board Clerk  
1120 SW Fifth Avenue  
Room 1510  
Portland, OR 97204BOARD OF  
COUNTY COMMISSIONERS  
1992 NOV -9 AM 11:54  
MULTNOMAH COUNTY  
OREGONRe: Dan McKenzie rehearing SEC 6-91a, HDP 4-91a and CU 5-91a  
Our file no. 30183-00001

Dear Board Clerk:

The above-mentioned rehearing is scheduled to come before the Board on the morning of November 10, 1992. Because this matter has already been before the Board so many times in so many forms, we would vigorously oppose any attempt to reschedule or continue this hearing date. We trust that the Board will hear this matter, as scheduled, Tuesday morning, November 10, 1992, and that the Board will render a final decision on the matter. Thank you.

Sincerely,

PRESTON THORGRIMSON SHIDLER  
GATES & ELLIS

Daniel Kearns

cc by fax: Michael Robinson, Esq.  
Mark Hess, County Planning  
Peter Livingston, Acting\*County Counsel  
Arnold Rochlin, FOFP

**PRESTON  
THORGRIMSON  
SHIDLER  
GATES & ELLIS**

ATTORNEYS AT LAW

3200 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, OR 97204-3688

Telephone: (503) 228-3200  
Facsimile: (503) 248-9085

DANIEL H. KEARNS

November 9, 1992

**VIA HAND DELIVERY**

Multnomah Board of County Commissioners  
Attn: Board Clerk  
1120 SW Fifth Avenue  
Room 1510  
Portland, OR 97204

**Re: Dan McKenzie rehearing SEC 6-91a, HDP 4-91a and CU 5-91a**  
Our file no. 30183-00001

Dear Board Clerk:

Please find the enclosed Respondent's Memorandum on Rehearing for filing in the above-mentioned matter. I have included six additional copies for distribution to the Board members. Thank you.

Sincerely,

PRESTON THORGRIMSON SHIDLER  
GATES & ELLIS



Daniel Kearns

cc: Michael Robinson, Esq.  
Arnold Rochlin, FOFP

BOARD OF  
COUNTY COMMISSIONERS  
1992 NOV -9 PM 3:28  
MULTNOMAH COUNTY  
OREGON

ORIGINAL

BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF AN APPEAL OF THE )      RESPONDENT'S MEMORANDUM  
HEARINGS OFFICER'S DECISION      )      ON REHEARING  
CONCERNING SEC 6-91a AND HDP 4-91A )

This matter is being reheard by the Board because the Board's original October 13, 1992 decision resulted in a 2-2 tie vote to reverse the Hearings Officer's decision. The vote had no effect. The Friends of Forest Park ("FOFP") initially brought this matter before the Hearings Officer and obtained a favorable ruling that the applicant, Dan McKinzie, had unlawfully installed a 36' culvert in Thompson Fork in violation of his Significant Environmental Concern ("SEC") permit. FOFP also argued, and continues to argue, that a modification of the SEC permit necessarily modifies Mr. McKenzie's Conditional Use Permit ("CUP"), which incorporated the same conditions as the SEC permit. In support of its position, FOFP relies on the arguments set forth in memoranda already submitted in this matter.

In light of the stream classification issue raised by the applicant after the Hearings Officer's decision, this case boils down to a single issue: What is the classification of the Thompson Fork? If the Board determines Thompson Fork is Class 1, then the SEC protections apply, and FOFP wins. If the Board finds Thompson Fork is Class 2, the applicant wins on the theory that he never needed an SEC permit in the first place. Consequently, in this proceeding, the Board must determine the classification of Thompson Fork.

An additional issue here is the propriety of an applicant who

blatantly violates an explicit condition of his land use approval and then uses a post-hoc technical argument to avoid review of his violation. Mr. McKenzie claims to have followed every state and local procedure to the best of his ability in this matter. However, the record indicates otherwise. It is apparent Mr. McKenzie knew of the bridge requirement, but, upon discovering the expense a bridge would entail, chose to build the cheaper culvert and hoped no one would notice. The record in this case reveals the following chronology of events:

Feb. 1991	McKenzie applies for CUP and SEC permits stating he will install a bridge over Balch Creek for his driveway;
March 22, 1991	SEC permit issued, requiring a bridge over Balch Creek, based on McKenzie's explicit representations that a bridge and not a culvert would be built;
April 1, 1991	CUP issued incorporating SEC conditions as conditions of CUP;
Sept. 1991	McKenzie installs the culvert;
Oct. 16, 1991	Army Corps of Engineers receives McKenzie application seeking approval to construct culvert;
Nov. 22, 1991	Army Corps of Engineers issues permit allowing construction of the culvert;
Jan. 21, 1992	McKenzie applies with County for a modification of his SEC permit to allow construction of the culvert;
Jan. 23, 1992	County Code Enforcement Officer notifies McKenzie that his culvert violates explicit conditions of his SEC and CUP permits (SEC 6-91 and CUP 5-91).

Mr. McKenzie claims that County staff verbally authorized the installation of the culvert; however, that assertion is not

supported by any evidence in the record. Mark Hess, the County staff planner implicated by Mr. McKenzie, maintains that he never told Mr. McKenzie it was acceptable to substitute the culvert for the bridge required by both the SEC and CUP permits. Instead of being the innocent victim of the system, as he claims, Mr. McKenzie, in fact, "bent" the rules to suit his purposes and has manipulated the county's process in order to avoid compliance with the strict requirements of the County's land use and environmental regulations. The Board should not reward Mr. McKenzie's efforts.

**Under the County Code, the Board of Commissioners has the authority to decide the classification of Thompson Fork. The County Code does not require the Board to defer to the Oregon Department of Forestry or ODF's maps for this determination. Based on the presence of native cut throat trout and the significance of this stream for these fish, Thompson Fork is a "Class 1 Stream" as defined by the Oregon Forest Practices Rules.**

MCC 11.15.6404(C) is the critical code provision here because it establishes the areas to which the County's SEC protections apply. Specifically, the SEC permit protections apply to:

"Any building, structure, or physical improvement within 100 feet of the normal high water level of a Class I stream, as defined by the State of Oregon Forest Practice Rules, ... ."

MCC 11.15.6404(C), emphasis added.

Significantly, this section does not provide that the SEC permit applies only to streams designated as Class 1 by the Oregon Department of Forestry ("ODF") or the Oregon Department of Fish & Wildlife ("ODF&W"), but rather to streams which qualify as Class 1 "as defined by the State of Oregon Forest Practice Rules." This means the County Code gives the Board the discretion to determine

which streams are Class 1 and which are not. In reaching this determination, the Board may be persuaded by the ODF's classification label, but the Board is not bound by the ODF's classification of a stream.

To make its own classification determination, the County Code requires the Board to consider the definition of "Class 1" stream from the Oregon Forest Practices Act (the Act) rules. Those rules define "Class I" waters as:

"any portions of streams, lakes or other waters of the state which are significant for ... spawning, rearing or migration of anadromous or game fish."

OAR 629-24-101(8)(a), emphasis added.

There is ample evidence in the record that Thompson Fork is significant as feeding and spawning habitat for a stable population of native cutthroat trout. In 1987, Wayne Bowers, an ODF&W Fisheries Biologist, found a significant breeding population in the first  $\frac{1}{4}$  mile of Thompson Fork. According to Mr. Bowers:

"Stream bank erosive cutbank stabilized with tree roots & brush. Bottom mostly silt and bedrock, small amount of spawning gravel - enough for about 3 redds. Culvert on private property 150 feet upstream is a barrier. Denied access to sample the private property."

Jannett Burcham, a professional fisheries biologist, relocated this population adjacent to the applicant's property in September 1992. Ms. Burcham stated in her September 21, 1992 letter that:

"I found fish habitat and fish present in the section below the houses and upstream of Cornell Road. Culverts that are impassible at low water may be passible at higher flows, and the fish that I observed on the City property downstream may move upstream through the section flanked by houses."

"\* \* \*

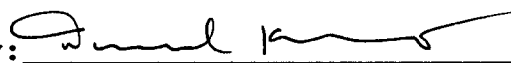


A total of six trout were identified in the surveyed section. Four of the trout were fish found upstream of Cornell Road in the Thompson Fork. It is the opinion of the author that fish habitat is present in Thompson Fork from Cornell Road upstream for a distance of at least 500 ft. or more and that fish do move up from Balch Creek through the culvert under Cornell Road to use the Thompson Fork for feeding and rearing and possibly spawning. ...."

These observations and conclusions were confirmed by Gary Kish, a qualified fisheries and fish habitat expert, the same month. All of these sightings are documented in the record. And all of these fisheries expert indicated that stream bank and stream bed disturbances, such as culverts, are the primary threat to fish habitat in the Thompson Fork.

From this evidence in the record, it is clear that the Thompson Fork is significant feeding, rearing and spawning habitat for cutthroat trout, an Oregon gamefish. Accordingly, the Thompson Fork qualifies as a Class 1 stream "as defined by the State of Oregon Forest Practice Rules." The Board clearly has the authority under MCC 11.15.6404(C) to declare Thompson Fork a Class 1 stream. Because of this stream's importance to the fish that live there, the Board should make such a declaration and apply the protections of the SEC permit which the Thompson Fork deserves.

Respectfully submitted this 9th day of November, 1992.

By:   
Daniel Kearns, OSB #89395  
Of Attorneys for Friends of Forest Park



# MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

To: Board of County Commissioners  
From: Mark Hess, Planning Division  
Date: November 9, 1992  
Subject: "McKenzie Culvert" RE-HEARING; REVIEW OF FACTS AND ISSUES

### CASE HISTORY:

This matter concerns SEC 6-91a/HDP 4-91a permits requested by Dan McKenzie for a driveway design with a culvert-fill type crossing over a tributary of Balch Creek. The Planning Director approved the design on March 31, 1992. The Friends of Forest Park appealed the decision. The Hearings Officer reversed the Director, and denied both permits on June 16, 1992. Dan McKenzie appealed to the Board of County Commissioners (Board), and was heard on September 22, 1992. The Board continued deliberations to October 13, 1992, and tied 2—2 on a motion to reverse the HO Decision. The tie vote resulted in a default denial of the permits. The Board did not adopt findings supporting the decision. On October 27, 1992, the Board approved a motion to rehear the matter on November 10, 1992.

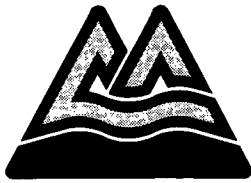
### RELEVANT ZONING CODE SECTIONS:

- 11.15.6710(C): Requires a *Grading and Erosion Control Permit* for land-disturbing activities within the Balch Creek Drainage Basin.
- 11.15.6404(C): Requires a *Significant Environmental Concern Permit* for physical improvements within 100-feet of Class I Streams, as defined by the Oregon Forest Practice Rules.

### KEY ISSUES FOR BOARD REVIEW:

1. The Hearings Officer decision denied both the SEC and HDP permits; however, only four SEC Permit criteria were cited. The Hearings Officer concluded that all HDP criteria were met if conditions in the Director's decision were imposed.
2. During the Board hearing, the State Department of Forestry (DOF) confirmed that the Thompson Fork of Balch Creek is not a Class I stream. Therefore, SEC Permit requirements in MCC 11.15.6404(C) should not apply to the project.
3. Historically, the County has relied on the DOF for stream classifications or interpretation of Forest Practice Rules. The DOF evaluates and maps stream classifications. When reclassification of a stream is proposed, DOF mails notices to property owners and provides opportunity for public comment or appeal.
4. Opponents argue that the County should independently determine if the stream is Class I as defined by the Oregon Forest Practice Rules. If the Board accepts this position, and requires the SEC permit, you must first conclude that the creek meets the Oregon Forest Practice Rules definition of Class I Stream [differing from ODF and ODFW conclusions]. Only then can the Board assess the culvert-fill design against the four SEC criteria at issue in the appeal.

BOARD OF  
COUNTY COMMISSIONERS  
1992 NOV -9 PM 4:55  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

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**From:** Mark Hess, Planning Division *MH*  
**Date:** November 9, 1992  
**Subject:** "McKenzie Culvert" RE-HEARING; REVIEW OF FACTS AND ISSUES

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### RELEVANT ZONING CODE SECTIONS:

- 11.15.6710(C): Requires a *Grading and Erosion Control Permit* for land-disturbing activities within the Balch Creek Drainage Basin.
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### KEY ISSUES FOR BOARD REVIEW:

1. The Hearings Officer decision denied both the SEC and HDP permits; however, only four SEC Permit criteria were cited. The Hearings Officer concluded that all HDP criteria were met if conditions in the Director's decision were imposed.
2. During the Board hearing, the State Department of Forestry (DOF) confirmed that the Thompson Fork of Balch Creek is not a Class I stream. Therefore, SEC Permit requirements in MCC 11.15.6404(C) should not apply to the project.
3. Historically, the County has relied on the DOF for stream classifications or interpretation of Forest Practice Rules. The DOF evaluates and maps stream classifications. When reclassification of a stream is proposed, DOF mails notices to property owners and provides opportunity for public comment or appeal.
4. Opponents argue that the County should independently determine if the stream is Class I *as defined by the Oregon Forest Practice Rules*. If the Board accepts this position, and requires the SEC permit, you must first conclude that the creek meets the Oregon Forest Practice Rules definition of Class I Stream [differing from ODF and ODFW conclusions]. Only then can the Board assess the culvert-fill design against the four SEC criteria at issue in the appeal.



1 (1) New evidence was allowed on the stream class issue, or rebuttal of tes-  
2 timony or material received at the 9/22/92 hearing for seven (7) days  
3 [until September 29, 1992]; and,  
4 (2) Written rebuttal of material received in the first open period was  
5 accepted for four (4) days. The record was closed on October 5, 1992.  
6

7 The Board deliberated on October 13, 1992, and tied 2—2 on a motion to  
8 reverse the Hearings Officer decision. A tie vote results in failure of the motion  
9 [Resolution 91-13, Section 8(J)], and a denial of the SEC permit by default. The  
10 Board did not adopt findings supporting the decision. On October 27, 1992, the  
11 Board approved a motion to rehear the matter on November 10, 1992.  
12

13 The Board reheard the case on November 10, 1992. Review was limited  
14 to the record of the prior proceedings, with oral argument by the parties. After  
15 considering the evidence, the Hearings Officer decision, staff recommendations,  
16 and arguments from the parties, the Board determined that an SEC Permit is  
17 not required because the Thompson Fork of Balch Creek is not a *Class I Stream*.  
18 The Board voided the prior SEC 6-91a decisions.  
19

## 20 **II. FINDINGS AND EVALUATION**

21

22 After hearing testimony, arguments and weighing the evidence, the  
23 Board is persuaded that substantial evidence in the record (e.g., correspon-  
24 dence from the Oregon Department of Forestry and the Oregon Department  
25 of Fish and Wildlife) confirms that the Thompson fork of Balch Creek is not a  
26 Class I Stream, as defined by the Oregon Forest Practice Rules. Therefore,

1 SEC Permit requirements in MCC 11.15.6404(C) do not apply to the culvert  
2 and fill work on the site. The Board therefore reverses the Hearings Officer  
3 decision requiring the applicant to meet SEC criteria in 11.15.6420.  
4

5 **III. CONCLUSION AND DECISION**  
6

7 Based on the above findings and evaluation, the Planning Director and  
8 Hearings Officer considerations and decisions on SEC 6-91a are moot, and here-  
9 by vacated.  
10

11 DATED this 10th Day of November, 1992  
12

13 (SEAL)  
14

15 Gladys McCoy, Multnomah County Chair  
16

17 REVIEWED AS TO FORM:  
18 LAURENCE KRESSEL, COUNTY COUNSEL  
19 FOR MULTNOMAH COUNTY, OREGON  
20

21 By: \_\_\_\_\_  
22 John DuBay, Chief Deputy County Counsel  
23  
24  
25  
26

1                   **BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
2                   **FOR MULTNOMAH COUNTY**

3       In the Matter of the Review of the       )  
4       Hearings Officer decision which denied   )  
5       a Hillside Development (HD) permit       )  
6       for an amended driveway design with     )  
7       a culvert and fill stream crossing       )

**FINAL ORDER**  
                  **Approving HDP 4-91a**  
                  DRAFT

7       **I. PROCEDURAL HISTORY**

8  
9           This matter concerns the appeal of a June 16, 1992 Hearings Officer deci-  
10       sion which denied a driveway design with a culvert and fill crossing over a tribu-  
11       tary of Balch Creek. Dan McKenzie (McKenzie) received an HD permit in 1991  
12       to develop an access drive on property at 6125 NW Thompson Road, with a  
13       bridge over the creek [ref.: HDP 4-91]. McKenzie later installed a culvert and fill  
14       crossing rather than a bridge, and requested an amended permit for the design  
15       change. The Planning Director approved the culvert design on March 31, 1992  
16       [ref. HDP 4-91a]. The Friends of Forest Park appealed the Director decision to the  
17       Land Use Hearings Officer. The Hearings Officer reversed the Director, and  
18       denied the HD permit on June 16, 1992. McKenzie appealed to the Board of  
19       County Commissioners (Board). The appeal requests Board review of the four  
20       grounds for denial cited in the Hearings Officer decision.

21  
22           On August 25, 1992, the Board expanded the scope of review to allow:  
23       (1) testimony and evidence on the issue of stream classification, and (2) argu-  
24       ment on issues raised in the appeal. The Board heard testimony and oral argu-  
25       ment on September 22, 1992, and continued the matter to October 13, 1992 for  
26       deliberation. The record was kept open open for two time periods:

1 (1) New evidence was allowed on the stream class issue, or rebuttal of tes-  
2 timony or material received at the 9/22/92 hearing for seven (7) days  
3 [until September 29, 1992]; and,

4 (2) Written rebuttal of material received in the first open period was  
5 accepted for four (4) days. The record was closed on October 5, 1992.  
6

7 The Board deliberated on October 13, 1992, and tied 2—2 on a motion to  
8 reverse the Hearings Officer decision. A tie vote results in failure of the motion  
9 [Resolution 91-13, Section 8(J)], and a denial of the HD permit by default. The  
10 Board did not adopt findings supporting the decision. On October 27, 1992, the  
11 Board approved a motion to rehear the matter on November 10, 1992.  
12

13 The Board reheard the case on November 10, 1992. Review was limited  
14 to the record of the prior proceedings, with oral argument by the parties. After  
15 considering the evidence, the Hearings Officer decision, staff recommendations,  
16 and arguments from the parties, the Board reversed the Hearings Officer, and  
17 approved HDP 6-91a, subject to conditions.  
18

## 19 **II. FINDINGS AND EVALUATION**

20

21 The Hearings Officer decision on HDP 4-91a cites four SEC Permit cri-  
22 teria as grounds for denial. However, the Hearings Officer concluded that all  
23 Grading and Erosion Control Permit criteria [MCC 11.15.6730] are met or  
24 could be satisfied if the conditions in the Director's decision are imposed [see  
25 HO decision; pg.16]. The Board review of the HD decision is limited to the  
26 SEC criteria cited by the Hearings Officer. The Board finds that the Hear-



1 Officer decision to deny the HD Permit was based on criteria which do not  
2 apply to the request.

3  
4 **III. CONCLUSION AND DECISION**

5  
6 Based on the above findings and evaluation, the Board hereby reverses  
7 the Hearings Officer decision and approves HDP 4-91a, subject to conditions of  
8 approval in the March 31, 1992 Planning Director decision.

9  
10 DATED this 10th Day of November, 1992

11  
12 (SEAL)

13  
14 Gladys McCoy, Multnomah County Chair

15 REVIEWED AS TO FORM:  
16 LAURENCE KRESSEL, COUNTY COUNSEL  
17 FOR MULTNOMAH COUNTY, OREGON

18 By: \_\_\_\_\_  
19 John DuBay, Chief Deputy County Counsel

**PLEASE PRINT LEGIBLY!**

**MEETING DATE** 11.10.92

**NAME** MICHAEL C. ROBINSON

**ADDRESS** 1727 NW HOYT

**STREET**

PORTLAND, OR 97209

**CITY**

**ZIP CODE**

**I WISH TO SPEAK ON AGENDA ITEM #** P-4

**SUPPORT**



**OPPOSE**

**SUBMIT TO BOARD CLERK**

Meeting Date: November 10, 1992

Agenda No.: P-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Review of Findings and Conclusions

BCC Informal \_\_\_\_\_ BCC Formal November 10, 1992  
(date) (date)  
DEPARTMENT DES DIVISION Planning  
CONTACT Sharon Cowley TELEPHONE 2610  
PERSON(S) MAKING PRESENTATION Bob Hall

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Q2-1990 11/18/92 COPIES OF ORDER TO PETER  
LIVINGSTON, SHARON COWLEY, KAREN HORN & MICHAEL  
CU 11-92 In the matter of the Review of the Board of County Commissioners ROBINSON  
Decision which approved a non-resource related single family residence in the MUF zoning district, subject to conditions for property located at 43640 East Larch Mountain Road.

This hearing is for adoption of the Final Order by the Board

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER Paul Yarbrough / bhu

(All accompanying documents must have required signatures)

1992 NOV - 5 AM 9:04  
CLERK OF COUNTY  
MULTI-COUNTY  
OREGON

**ANNOTATED MINUTES**

Tuesday, October 27, 1992 - 9:30 AM  
Multnomah County Courthouse, Room 602

**PLANNING ITEMS**

- P-1     SEC 6-91a  
HDP 4-91a     Commissioner Pauline Anderson's Request for Rehearing in the Matter of the October 13, 1992 Board of Commissioners Continued Review, Resulting in a 2-2 Vote, of the June 16, 1992 Hearings Officer Decision Denying a Request to Amend SEC 6-91a and HDP 4-91a, and Permit a Culvert/Fill Driveway Crossing Over a Tributary of Balch Creek, on Property Located at 6125 NW THOMPSON ROAD.

STAFF REPORT, PRESENTATION AND RESPONSE TO BOARD QUESTIONS FROM SCOTT PEMBLE, PETER LIVINGSTON AND MARK HESS. TESTIMONY IN SUPPORT OF A REHEARING FROM MICHAEL ROBINSON, JOHN SHERMAN AND AL BURNS. TESTIMONY IN OPPOSITION TO A REHEARING FROM ARNOLD ROCHLIN. DISCUSSION CONCERNING POSSIBLE DATES, WITH CHAIR McCOY ADVISING SHE MAY NOT BE AVAILABLE NOVEMBER 10TH. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, THE BOARD UNANIMOUSLY APPROVED A REHEARING AT 10:45 AM ON TUESDAY, NOVEMBER 10, 1992, ON THE RECORD, WITH TESTIMONY LIMITED TO 15 MINUTES PER SIDE.

- P-2     CU 19-92     Board Review and Affirmation of the October 5, 1992 Hearings Officer Decision to Approve, Subject to Conditions, Development of a 6.5 Acre Lot of Record with a Non-Resource Related Single Family Dwelling in the Multiple Use Forest District, for Property Located at 17300 NW SKYLINE BOULEVARD.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, THE HEARINGS OFFICER DECISION (P-2) WAS UNANIMOUSLY AFFIRMED.

- P-3     CU 11-92     Hearing After Adjournment and Request to Permit Additional Evidence on Conditions 5 and 6, in the Matter of the July 6, 1992 Hearings Officer Decision to Approve, Subject to Conditions, a Non-Resource Related Residence on a 7.8 Acre Lot of Record in the Multiple Use Forest District, for Property Located at 43640 EAST LARCH MOUNTAIN ROAD.

STAFF PRESENTATION AND RESPONSE TO BOARD QUESTIONS FROM PETER LIVINGSTON AND SCOTT PEMBLE. COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER KELLEY, TO REHEAR CU 11-92. FOLLOWING DISCUSSION WITH COUNTY COUNSEL, APPLICANTS' ATTORNEY MICHAEL ROBINSON AND NEIGHBORING PROPERTY OWNER DONALD HORN ADVISED THEY HAD NO OBJECTIONS TO A REHEARING. FOLLOWING DISCUSSION REGARDING REHEARING DATES,

COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER ANDERSON, TO AMEND HIS MOTION TO CALL FOR A REHEARING TO BE HELD ON NOVEMBER 10, ON THE RECORD, PLUS ADDITIONAL EVIDENCE, WITH TESTIMONY LIMITED TO 15 MINUTES PER SIDE. THE PARTIES DISCUSSED AND CONSENTED TO PARTICIPATE IN A REHEARING TODAY. CHAIR McCOY ADVISED SHE WOULD NOT BE VOTING AS SHE WAS NOT PRESENT AT THE PRIOR HEARINGS. THE MOTION AS AMENDED WAS DENIED, WITH COMMISSIONER KELLEY VOTING AYE, COMMISSIONERS ANDERSON, BAUMAN AND HANSEN VOTING NO AND COMMISSIONER McCOY ABSTAINING. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, A REHEARING TODAY, ON THE RECORD WITH ADDITIONAL EVIDENCE AND TESTIMONY LIMITED TO 10 MINUTES PER SIDE, WAS APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN, KELLEY AND HANSEN VOTING AYE AND COMMISSIONER McCOY ABSTAINING.

PRIOR TO COMMENCEMENT OF THE HEARING, COMMISSIONER BAUMAN DISCLOSED HIS EX PARTE CONTACT AND INVESTIGATION. BOB HALL REVIEWED THE CASE HISTORY. THE BOARD HEARD TESTIMONY FROM MICHAEL ROBINSON AND DONALD HORN. FOLLOWING BOARD DELIBERATION AND COMMENTS, COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER KELLEY, TO AMEND THE HEARINGS OFFICER DECISION BY DELETING CONDITION 5 AND AMENDING CONDITION 6, REQUIRING A 100 FOOT SETBACK ON APPLICANTS' WESTERLY PROPERTY LINE AND A 70 FOOT SETBACK ON THE EASTERLY PROPERTY LINE. THE MOTION WAS APPROVED, WITH COMMISSIONERS BAUMAN, KELLEY AND HANSEN VOTING AYE, COMMISSIONER ANDERSON VOTING NO AND COMMISSIONER McCOY ABSTAINING. THE BOARD SUGGESTED THAT COUNTY COUNSEL AND PLANNING STAFF DEVELOP CODE AMENDMENTS TO CLARIFY TIE VOTES AND RELATED ISSUES.

---

Tuesday, October 27, 1992 - 10:00 AM  
Multnomah County Courthouse, Room 602

**BOARD BRIEFING**

- B-1 Metro Staff Review and Request for Board Comment in the Matter of Three Growth Alternatives for the Portland Metropolitan Area, Developed as Part of the Region 2040 Project. Presented by R. Scott Pemble and Stuart Todd. 45 MINUTES REQUESTED.

DISCUSSION AND RESPONSE TO BOARD COMMENTS WITH COUNTY PLANNING DIRECTOR SCOTT PEMBLE AND METRO PLANNING DIRECTOR ANDY COTUGNO. BOARD BRIEFING WITHIN A MONTH TO DISCUSS ISSUES PRIOR TO SUBMITTING COUNTY RECOMMENDATIONS TO METRO POLICY ADVISORY BOARDS.

1 3, 1992, Commissioner Kelley moved reconsideration of the item. That motion  
2 passed unanimously and a hearing date of September 22, 1992 was set. At the  
3 September 22, 1992 hearing additional testimony was given by both the appli-  
4 cant and appellant and the Board again acted to uphold the decision of the  
5 Hearings Officer. On October 27, 1992 the Board held a hearing after adjourn-  
6 ment at which both sides again provided additional information. Based on that  
7 additional testimony, the Board acted to approve the Hearings Officer decision  
8 with the removal of condition #5 and the modification of #6 to read: The building  
9 shall be set back at least 100 feet from westerly property line and 70 feet from  
10 the easterly property line.  
11

## 12 I. APPLICABLE REVIEW STANDARDS 13

14 The property is zoned MUF-19 (Multiple Use Forest). The Multnomah  
15 County Code (MCC) § 11.15.2172(C) conditionally allows non-resource related  
16 single family dwellings. Decisions shall be based on findings that the following  
17 are satisfied:  
18

19 (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to  
20 (C).  
21

22 (2) The land is incapable of sustaining a farm or forest use, based upon one of  
23 the following:  
24

25 a) A Soil Conservation Service Agriculture Capability Class of IV or greater  
26 for at least 75% of the lot area, and physical conditions insufficient to produce 50

1 3, 1992, Commissioner Kelley moved reconsideration of the item. That motion  
2 passed unanimously and a hearing date of September 22, 1992 was set. At the  
3 September 22, 1992 hearing additional testimony was given by both the appli-  
4 cant and appellant and the Board on a tie vote was unable to uphold or modify  
5 the decision of the Hearings Officer. On October 27, 1992, after obtaining the  
6 consent of all parties , the Board held a hearing at which both sides again pro-  
7 vided additional information. Based on that additional testimony, the Board  
8 acted to approve the Hearings Officer decision with the removal of condition #5  
9 and the modification of #6 to read: The building shall be set back at least 100  
10 feet from westerly property line and 70 feet from the easterly property line.  
11

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21

22 (2) The land is incapable of sustaining a farm or forest use, based upon one of  
23 the following:  
24

25 a) A Soil Conservation Service Agriculture Capability Class of IV or greater  
26 for at least 75% of the lot area, and physical conditions insufficient to produce 50

1                   **BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
2                   **FOR MULTNOMAH COUNTY**

3           In the Matter of the Review of                   )  
4           the Board's decision which approved,        )  
5           with conditions, a non-resource                )  
6           related residence in the MUF                    )  
7           zoning district.                                 )

**FINAL ORDER**  
**CU 11-92**

8           This matter came before the Board of Commissioners (Board) for a rehearing  
9           on October 27, 1992. The Board hereby modifies the decision of the Hearings  
10          Officer regarding this non-resource related residence application based on the  
11          findings and conclusions contained herein.

12  
13          The Hearings Officer held a public hearing and received testimony on the  
14          non-resource related residence request on July 6, 1992. The Hearings Officer  
15          approved the request with the addition of conditions #5 and #6 which stipulated:

16  
17          5. The front of the dwelling shall be located no farther than 50 feet from the  
18          Larch Mt. Road right-of-way.

19  
20          6. The building shall be set back at least 100 feet from both the east and  
21          west property lines.

22  
23          A Notice of Review was filed by Dean Grey on July 27, 1992. The Board  
24          heard the matter on January 14, 1992. After considering the evidence, the Hear-  
25          ings Officer decision, staff recommendations, and arguments from the applicant  
26          and appellants, the Board upheld the Hearings Officer decision. On September



1 3, 1992, Commissioner Kelley moved reconsideration of the item. That motion  
2 passed unanimously and a hearing date of September 22, 1992 was set. At the  
3 September 22, 1992 hearing additional testimony was given by both the appli-  
4 cant and appellant and the Board on a tie vote was unable to uphold or modify  
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6 consent of all parties , the Board held a hearing at which both sides again pro-  
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8 acted to approve the Hearings Officer decision with the removal of condition #5  
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11

## 12 I. APPLICABLE REVIEW STANDARDS

13

14 The property is zoned MUF-19 (Multiple Use Forest). The Multnomah  
15 County Code (MCC) § 11.15.2172(C) conditionally allows non-resource related  
16 single family dwellings. Decisions shall be based on findings that the following  
17 are satisfied:  
18

19 (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to  
20 (C).  
21

22 (2) The land is incapable of sustaining a farm or forest use, based upon one of  
23 the following:  
24

25 a) A Soil Conservation Service Agriculture Capability Class of IV or greater  
26 for at least 75% of the lot area, and physical conditions insufficient to produce 50

1 cubic feet/acre/year or any commercial trees species for at least 75% of the area;

2  
3 b) Certification by the Oregon State University Extension Service, the Ore-  
4 gon Department of Forestry, or a person or group having similar agricultural  
5 and forestry expertise, that the land is inadequate for farm and forest uses and  
6 stating the basis for the conclusions; or

7  
8 c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is  
9 ten acres or less in size.

10  
11 (3) A dwelling, as proposed, is compatible with the primary uses as listed in  
12 MCC 11.15.2168 on nearby property and will not interfere with the resources or  
13 the resource management practices or materially alter the stability of the over-  
14 all land use pattern of the area.

15  
16 (4) The dwelling will not require public services beyond those existing or pro-  
17 grammed for the area.

18  
19 (5) The owner shall record with the Division of Records and Elections a state-  
20 ment that the owner and the successors in interest acknowledge the rights of  
21 owners of nearby property to conduct accepted forestry or farming practices.

22  
23 (6) The dwelling will be located outside a big game winter habitat area as  
24 defined by the Oregon Department of Fish and Wildlife, or that agency has  
25 certified that the impacts are acceptable.

1 B. A residential use located in the MUF district after August 14, 1980 shall  
2 comply with the following:

3  
4 (1) The fire safety measures outlined in the "Fire Safety Considerations for  
5 Development in Forested Areas", published by the Northwest Inter-Agency Fire  
6 Prevention Group, including at least the following:

7  
8 a) Fire lanes at least 30 feet wide shall be maintained between a residential  
9 structure and an adjacent forested area;

10  
11 b) Maintenance of a water supply and of fire fighting equipment sufficient to  
12 prevent fire from spreading from the dwelling to adjacent forested areas.

13  
14 (2) An access drive at least 16 feet wide shall be maintained from the proper-  
15 ty access road to any perennial water source on the lot or an adjacent lot;

16  
17 (3) The dwelling shall be located in as close proximity to a publicly main-  
18 tained street as possible, considering the requirements of MCC 11.15.2058(B).  
19 The physical limitations of the site which require a driveway in excess of 500  
20 feet shall be stated in writing as part of the application for approval;

21  
22 (4) The dwelling shall be located on that portion of the lot having the lowest  
23 productivity characteristics for the proposed primary use, subject to the limita-  
24 tions of subpart #3 above;

25  
26 (5) Building setbacks of at least 200 feet shall be maintained from all proper-

1 ty lines, wherever possible, except:

2  
3 a) a setback of 30 feet or more may be provided for a public road, or

4  
5 b) the location of dwelling(s) of adjacent lots at a lesser distance which  
6 allows for clustering of dwellings or sharing of access;

7  
8 (6) The dwelling shall comply with the standards of the Uniform Building  
9 Code or as prescribed in ORS 446.002 through 446.200 relating to mobile  
10 homes;

11  
12 (7) The dwelling shall be attached to a foundation for which a building per-  
13 mit has been obtained;

14  
15 (8) The dwelling shall have a minimum floor area of 600 square feet; and

16  
17 (9) The dwelling will be located outside a big game winter habitat area as  
18 defined by the Oregon Department of Fish and Wildlife or that agency has certi-  
19 fied that the impacts will be acceptable.

20  
21 **II. EVALUATION OF THE APPLICATION**

22  
23 The subject property is a Lot of Record of 7.80 acres located on the south side  
24 of E. Larch Mountain Road one-quarter of a mile westerly of its intersection  
25 with Loudon Road. The property is vegetated with a mixture of conifer and  
26 deciduous trees. The property is not within a designated big game winter habi-

1     tat area.

2  
3         Properties in the surrounding area range in size from nearly two acres to  
4     over 80 acres in size. Most of the lots along Larch Mountain Road are developed  
5     with rural residences. The property is bordered on the east by a subdivided area  
6     zoned Rural Residential, and another Rural Residential area is located two lots  
7     removed to the west. Those two intervening properties are undersized lots desig-  
8     nated MUF-19 and each developed with a single family residence.

9  
10        The tentative site plan indicates compliance with the Residential Location  
11     Standards of the MUF zone. Condition #4 insures that all standards will be met  
12     before any development permits are issued on the property. Water will be pro-  
13     vided by Corbett Water District, and the property has been tested for subsurface  
14     sewage disposal. Telephone and power facilities are available along the Larch  
15     Mountain Road frontage.

16  
17     Findings regarding the Ordinance Approval Criteria of MCC 11.15.2172(C):  
18

19        1. The lot size requirement of .2182(A)(2) is met with this 7.80-acre parcel.  
20

21        2. The land is incapable of sustaining a farm or forest use, in spite of the fact  
22     that the property has recently been logged for commercial purposes, because  
23     Section (c) by definition establishes a Lot of Record of ten acres or less in size as  
24     incapable of sustaining farm or forest use.

25  
26        3. A dwelling on this site is compatible with the primary uses listed in MCC

1 .2168 on nearby properties because the nearby properties located in the MUF-19  
2 and RR districts are either already occupied by single family residences or are  
3 eligible for single family development without further zoning approvals, and  
4 with the signing and recording of the acknowledgement required by MCC  
5 .2172(C)(5), the single family dwelling will not interfere with the resources or  
6 resource management practices or materially alter the stability of the overall  
7 land use pattern in the area.

8  
9 The concern expressed by Sid Kennedy, and Donald and Karen Horn, adjoining  
10 property owners, regarding clear cutting in the area appear to be well found-  
11 ed. There do not, however, appear to be any restrictions in the County Zoning  
12 Ordinance which would prevent clear cutting. Since the Ordinance defines a Lot  
13 of Record of less than ten acres in size as "incapable of sustaining a farm or for-  
14 est use", there is the inconsistency of on the one hand recognizing the commer-  
15 cial value of the timber and at the same time defining the Lot of Record as non-  
16 productive. This inconsistency, however, does not prevent a dwelling from being  
17 established on a qualifying Lot of Record.

18  
19 The Ordinance prohibits destabilizing the overall land use pattern of the  
20 area. Locating a dwelling on an existing Lot of Record does not destabilize the  
21 zoning pattern in the area.

22  
23 Applicable requirements of the Oregon Forest Practices Act (ORS 527.610 et  
24 seq), if any, are administered by the State Forester in the Oregon Department of  
25 Forestry, not by Multnomah County.

1        4. The dwelling will not require public services beyond those existing or pro-  
2        grammed for the area because adequate services are available in the Larch Mt.  
3        Road right-of-way or can be provided on-site.

4  
5        5. The owner will be required to record the acknowledgement regarding the  
6        rights of owners of nearby property to conduct acceptable forestry or farming  
7        practices.

8  
9        6. The residential use development standards of MCC .2194 can be met, as  
10       discussed below, provided the approval is properly conditioned.

11  
12       Findings regarding the Ordinance Approval Criteria of MCC 11.15.2194:

13  
14       A. The fire safety requirements can be met since the property is large  
15       enough to provide the required 30-foot buffer, and water supply is available in  
16       the Larch Mt. Road right-of-way.

17  
18       B. The applicant proposes a 16-foot wide access drive in compliance with the  
19       access requirement.

20  
21       C. MCC .2194(C) states:

22  
23       "The dwelling shall be located in as close proximity to a publicly maintained  
24       street as possible, considering the requirements of MCC .2178(B)".

25  
26       MCC .2178(B) states:

1 "That portion of a street which would accrue to an adjacent lot if the street  
2 were vacated shall be included in calculating the area of such lot".  
3

4 The applicant proposes to locate the house approximately 430 feet from  
5 Larch Mt. Road. The Board finds, based on the additional testimony that the  
6 proposed location not only affords the best view, it also is the only location on the  
7 property that will not require excessive cutting and filling and will not jeopard-  
8 ize the spring located near the Larch Mountain Road frontage.  
9

10 D. Physical limitations of the property require a driveway in excess of 500  
11 feet.  
12

13 E. Since the Lot of Record of less than ten acres by definition is not capable  
14 of sustaining farm and forest practices, the requirement of locating the dwelling  
15 on the portion of the lot having the lowest productivity characteristics is satis-  
16 fied.  
17

18 F. Subsection (F) of MCC .2194 requires a setback of at least 200 feet from  
19 all property lines whenever possible, except (1) the setback may be reduced to 30  
20 feet for the front yard setback along a public road or (2) the 200-foot setback  
21 may be reduced if dwellings located on adjacent lots are at a lesser distance and  
22 reducing the setback for the subject site will allow clustering of the dwellings or  
23 shared access.  
24

25 The applicant proposes to locate the dwelling 30 feet from the east property  
26 line. No information has been provided by the applicant to indicate that a



1 greater setback cannot be accommodated, although since the lot width is approx-  
2 imately 360 feet, it is obvious that the house cannot be located 200 feet from  
3 both the east and the west property lines.

4  
5 As indicated above, however, the 200-foot setback requirement applies "wher-  
6 ever possible". In this case, a 200-foot setback from both the east and the west  
7 property lines is not possible. The proposed single family use can satisfy the  
8 intent of Subsection (F) if the approval is properly conditioned so that the house  
9 is located farther from the property line. In this case, it is reasonable to require  
10 that the house be set back at least 100 feet from the westerly property line and  
11 at least 70 feet from the easterly property line. A location further from the east-  
12 erly property line would locate the residence on a slope, necessitating excessive  
13 cut and fill.

14  
15 G. The applicant proposes to comply with the applicable Building Code stan-  
16 dards in compliance with Subsection (G).

17  
18 H The dwelling is proposed to be attached to a foundation for which a build-  
19 ing permit will be obtained.

20  
21 I. The applicant proposes a dwelling of approximately 1,800 square feet, in  
22 compliance with the minimum requirement of 600 square feet

23  
24 J. The property is located outside of a big game habitat area.

25  
26 In summary, the proposal as submitted, complies with all of the applicable

1 requirements of MCC .2172, and all of the requirements of MCC .2194, except  
2 for Subsections (C) and (F) of .2194. The approval as conditioned herein, howev-  
3 er, does satisfy the requirements of Subsections (C) and (F).

### 4 5 **III. CONDITIONS OF APPROVAL**

6  
7 1. Prior to the issuance of building permits, the property owner shall provide  
8 the Land Development Section with a copy of the recorded restrictions required  
9 under MCC 11.15.2172(C)(5). A prepared blank copy of this deed restriction is  
10 available at the Land Development Offices.

11  
12 2. Satisfy the requirements of Engineering Services regarding any further  
13 improvements of Larch Mountain Road.

14  
15 3. Prior to any site clearing or grading, obtain a *Hillside Development and*  
16 *Erosion Control Permit* pursuant to MCC .6700-6730, if applicable. Contact  
17 Mark Hess at 248-3043 for application materials.

18  
19 4. The final site plan shall demonstrate compliance with the Residential Use  
20 Development Standards of MCC .2194.

21  
22 5. The building shall be set back at least 100 feet from westerly property  
23 line and at least 70 feet from easterly property line.

1 **IV. CONCLUSIONS AND DECISION**

2

3 Based on the above findings and evaluation, the Board of Commissioners

4 concludes that, with amended conditions, the project complies with the applica-

5 ble standards of the Multnomah County Code. Therefore, the Board of Commis-

6 sioners hereby modifies the Hearings Officer decision in this matter and

7 approves the non-resource related residence requested in CU 11-92.

8

9 DATED this 10th day of November, 1992

10

11

12 (SEAL)

13

14 Gladys McCoy, Multnomah County Chair

15

16 REVIEWED AS TO FORM:

17 LAURENCE KRESSEL, COUNTY COUNSEL

18 FOR MULTNOMAH COUNTY, OREGON

19 By: Peter Livingston

20 John DuBay, Chief Deputy County Counsel

21 Peter Livingston

22

23

24

25

26

O'DONNELL, RAMIS, CREW & CORRIGAN

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PLEASE REPLY TO PORTLAND OFFICE

CLACKAMAS COUNTY OFFICE  
181 N. Grant, Suite 202  
Canby, Oregon 97013  
(503) 266-1149

JAMES M. COLEMAN  
KENNETH M. ELLIOTT  
Special Counsel

November 9, 1992

\*ALSO ADMITTED TO PRACTICE IN STATE OF WASHINGTON  
\*\*ALSO ADMITTED TO PRACTICE IN WISCONSIN  
\*\*\*ALSO ADMITTED TO PRACTICE IN TEXAS

Peter Livingston, Esq.  
Assistant County Counsel  
Multnomah County  
1120 SW Fifth Avenue, Suite 1530  
P.O. Box 849  
Portland, OR 97207-0849

Re: Smith & Grey Homes

Dear Peter:

The County Planning Department provided me a copy of the proposed findings in this matter only one hour before they had to send them to the Board Clerk. Attached to this letter are proposed additional findings that I would like the Commissioners to incorporate into the findings as drafted by the County Planning Department. The findings have to do with the deletion of Condition No. 5 and the amendment of Condition of No. 6.

I would appreciate your review of the findings and your recommendation to the Board of County Commissioners that they be incorporated into the draft findings. I have forwarded a copy of these proposed findings to the Board Clerk.

Very truly yours,

O'DONNELL, RAMIS, CREW & CORRIGAN

*Michael C. Robinson*

Michael C. Robinson

MCR/dd  
Enclosure  
cc: R. Scott Pemble (w/encl)  
Bob Hall (w/encl)  
Board Clerk (w/encl) ✓

mcr\grey\42031-1\Livingston.112

BOARD OF  
COUNTY COMMISSIONERS  
1992 NOV 10 AM 11:42  
MULTNOMAH COUNTY  
OREGON

COPY

PROPOSED FINDINGS  
TO BE ADDED TO DRAFT FINDINGS CU 11-92,  
APPLICATION BY SMITH & GREY HOMES  
FOR CONDITIONAL USE IN MUF-19 ZONE

1. Additional Findings Regarding Condition 5.

Condition 5 requires that "the front of the dwelling shall be located no more than 50 feet from the Larch Mountain Road right-of-way." The condition is based upon MCC .2194(c) which requires a dwelling to be located in as close proximity to a publicly maintained street as possible. The applicant presented evidence indicating why it was not possible to locate the dwelling within 50 feet of the street as required by the hearings officer.

First, the condition would require additional cut and fill on the site in order to accommodate a building and would possibly require relocation of the driveway. Secondly, the condition would require placement of the dwelling immediately above a Class II stream.

The applicant submitted evidence from its septic contractor indicating that the location would make it difficult, if not impossible, to find a suitable site for septic tank installation. This is because a gravity flow system would require a septic tank to either be located closer than allowed to a stream (which is prohibited by state administrative rule) or in an area of cut and fill, which is also prohibited. An alternative is a system requiring pumping and the Commission finds that the additional cost of such a system would add at least an additional \$15,000 to the cost of the dwelling.

The opponents did not submit evidence from an expert source contrary to that submitted by the applicant. The Commission specifically finds that the applicant's evidence is more believable on this point. Moreover, the Commission finds that there is no factual basis in the hearings officer's findings which would justify the dwelling to be located within 50 feet of Larch Mountain Road right-of-way.

The Commission rejects pictures submitted by opponents of houses to the west along East Larch Mountain Road. The Commission finds that these pictures are irrelevant because they do not represent the same topographic conditions as the subject site and nothing in the record indicates whether the circumstances of construction are the same; for example, whether variances were granted for these houses.

The Commission finds that it is not possible to locate the house within 50 feet of East Larch Mountain Road. The Commission deletes Condition 5 from the hearings officer's findings.

2. Condition 6.

Condition 6 requires the house to maintain 100 foot setbacks from the east and west property lines. This condition is based upon MCC .2914(B)(5) which requires building setbacks of least 200 feet wherever possible. In this case, the subject property is only 360 feet wide, so it is not possible to have 200 foot setbacks.

The applicant submitted evidence showing that a 100 foot setback from the east property line would require the structure to be located on a steep slope composed of fill. The Commission rejects opponents' evidence and argument that the house should be located on this area.

The Commission finds that the flat, buildable area of the site extends no further than 120 feet from the easterly property line. The house is planned to be 50 feet wide, so the maximum possible setback to the easterly property line is 70 feet.

The Commission also finds that opponents are not entitled to a "house-free" view of adjacent properties. Moreover, evidence in the record shows that trees along the east property line will block most, if not all, of opponents' view of a house to be built on the subject property.

The Commission amends Condition 6 to require a 70 foot setback from the easterly property line instead of a 100 foot setback.

The Commission also notes that the applicant and the opponents waived objection to the Commission's rehearing of this request.

1 greater setback cannot be accommodated, although since the lot width is approx-  
2 imately 360 feet, it is obvious that the house cannot be located 200 feet from  
3 both the east and the west property lines.

4  
5 As indicated above, however, the 200-foot setback requirement applies "wher-  
6 ever possible". In this case, a 200-foot setback from both the east and the west  
7 property lines is not possible. The proposed single family use can satisfy the  
8 intent of Subsection (F) if the approval is properly conditioned so that the house  
9 is located farther from the property line. In this case, it is reasonable to require  
10 that the house be set back at least 100 feet from the westerly property line and  
11 at least 70 feet from the easterly property line. A location further from the east-  
12 erly property line would locate the residence on a slope, necessitating excessive  
13 cut and fill. It would also require placement of the dwelling immediately above a  
14 Class II stream.

15  
16 The applicant submitted evidence from its septic contractor indicating that  
17 the location would make it difficult, if not impossible, to find a suitable site for  
18 septic tank installation. This is because a gravity flow system would require a  
19 septic tank to be located either closer than allowed to a stream (which is prohib-  
20 ited by state administrative rule) or in an area of cut and fill, which is prohibit-  
21 ed. An alternative is a system requiring pumping and the Commission finds that  
22 the additional cost of of such a system would add at least an additional \$15,000  
23 to the cost of the dwelling.

24  
25 G. The applicant proposes to comply with the applicable Building Code stan-  
26 dards in compliance with Subsection (G).

1                   **BEFORE THE BOARD OF COUNTY COMMISSIONERS -**  
2                                   **FOR MULTNOMAH COUNTY**

3       In the Matter of the Review of                   )  
4       the Board's decision which approved,       )  
5       with conditions, a non-resource               )  
6       related residence in the MUF                   )  
7       zoning district.                                )

92-196

**FINAL ORDER**  
**CU 11-92**

8           This matter came before the Board of Commissioners (Board) for a rehearing  
9       on October 27, 1992. The Board hereby modifies the decision of the Hearings  
10      Officer regarding this non-resource related residence application based on the  
11      findings and conclusions contained herein.

12  
13          The Hearings Officer held a public hearing and received testimony on the  
14      non-resource related residence request on July 6, 1992. The Hearings Officer  
15      approved the request with the addition of conditions #5 and #6 which stipulated:

16  
17          5. The front of the dwelling shall be located no farther than 50 feet from the  
18      Larch Mt. Road right-of-way.

19  
20          6. The building shall be set back at least 100 feet from both the east and  
21      west property lines.

22  
23          A Notice of Review was filed by Dean Grey on July 27, 1992. The Board  
24      heard the matter on January 14, 1992. After considering the evidence, the Hear-  
25      ings Officer decision, staff recommendations, and arguments from the applicant  
26      and appellants, the Board upheld the Hearings Officer decision. On September



1 3, 1992, Commissioner Kelley moved reconsideration of the item. That motion  
2 passed unanimously and a hearing date of September 22, 1992 was set. At the  
3 September 22, 1992 hearing additional testimony was given by both the appli-  
4 cant and appellant and the Board on a tie vote was unable to uphold or modify  
5 the decision of the Hearings Officer. On October 27, 1992, after obtaining the  
6 consent of all parties , the Board held a hearing at which both sides again pro-  
7 vided additional information. Based on that additional testimony, the Board  
8 acted to approve the Hearings Officer decision with the removal of condition #5  
9 and the modification of #6 to read: The building shall be set back at least 100  
10 feet from westerly property line and 70 feet from the easterly property line.  
11

## 12 I. APPLICABLE REVIEW STANDARDS 13

14 The property is zoned MUF-19 (Multiple Use Forest). The Multnomah  
15 County Code (MCC) § 11.15.2172(C) conditionally allows non-resource related  
16 single family dwellings. Decisions shall be based on findings that the following  
17 are satisfied:  
18

19 (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to  
20 (C).  
21

22 (2) The land is incapable of sustaining a farm or forest use, based upon one of  
23 the following:  
24

25 a) A Soil Conservation Service Agriculture Capability Class of IV or greater  
26 for at least 75% of the lot area, and physical conditions insufficient to produce 50

1 cubic feet/acre/year or any commercial trees species for at least 75% of the area;

2  
3 b) Certification by the Oregon State University Extension Service, the Ore-  
4 gon Department of Forestry, or a person or group having similar agricultural  
5 and forestry expertise, that the land is inadequate for farm and forest uses and  
6 stating the basis for the conclusions; or

7  
8 c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is  
9 ten acres or less in size.

10  
11 (3) A dwelling, as proposed, is compatible with the primary uses as listed in  
12 MCC 11.15.2168 on nearby property and will not interfere with the resources or  
13 the resource management practices or materially alter the stability of the over-  
14 all land use pattern of the area.

15  
16 (4) The dwelling will not require public services beyond those existing or pro-  
17 grammed for the area.

18  
19 (5) The owner shall record with the Division of Records and Elections a state-  
20 ment that the owner and the successors in interest acknowledge the rights of  
21 owners of nearby property to conduct accepted forestry or farming practices.

22  
23 (6) The dwelling will be located outside a big game winter habitat area as  
24 defined by the Oregon Department of Fish and Wildlife, or that agency has  
25 certified that the impacts are acceptable.

1        B. A residential use located in the MUF district after August 14, 1980 shall  
2        comply with the following:

3  
4        (1) The fire safety measures outlined in the "Fire Safety Considerations for  
5        Development in Forested Areas", published by the Northwest Inter-Agency Fire  
6        Prevention Group, including at least the following:

7  
8        a) Fire lanes at least 30 feet wide shall be maintained between a residential  
9        structure and an adjacent forested area;

10  
11       b) Maintenance of a water supply and of fire fighting equipment sufficient to  
12       prevent fire from spreading from the dwelling to adjacent forested areas.

13  
14       (2) An access drive at least 16 feet wide shall be maintained from the proper-  
15       ty access road to any perennial water source on the lot or an adjacent lot;

16  
17       (3) The dwelling shall be located in as close proximity to a publicly main-  
18       tained street as possible, considering the requirements of MCC 11.15.2058(B).  
19       The physical limitations of the site which require a driveway in excess of 500  
20       feet shall be stated in writing as part of the application for approval;

21  
22       (4) The dwelling shall be located on that portion of the lot having the lowest  
23       productivity characteristics for the proposed primary use, subject to the limita-  
24       tions of subpart #3 above;

25  
26       (5) Building setbacks of at least 200 feet shall be maintained from all proper-

1 ty lines, wherever possible, except:

2  
3 a) a setback of 30 feet or more may be provided for a public road, or

4  
5 b) the location of dwelling(s) of adjacent lots at a lesser distance which  
6 allows for clustering of dwellings or sharing of access;

7  
8 (6) The dwelling shall comply with the standards of the Uniform Building  
9 Code or as prescribed in ORS 446.002 through 446.200, relating to mobile  
10 homes;

11  
12 (7) The dwelling shall be attached to a foundation for which a building per-  
13 mit has been obtained;

14  
15 (8) The dwelling shall have a minimum floor area of 600 square feet; and

16  
17 (9) The dwelling will be located outside a big game winter habitat area as  
18 defined by the Oregon Department of Fish and Wildlife or that agency has certi-  
19 fied that the impacts will be acceptable.

20  
21 **II. EVALUATION OF THE APPLICATION**

22  
23 The subject property is a Lot of Record of 7.80 acres located on the south side  
24 of E. Larch Mountain Road one-quarter of a mile westerly of its intersection  
25 with Loudon Road. The property is vegetated with a mixture of conifer and  
26 deciduous trees. The property is not within a designated big game winter habi-

1     tat area.

2  
3         Properties in the surrounding area range in size from nearly two acres to  
4     over 80 acres in size. Most of the lots along Larch Mountain Road are developed  
5     with rural residences. The property is bordered on the east by a subdivided area  
6     zoned Rural Residential, and another Rural Residential area is located two lots  
7     removed to the west. Those two intervening properties are undersized lots desig-  
8     nated MUF-19 and each developed with a single family residence.

9  
10        The tentative site plan indicates compliance with the Residential Location  
11     Standards of the MUF zone. Condition #4 insures that all standards will be met  
12     before any development permits are issued on the property. Water will be pro-  
13     vided by Corbett Water District, and the property has been tested for subsurface  
14     sewage disposal. Telephone and power facilities are available along the Larch  
15     Mountain Road frontage.

16  
17     Findings regarding the Ordinance Approval Criteria of MCC 11.15.2172(C):  
18

19        1. The lot size requirement of .2182(A)(2) is met with this 7.80-acre parcel.  
20

21        2. The land is incapable of sustaining a farm or forest use, in spite of the fact  
22     that the property has recently been logged for commercial purposes, because  
23     Section (c) by definition establishes a Lot of Record of ten acres or less in size as  
24     incapable of sustaining farm or forest use.

25  
26        3. A dwelling on this site is compatible with the primary uses listed in MCC

1 .2168 on nearby properties because the nearby properties located in the MUF-19  
2 and RR districts are either already occupied by single family residences or are  
3 eligible for single family development without further zoning approvals, and  
4 with the signing and recording of the acknowledgement required by MCC  
5 .2172(C)(5), the single family dwelling will not interfere with the resources or  
6 resource management practices or materially alter the stability of the overall  
7 land use pattern in the area.

8  
9 The concern expressed by Sid Kennedy, and Donald and Karen Horn, adjoin-  
10 ing property owners, regarding clear cutting in the area appear to be well found-  
11 ed. There do not, however, appear to be any restrictions in the County Zoning  
12 Ordinance which would prevent clear cutting. Since the Ordinance defines a Lot  
13 of Record of less than ten acres in size as "incapable of sustaining a farm or for-  
14 est use", there is the inconsistency of on the one hand recognizing the commer-  
15 cial value of the timber and at the same time defining the Lot of Record as non-  
16 productive. This inconsistency, however, does not prevent a dwelling from being  
17 established on a qualifying Lot of Record.

18  
19 The Ordinance prohibits destabilizing the overall land use pattern of the  
20 area. Locating a dwelling on an existing Lot of Record does not destabilize the  
21 zoning pattern in the area.

22  
23 Applicable requirements of the Oregon Forest Practices Act (ORS 527.610 et  
24 seq), if any, are administered by the State Forester in the Oregon Department of  
25 Forestry, not by Multnomah County.

1        4. The dwelling will not require public services beyond those existing or pro-  
2        grammed for the area because adequate services are available in the Larch Mt.  
3        Road right-of-way or can be provided on-site.

4  
5        5. The owner will be required to record the acknowledgement regarding the  
6        rights of owners of nearby property to conduct acceptable forestry or farming  
7        practices.

8  
9        6. The residential use development standards of MCC .2194 can be met, as  
10       discussed below, provided the approval is properly conditioned.

11  
12       Findings regarding the Ordinance Approval Criteria of MCC 11.15.2194:

13  
14       A. The fire safety requirements can be met since the property is large  
15       enough to provide the required 30-foot buffer, and water supply is available in  
16       the Larch Mt. Road right-of-way.

17  
18       B. The applicant proposes a 16-foot wide access drive in compliance with the  
19       access requirement.

20  
21       C. MCC .2194(C) states:

22  
23       "The dwelling shall be located in as close proximity to a publicly maintained  
24       street as possible, considering the requirements of MCC .2178(B)".

25  
26       MCC .2178(B) states:

1 "That portion of a street which would accrue to an adjacent lot if the street  
2 were vacated shall be included in calculating the area of such lot".  
3

4 The applicant proposes to locate the house approximately 430 feet from  
5 Larch Mt. Road. The Board finds, based on the additional testimony that the  
6 proposed location not only affords the best view, it also is the only location on the  
7 property that will not require excessive cutting and filling and will not jeopard-  
8 ize the spring located near the Larch Mountain Road frontage.  
9

10 D. Physical limitations of the property require a driveway in excess of 500  
11 feet.  
12

13 E. Since the Lot of Record of less than ten acres by definition is not capable  
14 of sustaining farm and forest practices, the requirement of locating the dwelling  
15 on the portion of the lot having the lowest productivity characteristics is satis-  
16 fied.  
17

18 F. Subsection (F) of MCC .2194 requires a setback of at least 200 feet from  
19 all property lines whenever possible, except (1) the setback may be reduced to 30  
20 feet for the front yard setback along a public road or (2) the 200-foot setback  
21 may be reduced if dwellings located on adjacent lots are at a lesser distance and  
22 reducing the setback for the subject site will allow clustering of the dwellings or  
23 shared access.  
24

25 The applicant proposes to locate the dwelling 30 feet from the east property  
26 line. No information has been provided by the applicant to indicate that a



1 greater setback cannot be accommodated, although since the lot width is approx-  
2 imately 360 feet, it is obvious that the house cannot be located 200 feet from  
3 both the east and the west property lines.

4  
5 As indicated above, however, the 200-foot setback requirement applies "wher-  
6 ever possible". In this case, a 200-foot setback from both the east and the west  
7 property lines is not possible. The proposed single family use can satisfy the  
8 intent of Subsection (F) if the approval is properly conditioned so that the house  
9 is located farther from the property line. In this case, it is reasonable to require  
10 that the house be set back at least 100 feet from the westerly property line and  
11 at least 70 feet from the easterly property line. A location further from the east-  
12 erly property line would locate the residence on a slope, necessitating excessive  
13 cut and fill. It would also require placement of the house immediately above a  
14 Class II stream.

15  
16 The applicant submitted evidence from its septic contractor indicating that  
17 the location would make it difficult, if not impossible, to find a suitable site for  
18 septic tank installation. This is because a gravity flow system would require a  
19 septic tank to be located either closer than allowed to a stream (which is prohib-  
20 ited by state administrative rule) or in an area of cut and fill, which is prohibit-  
21 ed. An alternative is a system requiring pumping and the Board finds that the  
22 additional cost of such a system would add at least an additional \$15,000 to the  
23 cost of the house.

24  
25 G. The applicant proposes to comply with the applicable Building Code stan-  
26 dards in compliance with Subsection (G).

1 H The dwelling is proposed to be attached to a foundation for which a build-  
2 ing permit will be obtained.

3  
4 I. The applicant proposes a dwelling of approximately 1,800 square feet, in  
5 compliance with the minimum requirement of 600 square feet

6  
7 J. The property is located outside of a big game habitat area.

8  
9 In summary, the proposal as submitted, complies with all of the applicable  
10 requirements of MCC .2172, and all of the requirements of MCC .2194, except  
11 for Subsections (C) and (F) of .2194. The approval as conditioned herein, howev-  
12 er, does satisfy the requirements of Subsections (C) and (F).

13  
14 **III. CONDITIONS OF APPROVAL**

15  
16 1. Prior to the issuance of building permits, the property owner shall provide  
17 the Land Development Section with a copy of the recorded restrictions required  
18 under MCC 11.15.2172(C)(5). A prepared blank copy of this deed restriction is  
19 available at the Land Development Offices.

20  
21 2. Satisfy the requirements of Engineering Services regarding any further  
22 improvements of Larch Mountain Road.

23  
24 3. Prior to any site clearing or grading, obtain a *Hillside Development and*  
25 *Erosion Control Permit* pursuant to MCC .6700-6730, if applicable. Contact  
26 Mark Hess at 248-3043 for application materials.

1 4. The final site plan shall demonstrate compliance with the Residential Use  
2 Development Standards of MCC .2194.

3  
4 5. The building shall be set back at least 100 feet from westerly property  
5 line and at least 70 feet from easterly property line.

6  
7  
8  
9 **IV. CONCLUSIONS AND DECISION**

10  
11 Based on the above findings and evaluation, the Board of Commissioners  
12 concludes that, with amended conditions, the project complies with the applica-  
13 ble standards of the Multnomah County Code. Therefore, the Board of Commis-  
14 sioners hereby modifies the Hearings Officer decision in this matter and  
15 approves the non-resource related residence requested in CU 11-92.

16  
17 DATED this 10th day of November, 1992



24  
25  
26

*Gladys McCoy*  
Gladys McCoy, Multnomah County Chair

24 REVIEWED AS TO FORM:  
25 LAURENCE KRESSEL, COUNTY COUNSEL  
26 FOR MULTNOMAH COUNTY, OREGON

*Peter Livingston*  
Peter Livingston