



## MULTNOMAH COUNTY, OREGON

### BOARD OF COMMISSIONERS

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

Email: [deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)

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

**JULY 30, 1998**

### BOARD MEETING

#### FASTLOOK AGENDA ITEMS OF INTEREST

2	9:00 am Multnomah County Charter Review Committee Report
3	9:30 am Employee Service Awards for 5 to 35 Years of Service
4	11:00 am Continued Hearing and Decision on Land Use Appeal
4	11:15 am Ad Hoc Committee Plan and Recommendations Regarding Support and Services for Downtown Homeless Youth
4	1:30 pm Consultant Findings and Recommendations on Handling Local Control (SB 1145) Felons
✳	<b>Check the County Web Site:</b> <a href="http://www.multnomah.lib.or.us">http://www.multnomah.lib.or.us</a>

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

Thursday, 9:00 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community  
Television

Thursday, July 30, 1998 - 9:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFING**

- B-1 Report of the Multnomah County Charter Review Committee, Including Committee Findings, Conclusions and Recommendations: Ten Ballot Measures for November 3, 1998 Election. Presented by Nita Brueggeman, Deirdre Molander and Other Committee Members. 30 MINUTES REQUESTED.
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Thursday, July 30, 1998 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR**

#### **DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- C-1 Renewal of Intergovernmental Agreement 700029 with Portland School District #1 and Multnomah Education Service District for Operation of the Turnaround Alternative School Program
- C-2 Amendment 1 to Intergovernmental Agreement 700668 with Multnomah Education Service District Funding the Student Retention Project in the Centennial and Reynolds School District Attendance Areas

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-3 MC 6-98 Report the Hearings Officer Decision Upholding the Planning Director's Decision to Deny a Building Permit for a Replacement Dwelling in the Exclusive Farm Use District on Property Located at 20537 NW SAUVIE ISLAND ROAD, PORTLAND

### **REGULAR AGENDA**

## **PUBLIC COMMENT**

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

## **DEPARTMENT OF SUPPORT SERVICES**

- R-2 Presentation of Employee Service Awards Honoring Multnomah County Employees with 5 to 35 Years of Service
- R-3 RESOLUTION Authorizing Approval to Spend \$25,000 to Evaluate the Caring Community Initiative
- R-4 Budget Modification DSS 99-01 Transferring \$100,000 from Professional Services in the Budget and Quality Division to the Health Department, Planning and Development Division to Cover Evaluation of the Student Retention Initiative

## **DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- R-5 Intergovernmental Agreement 700788 with Portland School District #1 Funding Three Family Resource Center Staff Positions Serving Youth and their Families in the Grant/Madison and Marshall Attendance Areas

## **DEPARTMENT OF HEALTH**

- R-6 Notice of Intent to Respond to a Request for Proposals from the Public Health Service, Agency for Toxic Substances and Disease Registry to Fund a Pilot Program of Public Health Interventions Around Brownfields Properties
- R-7 Notice of Intent to Respond to a Request for Proposals from the U.S. Department of Education, Safe and Drug-Free Schools Program to Develop and Evaluate New Approaches to Creating Safe and Orderly Learning Environments in Schools

## **NON-DEPARTMENTAL**

- R-8 Third Reading of an ORDINANCE Amending MCC 7.201 Relating to the Office of County Counsel

## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-9 CU 4-98/HV 7-98 Continued De Novo Hearing and Board Decision Regarding an Appeal of the Hearings Officer Decision Approving CU 4-98 HV 7-98 with Modifications to Condition Number Three to Require Applicant to Comply with Private Road Standards of MCC 11.15.2074(D) on Property Located at 32152 SE STEVENS ROAD, PORTLAND

## **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- R-10 Notice of Intent to Apply for Funding for School-to-Work, Urban/Rural Opportunities Grant from the U.S. Department of Labor and the U.S. Department of Education for Funding to Empowerment Zones/Enterprise Communities for the Enhancement of School-to-Work Activities
- R-11 Notice of Intent to Apply for U.S. Department of Housing and Urban Development Stewart B. McKinney Act/Continuum of Care Supportive Housing Program Funds for Services to Homeless Families, Singles, Youth, and Households Homeless Due to Domestic Violence
- R-12 RESOLUTION Accepting Plan and Recommendations of the Ad Hoc Committee on Downtown Portland Homeless Youth Services

## **COMMISSIONER COMMENT**

- R-13 Opportunity for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest.

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Thursday, July 30, 1998 - 1:30 PM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFING**

- B-2 Consultant Findings and Recommendations on Alternative Ways for Multnomah County to Handle the Population of Local Control (SB 1145) Felons. Presented by David Bennett. 1.5 HOURS REQUESTED.



SHARRON KELLEY  
Multnomah County Commissioner  
District 4



Portland Building  
1120 S.W. Fifth Avenue, Suite 1500  
Portland, Oregon 97204  
(503) 248-5213  
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

## MEMORANDUM

TO: Chair Beverly Stein  
Commissioner Diane Linn  
Commissioner Gary Hansen  
Commissioner Lisa Naito  
Board Clerk Deb Bogstad

FROM: Debra Erickson  
Staff to Commissioner Sharron Kelley

DATE: June 16, 1998

RE: Board Meeting Absences

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Commissioner Kelley will not be able to attend the Board meeting on July 30, 1998 as she will be on vacation from July 27 to July 31, 1998.

98 JUN 16 PM 2:19  
MULTNOMAH COUNTY  
OREGON

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

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: IGA between the Department of Juvenile and Adult Community Justice and Portland School District #1 and Multnomah Education Service District

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: July 30, 1998  
AMOUNT OF TIME NEEDED: 3 minutes

DEPARTMENT: DJCAJ DIVISION: Juvenile Justice

CONTACT: Debbie Persen TELEPHONE #: X83202  
BLDG/ROOM #: 311/DJACJ

PERSON(S) MAKING PRESENTATION: Consent Calendar

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Intergovernmental Agreement #700029 between the Department of Juvenile and Adult Community Justice, Portland School District #1 and Multnomah Educational Service District provides funding and program services for the continued operation of Turnaround during fiscal year 1998/99. Turnaround, an alternative school program, serves over 300 students who are not attending traditional schools within Multnomah County due to expulsion, suspension, persistent truancy or serious behavioral problems.

8/4/98 ORIGINALS TO Debbie Persen

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT MANAGER: \_\_\_\_\_

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE  
JUVENILE COMMUNITY JUSTICE  
1401 N.E. 68TH  
PORTLAND, OREGON 97213  
(503) 248-3460  
TDD 248-3561

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

## MEMORANDUM

TO: Board of County Commissioners

FROM: Elyse Clawson, Director  
Department of Juvenile and Adult Community Justice

DATE: July 6, 1998

SUBJECT: Approval of an Intergovernmental Agreement between the Department of Juvenile and Adult Community Justice, Portland School District #1 and Multnomah Education Services District for the Turnaround School

### I. RECOMMENDATION/ACTION REQUESTED:

The Department of Juvenile and Adult Community Justice (DJACJ) recommends the Board's approval of a renewal to the Intergovernmental Agreement between the Department of Juvenile and Adult Community Justice, Portland School District #1 (PPS) and Multnomah Education Services District (MESD) to provide funding and program services for the continued operation of Turnaround School for fiscal year 1998/99.

### II. BACKGROUND/ANALYSIS:

Turnaround School was developed in 1997 as a collaborative effort with PPS, MESD and Juvenile Justice to provide an alternative educational program to students from the 6<sup>th</sup> through 12<sup>th</sup> grade. Turnaround serves students who have been suspended, expelled, or are not attending traditional school programs within Multnomah County for reasons of persistent truancy or other serious behavior problems. During this past year, over 300 students attended Turnaround and, at one point, 50 students were on a waiting list.

Youth are referred to the school from Juvenile Justice, PPS and schools from East Multnomah County. The program's principal aim is for students to return to their regular classes or start new schools after graduating. Consequently, skills are taught within the context of an academic environment that help students to control their anger, peacefully resolve conflicts and solve their problems which will enable them to cope and succeed in a school environment.

### III. FINANCIAL IMPACT:

The total combined funding provided by PPS, MESD and DJACJ for Turnaround is **\$1,458,876**. The financial contributions made toward the program's operation are broken down as follows:

- PPS will contribute up to **\$360,706** which will provide school counselors, student transportation, supplies, and other identified expenses.

- MESD will contribute up to **\$318,518** which will provide teachers, special education consultant, school nurse, custodian, and other identified expenses.
- DJACJ will contribute up to **\$779,582**, out of which \$185,400 is pass-through money provided by an interdepartmental agreement with the Department of Children and Family Services, and \$31,776 is pass-through money provided by an intergovernmental agreement with the Oregon Youth Authority. The funds will be distributed to PPS and MESD as follows:
  - **\$338,097** will be paid to Portland Public Schools to fund a program leader, counseling staff, campus monitors, custodial services, basic skill tutors/bus aides, substitutes, training, and general office operating costs.
  - **\$441,485** will be paid to Multnomah Education Service District to fund teachers/substitutes, educational assistants, clerical services, student activities and general office/program costs.

IV. LEGAL ISSUES:

N/A

V. CONTROVERSIAL ISSUES:

N/A

VI. LINK TO CURRENT COUNTY POLICIES:

The Turnaround Program links directly to the County's benchmarks of 1) reducing juvenile crime, and 2) increasing high school completion. This is accomplished by teaching and demonstrating the skills that promote behavioral management, problem solving, and conflict resolution as well as encouraging pro-social activities/relationships that allow youth the opportunity to cope and succeed in a school setting. Additionally, these skills help to advance and encourage anti-criminal behaviors and attitudes.

VII. CITIZEN PARTICIPATION:

N/A

VIII. OTHER GOVERNMENTAL PARTICIPATION:

The Department of Juvenile and Adult Community Justice staff will continue working closely with Portland Public Schools and Multnomah ESD staff as well as actively participating on Turnaround's Steering Committee.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☒ [X]

Contract # 700029

Prior-Approved Contract Boilerplate:        Attached: ☒ X Not Attached

Amendment #       

<p><b>CLASS I</b></p> <p><input type="checkbox"/> Professional Services under \$50,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$50,000</p>	<p><b>CLASS II</b></p> <p><input type="checkbox"/> Professional Services over \$50,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p><b>CLASS III</b></p> <p><input checked="" type="checkbox"/> Intergovernmental Expenditure Agreement over \$50,000</p> <p><input type="checkbox"/> Intergovernmental Revenue</p> <p><b>APPROVED MULTNOMAH COUNTY</b>  <b>BOARD OF COMMISSIONERS</b>  <b>AGENDA # C-1 DATE 7/30/98</b>  <b>DEB BOGSTAD</b>  <b>BOARD CLERK</b></p>
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Department: Juvenile and Adult Community Justice

Date: July 2, 1998

Contract Originator: Phil Lingelbach

Phone: 306-5677

Bldg/Room: 311/DJACJ

Administrative Contact: Debbie Persen

Phone: 248-3202

Bldg/Room: 311/DJACJ

Description of Contract: This renewal to the Intergovernmental Agreement between Portland School District #1, Multnomah Education Service District and the Department of Juvenile and Adult Community Justice will provide funding and program services for the continued operation of Turnaround for FY 1998/99. Turnaround is an alternative school program that serves over 300 youth referred by DJACJ, PPS and MESD who are not attending or ineligible to attend their home school due to expulsion/suspension, persistent truancy, or serious behavioral problems.

RFP/BID #:        Date of RFP/BID:        Exemption Expiration Date:       

ORS/AR #:        (Check all boxes that apply) Contractor is ☐ MBE ☐ WBE ☐ QRF ☒ N/A ☐ None

Original Contract No. 700478 (ONLY FOR ORIGINAL RENEWALS)

<p>Contractor Name: <u>Multnomah Education Service District</u></p> <p>Contractor Name: <u>Portland School District #1</u></p> <p>Mailing Address and Employer ID #:</p> <p><u>MESD</u> <u>PPS</u></p> <p>Alternative Education Grants Accounting Dept</p> <p>PO Box 301039 PO Box 3107</p> <p>Portland, OR 97294-9039 Portland, OR 97208</p> <p>ID # 93-6000829 ID# 93-6000830</p> <p>Effective Date: <u>July 1, 1998</u></p> <p>Termination Date: <u>June 30, 1999</u></p> <p>Original Contract Amount: <u>\$779,582</u></p> <p>Total Amount of Previous Amendments: <u>      </u></p> <p>Amount of Amendment: \$ <u>-0-</u></p> <p>Total Amount of Agreement: <u>\$779,582</u></p>	<p>Remittance Address (if different),</p> <p><u>Payment Schedule</u> <u>Terms</u></p> <p><input type="checkbox"/> Lump Sum <u>      </u> <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly <u>      </u> <input type="checkbox"/> Net 30</p> <p><input checked="" type="checkbox"/> Quarterly <u>Cost Reimbursement</u></p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p>Purchase Order No. <u>      </u></p> <p><input type="checkbox"/> Requirements Not to Exceed \$ <u>      </u></p> <p>Encumber: Yes <input checked="" type="checkbox"/> [X] No <input type="checkbox"/> [ ]</p>
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## REQUIRED SIGNATURES:

Department Manager: [Signature]

Date: 7-6-98

Purchasing Manager: [Signature]

Date:       

(Class II Contracts Only)

County Counsel: [Signature]

Date: 7/8/98

County Chair/Sheriff: [Signature]

Date: July 30, 1998

Contract Administration: [Signature]

Date:       

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01	100	022	2742			6110				\$31,000	
02	100	022	2756			6110				\$14,814	
03	100	022	2742			6060				\$372,565	
04	156	022	2742			6060		DNZG		\$144,027	
05	156	022	2741			6060		TFLX		\$31,776	
06	156	010	1161			6060		9999		\$185,400	
If additional space is needed, attach separate page. Write contract # on top of page.											

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

## **INTERGOVERNMENTAL AGREEMENT**

**Contract #700029**

This cooperative Agreement is made and entered into pursuant to the authority found in ORS 190.010 between the following parties: **Multnomah County Department of Juvenile and Adult Community Justice (DJACJ), Portland School District #1 (PPS), and Multnomah Education Service District (MESD).**

### **PURPOSE**

To operate an alternative school (i.e., Turnaround) for approximately 300 students from sixth through twelfth grade who have been suspended, expelled, or are not attending traditional school settings in Multnomah County for reasons of persistent truancy or other serious behavior problems. With the exception of those students for whom East County schools have specifically purchased program slots, all students will be enrolled in Portland Public Schools. Turnaround will be a collaborative project designed to provide an educational setting where youth can learn behavioral skills, within the context of a general education, to succeed in traditional schools. To accomplish this goal, the parties agree to the following terms:

### **PROGRAM RESPONSIBILITIES**

#### **I. PPS PROGRAM RESPONSIBILITIES**

- A. PPS will make available the top floor of the facility formerly known as Whitaker Middle School, at NE 53<sup>rd</sup> and NE Columbia Blvd., for Turnaround. This facility will also house Juvenile Justice Counselors and the Day Reporting Center.
- B. PPS will provide custodial service and utilities (not to include the telephone service for juvenile court not involved in Turnaround or the Day Reporting Center) during the school's operating hours as well as in the evenings and on weekends when the Day Reporting Program is in operation.
- C. PPS will provide food service.
- D. PPS will provide the Program Leader for Turnaround. The Program Leader will be responsible for the oversight, coordination, and training of the project and staff.
- E. PPS will provide six (6) school counselors to Turnaround to provide support to youth and families and transition services for youth as they return to their home school.
- F. PPS will provide two (2) campus monitors.
- G. PPS will provide three (3) staff working in the capacity of:
  - Two (2) Basic Skills Tutor/Bus Aides; and
  - One (1) Bus Aide (monitoring behavior and promoting bus safety).
- H. PPS will provide one (1) Intake/Transition Coordinator.
- I. PPS will maintain the computer hardware and software for Turnaround.
- J. PPS will provide substitutes for the staff it employs.
- K. PPS will provide administrative oversight, program supervision and evaluation of PPS personnel.

## **II. MESD PROGRAM RESPONSIBILITIES**

- A. MESD will provide six (6) teachers for Turnaround.
- B. MESD will provide six (6) educational assistants.
- C. MESD will provide one (1) secretary and one (1) office assistant.
- D. MESD will provide substitute teachers and educational assistants necessary for Turnaround.
- E. MESD will provide the funding for one (1) half-time (0.5) custodian.
- F. MESD will provide the funding for one (1) intake/transition coordinator.
- G. MESD will provide one (1) part-time (0.2) school nurse.
- H. MESD will provide one (1) special education consultant.
- I. MESD will provide consultant services for academic curriculum.
- J. MESD will provide technology support.
- K. MESD will provide administrative oversight, program supervision and evaluation of MESD personnel.

## **III. DJACJ PROGRAM RESPONSIBILITIES**

- A. DJACJ will provide administrative staff support for intergovernmental contract development between the contracting parties, data collection and evaluation services in support of this program.
- B. DJACJ will provide two (2) Juvenile Justice Counselors to participate in the team of professionals working to teach youth behaviors that will allow them to succeed in traditional school settings.
- C. DJACJ through an interdepartmental agreement with Children and Family Services will pass through \$185,400 in support of Turnaround.
- D. DJACJ through an intergovernmental agreement with the Oregon Youth Authority (OYA) will pass through \$31,776 to be applied to work with youth on parole to OYA in Turnaround.
- E. DJACJ will utilize PPS facilities for additional programming staff including juvenile justice skills development unit and contracted day reporting services. DJACJ will provide administrative oversight, program supervision and evaluation of DJACJ personnel.

## **FINANCIAL RESPONSIBILITIES**

DJACJ, MESD and PPS reserve the right to change, modify or adjust any of the budgetary allocations with the approval of Turnaround's Steering Committee. Any budgetary changes will be reflected in a subsequent Amendment to this Agreement.



**I. PPS FINANCIAL RESPONSIBILITIES**

PPS will contribute up to \$360,706 to Turnaround to pay for:

- A. 4.0 FTE (full time equivalent) school counselors;
- B. 0.87 FTE basic skills tutor/bus aide
- C. Student transportation;
- D. Supplies; and
- E. Other expenses identified and approved by the Turnaround Steering Committee as funds are available.

**II. MESD FINANCIAL RESPONSIBILITIES**

MESD will contribute up to \$318,588 to Turnaround to pay for:

- A. 1.0 FTE special education consultant;
- B. 2.0 FTE teachers;
- C. 1.0 FTE office assistant;
- D. 0.5 FTE custodian;
- E. 0.2 FTE school nurse;
- F. Substitute teachers;
- G. 1.0 FTE intake/transition coordinator; *(Note: This is a one time only expense as funds to support this position are derived from carry-over funds from the previous contract agreement.)*
- H. Travel;
- I. Technology support;
- J. Supplies and materials;
- K. Equipment and furniture;
- L. Rental; and
- M. Other expenses identified and approved by the Turnaround Steering Committee as fund are available.

**III. DJACJ FINANCIAL RESPONSIBILITIES**

**DJACJ will contribute up to \$779,582 to Turnaround.**

The above-mentioned contributions by DJACJ will be apportioned as follows:

- A. Up to \$292,283 to PPS to fund the following:
  - 1. 1.0 FTE Program leader;
  - 2. 2.0 FTE counselors;
  - 3. 2.0 FTE campus monitors;

4. 1.13 FTE basic skills tutor/bus aides;
5. 1.0 FTE bus aide;
6. Substitutes;
7. Student Bus Tickets
8. Mileage;
9. Supplies;
10. Telephone charges; and
11. Training.

**B. Up to \$45,814 to PPS to fund the following services when Turnaround is not otherwise open and when the Day Reporting Program is operating (e.g., evenings, weekends, etc.):**

1. Custodial services; and
2. Utilities

**C. Up to \$441,485 to MESD to fund the following:**

1. 4.0 FTE teachers;
2. 6.0 FTE educational assistants;
3. 1.0 FTE secretary;
4. Substitutes;
5. Training;
6. Supplies;
7. Capital outlay;
8. Repairs, maintenance;
9. Rental;
10. Student activities; and
11. Travel.

## **COMPENSATION**

DJACJ agrees to pay PPS up to and not to exceed **\$338,097** and MESD up to and not to exceed **\$441,485** for performance of those services as described in Section III, "DJACJ Responsibilities". Payments to PPS and MESD shall be made quarterly on a cost reimbursement basis and expenditures billed to DJACJ according to the following payment schedule:

Billing Schedule  
July - September 1998  
October - December 1998

January - March 1999  
April - June 1999

Invoices reflecting the service periods outlined herein are to be sent directly to RMS/Contracts Units, Juvenile Justice Complex, 1401 NE 68<sup>th</sup>, Portland, Oregon 97213. DJACJ shall pay PPS and MESD promptly upon receipt of the invoice.

### **PERFORMANCE AND EVALUATION MEASURES**

DJACJ staff will work closely with PPS and MESD in the implementation of an assessment and evaluation process to monitor performance outcomes under this Agreement. The following performance objectives will be used to determine program effectiveness and success:

- 50% of students enrolled in Turnaround will graduate from the program.
- 50% of students enrolled in Turnaround will have an attendance rate of at least 80%.
- 75% of students enrolled in Turnaround will transition back to a public or alternative school.

Performance under this Agreement will be monitored and evaluated by DJACJ Evaluation staff. These objectives may be modified during the course of program operations with the agreement of all parties including the Turnaround Steering Committee.

### **INDEMNIFICATION AND LIABILITY**

- A. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, COUNTY shall indemnify, defend and hold harmless PPS and MESD, its officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of COUNTY personnel acting pursuant to the terms of this Agreement.
- B. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, PPS and MESD shall indemnify, defend and hold harmless COUNTY, their officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of PPS and/or MESD personnel acting pursuant to the terms of this Agreement.

### **CONFIDENTIALITY**

Each party hereto that receives confidential information, either in written or verbal form from the other, shall hold that information in the strict confidence required by law applicable to the providing agency and shall not disclose the information for any purpose without prior written approval of that agency. Confidential information includes, but is not limited to, student names, family names and all information relative to student and family. The confidential information shall be used for no other purpose than performing the obligations of this Agreement. In the event that demand for disclosure of documents is received by subpoena or otherwise, the documents, if any, shall be returned to the providing agency and the person making the demand shall be immediately notified. In the event that a subpoena for testimony is received, the

providing agency shall immediately be notified of the demand and shall provide instructions and defend against the demand.

#### **CONTRACT MODIFICATION**

- A. This Agreement shall be effective July 1, 1998 and shall run through June 30, 1999.
- B. The parties agree that in the event the parties to this Agreement desire to renew this contract after the expiration thereof, they shall notify the other parties within 90 days prior to its expiration.
- C. The parties agree that any party to this Agreement may terminate said Agreement by giving the other party(s), not less than 90 days written notice.
- D. The parties agree that this Agreement may be modified or amended by mutual agreement of the parties. Any modification to this agreement shall be effective only when incorporated herein by written amendments and signed by DJACJ, PPS, MESD and approved by the Multnomah County Board of Commissioners.

#### **CONTRACT ADMINISTRATION**

- A. DJACJ designates Phil Lingelbach, Program Manager, to represent DJACJ in all matters pertaining to the administration of this Agreement.
- B. PPS designates Betsy Cole, Student Services, to represent PPS in all matters pertaining to the administration of this Agreement.
- C. MESD designates Dr. Jerry W. Shiveley, Deputy Superintendent, to represent MESD in all matters pertaining to the administration of this Agreement.

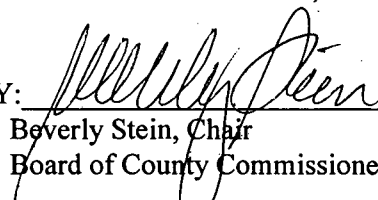
IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly appointed officers on the last date written below.

**PORTLAND SCHOOL DISTRICT NO. 1**

BY: \_\_\_\_\_  
Lynn Ward, Deputy Clerk

Date: \_\_\_\_\_

**MULTNOMAH COUNTY, OREGON**

BY:   
Beverly Stein, Chair  
Board of County Commissioners


Date: July 30, 1998

**MULTNOMAH EDUCATION SERVICE DISTRICT**

By: \_\_\_\_\_  
Dr. Jerry W. Shiveley, Deputy Superintendent

Date: \_\_\_\_\_

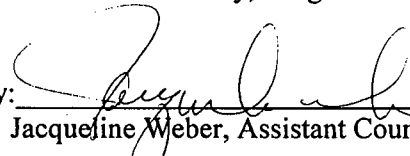
**DEPARTMENT OF JUVENILE & ADULT COMMUNITY JUSTICE**

By:   
Elyse Clawson, Director

Date: 7-30-98

**REVIEWED:**

Thomas Sponsler, County Counsel  
for Multnomah County, Oregon

By:   
Jacqueline Weber, Assistant Counsel

Date: 7/30/98

**APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS**  
AGENDA # C-1 DATE 7/30/98  
DEB BOGSTAD  
**BOARD CLERK**

MEETING DATE: JUL 30 1998

AGENDA NO: C-2

9:30

(Above Space for Board Clerk's Use Only)

**AGENDA PLACEMENT FORM**

SUBJECT: IGA #700668 Amendment #1 between the Department of Juvenile and Adult Community Justice and Multnomah Education Service District

BOARD BRIEFING

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: 7/30/98

AMOUNT OF TIME REQUESTED: 3 minutes

DEPARTMENT: Juvenile and Adult Community Justice DIVISION: Juvenile Justice

CONTACT: Debbie Persen TELEPHONE #: 248-3202

BLDG/ROOM#: 311

PERSON(S) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY    ☐ POLICY DIRECTION    ☒ APPROVAL    ☐ OTHER

**SUGGESTED AGENDA TITLE:**

*Intergovernmental Agreement #700668 Amendment #1 between the Department of Juvenile and Adult Community Justice and Multnomah Educational Service District to extend the Agreement and provide continued funding and program services in support of the Student Retention Project for fiscal year 1998/99. The program serves elementary students and their families enrolled in the Centennial or Reynolds School District attendance areas who are demonstrating persistent truant behavior.*

*8/4/98 originals to Debbie Persen*

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
OR

DEPARTMENT MANAGER:  \_\_\_\_\_

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

98 JUL 22 15 01 19  
MULTNOMAH COUNTY  
OREGON  
CLERK OF COUNTY COMMISSIONERS



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE  
JUVENILE COMMUNITY JUSTICE  
1401 N.E. 68TH  
PORTLAND, OREGON 97213  
(503) 248-3460  
TDD 248-3561

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

## MEMORANDUM

TO: Board of County Commissioners

FROM: Elyse Clawson, Director  
Department of Juvenile and Adult Community Justice

DATE: July 10, 1998

SUBJECT: Approval of an Intergovernmental Agreement between the Department of Juvenile and Adult Community Justice and Multnomah Education Services District for continuation of the Student Retention Project

### I. RECOMMENDATION/ACTION REQUESTED:

The Department of Juvenile and Adult Community Justice (DJACJ) recommends the Board's approval of an amendment to the Intergovernmental Agreement between the Department of Juvenile and Adult Community Justice and Multnomah Education Services District (MESD) to extend the contract agreement and provide funding and program services for the continued operation of the Student Retention Project for fiscal year 1998/99.

### II. BACKGROUND/ANALYSIS:

The Student Retention Project begins its second year of service to elementary students (i.e., kindergarten through the sixth grade) who reside in the Centennial and Reynolds School Districts' attendance areas. Students served by this program are referred by the Centennial or Reynolds staff for reasons of persistent truancy as defined by existing district guidelines pertaining to truant conduct. The objective is to identify at-risk factors that contribute to or cause the student's truant conduct and then to provide the necessary services or resources that can either remedy or address the problem in order to maintain and ensure the student's consistent attendance at school.

MESD has built a program model that replicates other County-supported and funded truancy program models that makes student retention a focus of community participation and collaboration.

### III. FINANCIAL IMPACT:

The Department of Juvenile and Adult Community Justice will contribute up to \$84,855 to MESD in support of the Student Retention Project that funds staff, client services and general program costs. These funds are included in the adopted budget for fiscal year 1998/99.

### IV. LEGAL ISSUES:

N/A

V. CONTROVERSIAL ISSUES:

N/A

VI. LINK TO CURRENT COUNTY POLICIES:

The Student Retention Project links directly to the County's benchmark of increasing high school completion. This is accomplished by providing necessary services, interventions, and resources to students and their families to address the problems and issues that prevent students from maintaining consistent attendance in school.

VII. CITIZEN PARTICIPATION:

N/A

VIII. OTHER GOVERNMENTAL PARTICIPATION:

N/A



# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☒ Not Attached Contract #: **700668**  
Amendment #: **1**

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <div style="text-align: center; font-weight: bold;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</div> AGENDA # <u>C-2</u> DATE <u>7/30/98</u> <div style="text-align: center;">DEB BOGSTAD BOARD CLERK</div>

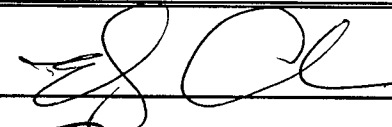
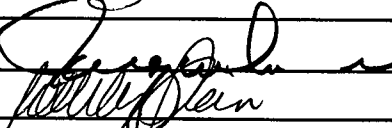
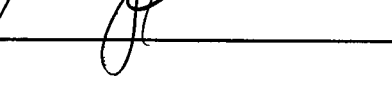
Department: Juvenile and Adult and Community Justice Division: Juvenile Justice Date: 7/8/98  
 Originator: Jimmy Brown Phone: X83748 Bldg/Rm: 311/DJACJ  
 Contact: Debbie Persen Phone: 248-3202 Bldg/Rm: 311/DJACJ

**Description of Contract:** This Amendment to the Intergovernmental Agreement between the Department and MESD extends the contract agreement and provides funding for the program operation during FY 1998/99. The Student Retention Project serves elementary students enrolled in the Centennial and Reynolds School District who are demonstrating persistent truant behavior.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ EXEMPTION #/DATE: \_\_\_\_\_ EXEMPTION EXPIRATION DATE: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☒ N/A ☐ NONE (Check all boxes that apply)

Contractor <u>Multnomah Education Service District</u> Address <u>P.O. Box 30109</u> <u>Portland, OR 97249-9039</u> Phone <u>(503) 257-1651 (Sue Ritchey)</u> Employer ID# or SS# <u>93-6000829</u> Effective Date <u>Upon Execution</u> Termination Date <u>June 30, 1999</u> Original Contract Amount \$ <u>82,815</u> Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ <u>84,855</u> Total Amount of Agreement \$ <u>167,670</u>	Remittance address _____ (If different) Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Quarterly <u>Cost Reimbursement</u> <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

**REQUIRED SIGNATURES:**

Department Manager 	DATE <u>7-13-98</u>
Purchasing Manager	DATE _____
(Class II Contracts Only)	DATE <u>7/17/98</u>
County Counsel 	DATE <u>7/30/98</u>
County Chair 	DATE _____
Sheriff	DATE _____
Contract Administration	DATE _____
(Class I, Class II Contracts only)	

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	100	022	2745				6060		General Fund	\$84,855	
02											
03											

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

**MULTNOMAH COUNTY  
DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE  
INTERGOVERNMENTAL AGREEMENT #700668  
AMENDMENT #1**

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<b>TERM OF AGREEMENT:</b>	Upon Execution	<b>TO:</b>	June 30, 1998
<b>CONTRACTOR NAME/ADDRESS:</b>	Multnomah Education Service District Alternative Education P.O. Box 301039 Portland, OR 97294-9039	<b>FEDERAL ID#:</b>	93-6000829

---

This Amendment is to that certain Intergovernmental Agreement, contract number 700668, between **Multnomah County Department of Juvenile and Adult Community Justice (DJACJ)** and **Multnomah Education Services District (MESD)**. It is understood by both parties that all conditions and agreements in the original Intergovernmental Agreement are not superseded by the language of this Amendment and are still in force and apply to this Amendment.

**CONTRACT CHANGES**

1. Amend the Agreement to extend the contract period as indicated in the section VIII, **CONTRACT MODIFICATION**, from June 30, 1998 to June 30, 1999.
2. Amend the first sentence in the first paragraph in section III, **COMPENSATION**, to read as follows:  
  
***DJACJ agrees to pay MESD during the period of July 1, 1998 through June 30, 1999 up to and not to exceed \$84,855 for performance of those services as described herein.***
3. Amend the last paragraph in section III, **COMPENSATION**, to indicate that invoices for allowable expenditures are to be sent directly to Resource Management Services, Fiscal Unit/Attention: Pat Beardsley, Juvenile Justice Complex, 1401 NE 68<sup>th</sup>, Portland, Oregon 97213.

**NARRATIVE:**

The contract agreement has been extended as well as additional funding allocated for the extended contract period to allow for continuation of the Student Retention Project. This program serves elementary students in the Centennial and Reynolds School Districts who are demonstrating persistent truant behavior.

In witness whereof, the parties hereto have caused this Amendment to be executed by their duly appointed officers the date first written above.

### CONTRACTOR DATA AND SIGNATURE

Contractor Address: \_\_\_\_\_  
Federal Tax ID# or Social Security #: \_\_\_\_\_  
State Tax ID #: \_\_\_\_\_ Citizenship: Nonresident alien \_\_\_\_ Yes \_\_\_\_ No  
Business Designation (check one): \_\_\_\_ Sole Proprietorship \_\_\_\_ Partnership  
\_\_\_\_ Corporation \_\_\_\_ Government

Federal tax ID numbers or Social Security numbers are required pursuant to ORS 305.385 and will be used for the administration of state, federal and local laws. Payment information will be reported to the Internal Revenue Service under the name and Federal tax ID number or, if none, the Social Security number provided above.

I have read this Contract, understand the Contract, and agree to be bound by its terms.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Name (please print) \_\_\_\_\_

Date \_\_\_\_\_

### MULTNOMAH COUNTY SIGNATURE

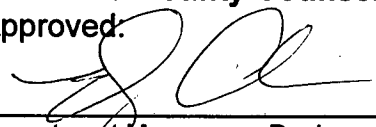
(This contract is not binding on the County until signed by the Chair or the Chair's designee)

  
County Chair or Designee

July 30, 1998  
Date

### Department and County Counsel Approval and Review

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-2 DATE 7/30/98  
DEB BOGSTAD  
BOARD CLERK

Approved:  7-13-98  
Department Manager or Designee Date

Reviewed:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY

By:  7/17/98  
Assistant County Counsel Date

Meeting Date: JUL 30 1998  
Agenda No: C-3  
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Report to the Board the Hearings Officer's decision on MC 6-98

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

**REGULAR MEETING**      Date Requested:      July 30, 1998  
                                 Amt. of Time Needed:      5 minutes

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

**PERSON(S) MAKING PRESENTATION:** LISA ESTRIN

**ACTION REQUESTED**

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

**SUGGESTED AGENDA TITLE**

Report to the Board the Hearings Officer's decision upholding the Planning Director's decision to Deny MC 6-98; a building permit for a replacement dwelling in the Exclusive Farm Use District.

**SIGNATURES REQUIRED**

**Elected Official:** \_\_\_\_\_

or

**Department Manager:** KB Lant & Nicholas

98 JUL 22 AM 8:18  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
LAND COMMISSIONERS



MULTNOMAH COUNTY

**BOARD HEARING OF JULY 30, 1998**

**TIME 9:30 AM**

**CASE NAME:** Moar Replacement Dwelling

**NUMBER:** MC 6-98

**1. Applicant Name/Address**

Robert C. and Michael J. Moar  
20537 NW Sauvie Island Road  
Portland, OR 97231

**2. Action Requested by Applicant**

The applicant requests approval of a replacement dwelling  
In the Exclusive Farm Use zoning:

- (1) for the replacement of a lawfully established habitable dwelling, or in the alternative;
- (2) for the replacement of a dwelling destroyed by fire, other casualty or natural disaster.

**3. Planning Staff Recommendation**

Staff denied the administrative decision due to the fact that the applicant did not demonstrate compliance with the State Mandated criteria for the replacement of a lawfully established habitable dwelling or for a dwelling destroyed by a natural disaster

**4. Hearings Officer Decision**

Denied the applicant's request and affirmed the Planning Director's Decision.

**5. If recommendation and decision are different, why?**

Not applicable.

**ISSUES**

*(who raised them?)*

**6. The following issues were raised:**

Mr. & Mr. Moar applied for two separate discretionary actions in MC 6-98. The first was for the replacement of a lawfully established, existing habitable dwelling on a parcel located in the EFU (Exclusive Farm Use) zoning district. The structure was removed from the property prior to an application being filed with the County. Basic criteria need to be demonstrated as part of the application. The structure must be habitable with intact roof and sides, have cooking facilities, plumbing hooked up to a septic system, intact heating and electrical system and exist on the property. The applicant's could not demonstrate that the dwelling meets all of the above requirements. A tree fell on the structure and pierced the roof in January, 1996 per A&T records.

The separate action was for a replacement dwelling destroyed by a natural disaster. The replacement of a lawfully established dwelling in the EFU zoning district requires proof that the structure could meet many of the same requirements as above and that it was destroyed and application to replace it was made within one year of the destruction. A tree fell on the

**Action Requested of Board**

☒ Affirm Hearings Officer Dec.

☐ Hearing/Rehearing

**Scope of Review**

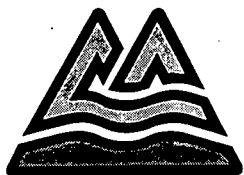
☐ On the record

☐ De Novo

☐ New information allowed

roof in January 1996. The applicants did not make application to replace the structure until February 1998. In addition the structure is currently being utilized for a farm help dwelling on a nearby parcel on Sauvie Island and is habitable. The applicants have not carried the burden of proof necessary to show compliance with the State Mandated criteria for the replacement of a dwelling in the EFU zoning district. The Planning Director and Hearings Officer both denied the application.

**7. Do any of these issues have policy implications? Explain: No.**



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION & LAND USE PLANNING DIVISION  
2115 S.E. MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3043

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

## Multnomah County Hearings Officer Decision

Attached please find a copy of the Hearings Officer's decision in the matter **MC 6-98**. A copy of the Hearings Officer's decision is being mailed to those persons entitled to receive notice under MCC 11.15.8220(C) and to other persons who have requested the same.

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. Instructions and forms are available at the Transportation and Land Use Planning Office at 2115 SE Morrison Street, Portland, Oregon.

Failure to raise an issue by the close of the record at or following the final hearing, (in person or by letter), precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond precludes appeal to LUBA on that issue.

To appeal the Hearings Officer decision, a Notice of Review form and fee must be submitted to the County Planning Director. For further information call the Multnomah County Transportation and Land Use Planning Division at 248-3043.

<b>Signed by the Hearings Officer:</b>	<b>July 20, 1998</b>
<b>Decision Mailed to Parties:</b>	<b>July 20, 1998</b>
<b>Decision Submitted to Board Clerk:</b>	<b>July 20, 1998</b>
<b>Last day to Appeal Decision:</b>	<b>July 30, 1998</b>
<b>Reported to Board of County Commissioners:</b>	<b>July 30, 1998</b>
<b>DeNovo Hearing date if appealed:</b>	<b>August 4, 1998</b>

_____	Notices
<u>6</u>	Decision Notices
mailed on	<u>7-20-98</u>
by	<u>PW</u>

58 JUL 22 PM 2:20  
MULTNOMAH COUNTY  
OREGON



## HEARINGS OFFICER DECISION FOR MULTNOMAH COUNTY, OREGON

**MC 6-98:** Miscellaneous Case - Replacement Dwelling

**Where:** The subject property is located at:  
20537 NW Sauvie Island Rd.  
T2N, R1W, Section 7, TL. 24

**Property Owner/Applicant:** Robert C. and Michael J. Moar  
20537 NW Sauvie Island Rd.  
Portland, OR 97231

**Location:** Tax Lot 24,

**Comprehensive Plan:** Exclusive Farm Use (EFU)

**Zoning:** EFU



**A. Applicants' proposal**

The applicant requests approval of a replacement dwelling in the EFU (exclusive farm zone):

- (1) under the provisions of 11.15.2008(L) which applies to the replacement of a lawfully established dwelling, or in the alternative,
- (2) under the provisions of 11.15.2008(M) which applies to replacement of a dwelling destroyed by fire, other casualty or natural disaster.

The property currently contains an exempt farm structure and one or more non-permitted Recreation Vehicles which are being utilized for dwelling units. The dwelling the applicant wishes to replace is a Homette Mobile Home, which was placed on the property at an uncertain time, and was removed from the property at an uncertain time in 1996 or 1997. The property is in violation of the Multnomah County Code (11.15.8715 *Land Use Permits*) because un-permitted Recreational Vehicles (RVs) are being used as dwelling units on the property.

The applicant has submitted a site plan, and an elevation and floor plan of the barn and proposed addition/replacement dwelling, photographs showing the Homette mobile home as habitable, and written justification, and tax and permit records in support of his building permit application. These are included as numbered exhibits in a separate notebook as part of this report and designated as Exhibit A. The notebook includes exhibits A0 through S 62. Exhibits which include the letter "A" were submitted by the applicant, those with the letter "S" were included in the record by staff. The site plan, building elevations and floor plan of the barn and proposed addition/replacement dwelling are included as Exhibit B of this Decision.

**B. TESTIMONY AND EVIDENCE PRESENTED**

1. The exhibits listed in the Exhibit List MC 6-89, which is attached hereto as Exhibits "A" and "S" were reviewed by the Hearings Officer and received in reference to this application.
2. A public hearing was held on July 7, 1998.
3. Chuck Beasley, County Planner, summarized the history of the application and the Staff Report. The application consists of alternative applications to replace a dwelling in the exclusive farm use zone. One alternative is to replace an existing dwelling. The second alternative is to replace a dwelling that was destroyed. The applicant desires to build living quarters in an existing barn to replace a Homette mobile home previously used as a dwelling on the property.

The County is trying to resolve a zoning violation on the property related to other recreational vehicles used as residences on the property.

Mr. Beasley testified that the county's approval criteria for replacement dwellings are intended to be nondiscretionary, to allow a replacement dwelling as an outright use. The staff denied the request primarily because the Homette mobile home to be replaced, is no longer on the property. The staff believes it was removed before the application was filed. Mr. Beasley stated that there is conflicting information about whether all the approval criteria are met. Therefore, the decision is a discretionary decision involving the weighing of evidence.

Mr. Beasley testified that the notice appeal contained some new information:

- a. Exhibit A63 is the notice of appeal with a narrative.
- b. Exhibit A64 is an affidavit from Steven Eudaly regarding the construction of the dwelling and the cost of repair.
- c. Exhibit A65 is an affidavit from Dennis Grande attesting that he moved the Homette mobile home from the property located at 20537 NW Sauvie Island Road on October 15, 1997 and that it was not habitable because a tree fell through the roof, caved in the walls, and the floor was caved in from water damage
- d. Exhibit A66 is the affidavit of posting for the public hearing.

Other information submitted with the appeal was already in the record. He also placed into the record:

- a. Exhibit S 67, consisting of two photographs taken of the Homette mobile home taken on the Graham property in June of 1997.

The date the Homette mobile home was manufactured relates to when the mobile home could have been established on the property and what rules were in effect at the time the dwelling was placed on the property. Mr. Beasley's testimony focused on the conflicting information in the record. First, he noted that the primary approval criteria for both the replacement of a lawfully established dwelling and replacement of a destroyed dwelling concern whether the dwelling to be replaced was lawfully established. The Staff believes the manufacture date on the Homette mobile home is 1976, based on the information the staff has. Mr. Beasley said there is conflicting evidence on the date the mobile home was manufactured and could have

been established on the property. The applicant has submitted information indicating that it was manufactured in 1970.

The County Planning Staff believes the dwelling was originally placed on the property after 1976, when a County building permit would have been required. Mr. Beasley pointed out Exhibit S47, containing a series of photographs taken in February 1998 by a Code Enforcement inspector of the subject mobile home on the Graham property. There are three tags riveted on this mobile home. The top tag was put on by the manufacturer and has a manufacture date of 1970 stamped on the tag. The second tag is a DMV plate that has an ID number stamped on it ending in "J." From the manufacturer's records the "J" ID number indicates the mobile home was built in 1976. Exhibit S60 contains a list from the manufacturer which ties the serial number letter to the manufacture date. The third tag is a UL tag that appears to say the mobile home was manufactured under standards adopted in 1974. There's something that partially covers the last digit, but it looks like a "4." That would indicate that the mobile home was manufactured after 1974.

One of the other pieces of information concerning the lawful establishment is a deed supplied by the applicant. It indicates that the mobile home may have been originally placed on the property as a "none farm dwelling". The conflict with that deed is that the deed language refers to an Oregon Administrative Rule relating non farm dwellings which was not in existence until about 1975. Exhibit S62 is a list obtained from the State Archives of the genesis of Chapter 660 (which is LCDC's administrative rules) that shows that the non farm dwelling rules didn't exist until after 1975 but the deed is a 1972 deed. The staff can't resolve the conflict between the deed reference and the effective date of the administrative rules. In addition, the copy of the deed that the staff got from the County Recorder's office does not contain the non farm dwelling language.

The applicant submitted a building permit to relocate the dwelling in 1984. The staff thinks that 1984 permit is a good permit. So the question for the hearings officer is whether the permit to relocate establishes a legal permit for the dwelling in 1984. If the relocation permit in Exhibit A54 constitutes a valid permit, then the dwelling meets the lawfully established test.

The staff concluded that the application fails the test of actually being on the property when the application is made. The existence of the dwelling on the property at the time of application for the replacement dwelling is a criterion common to both alternatives.

There is some conflicting evidence about whether the dwelling was habitable due to the damage from the tree limb. This raises the question of whether it

had intact walls and roof structure required under the replacement criteria. Staff is unsure whether it can be found that it was connected to a waste disposal system because there is no evidence of a waste disposal system. Staff does not know what was in the ground. There is no permit for the system, although staff believes that a permit was required. The evidence is conflicting on the destruction. The affidavit submitted by Mr. Eudaly suggests that the destruction was greater than the staff initially found in the record.

The staff's conclusions are that the dwelling didn't exist on the property when the application was filed and since it is being occupied someplace else that it wasn't destroyed. At the time staff decision was written, the evidence that the staff had was that it was not destroyed but had been moved to another property and was currently occupied. Lisa Estrin, the code enforcement examiner is present, if there are questions that Chuck cannot answer.

Chuck Beasley testified that the original application was filed in August of 1997. This type of decision is typically issued over the counter as a building permit. The staff accepted the information that was provided knowing that the property was already under review for Code Enforcement and there were some anomalies in what was happening on the property. The staff asked the applicant for additional information. The information that the applicant provided continued to contain discrepancies with the information that the staff had. The staff continued to ask for information in an effort to resolve the information that didn't agree. At some point Mr. Moar and Mr. Eudaly decided that they did not want to submit any other information and wanted a decision on their request.

Chuck Beasley pointed out Exhibit S22, signed on 1/22/96, indicates that the mobile home is in poor condition and there is a hole in the roof. The picture with the blue tarp is Exhibit A69 and the picture with the tree covering a portion of the mobile home is A70.

Chuck Beasley noted that the County does not require an original permit for any housing established before 1960 because there was no requirement for a permit before that time. Whether a property owner has to produce an original permit depends on when the dwelling was established on the property. It's the county staff's belief that building permits were required before 1970.

Mr. Beasley testified that the original application date was September 1997. That is indicated in Exhibit S34. He pointed out Exhibit S68, concerning the completion of the application, dated May 4, 1998 says that "this letter is to confirm May receipt of your letters of April 15 and 17, 1998, it is my

understanding that you do not wish to submit additional information and I have therefore deemed your application complete as of April 17, 1998."

4. Lisa Estrin testified that the number on the top tag is the serial number the manufacturer would use to identify the date of the mobile home's manufacture, going by the last letter. She noted that the inspector noticed that the 1970 date appears to be modified on the first tag so the staff found out who the manufacturer was and that their records indicate that the serial number is the document that should be used for the manufacture date. In addition, the DMV records show that it is a 1976 mobile home. She testified that all three tags would have been put on by the manufacturer. Current laws require that the tags be inspected at the manufacturer's location unless it was a modified or converted structure, then they would go out into the field and tag them. Lisa Estrin testified that the county assessor has a site inspection record that he dated January 1996 indicating damage to the mobile home from a tree limb.

Lisa Estrin testified that the county had received a complaint about people living in travel trailers on this property. The Code enforcement inspection pictures help to confirm the date from which the staff knows that the mobile home was not there because the pictures do not show it there. Besides the picture taken on June 4, 1997 the staff has an inspection taken on August 20, 1997 with three travel trailers and no mobile home and an agricultural building. So there are two inspections that show that before the application was made the mobile home was not on the property.

5. Steven Eudaly, testified for the applicant. The Moar family purchased Tax Lot 72 in 1988 and began constructing a house. Tax Lot 24, located at 20537 NW Sauvie's Island Road, was purchased in 1973. He submitted the original deed for the purchase of Tax Lot 24 dated 1973. The hearings officer had copies made of this deed, which included a reference to a "none farm dwelling" located on the property. The "none farm dwelling" reference was located under a taped on metes and bounds legal description of the property which covers the "none farm dwelling" reference. There were two copies made of the deed, one with the description lying flat and one with the description folded up exposing the reference to "none farm dwelling" on the property.

Mr. Eudaly testified that there were electrical permits issued on this mobile home in 1972. The hearings officer stated that in 1972 the only property owned by Robert Moar was Tax lot 11, and asked how Moar could have obtained an electrical permit for a mobile home on Tax Lot 24 which he didn't own at the time. There was a Champion mobile home located on 20451 NW Reeder Road, Tax Lot 11, which was owned by Mr. Moar at the

time of the electrical improvements. Perhaps the electrical permit was for the Champion mobile home and not the Homette mobile home.

Chuck Beasley pointed out that Exhibit A0, which is a State of Oregon Department of Commerce label fee receipt from Dickinson Electric has written on it at the top "9/9/70 Homette Mobile Home" issued to Robert Moar. There is another one, State of Oregon Department of Commerce label with no date from Dickinson Electric. There are also two inspection cards that an inspector would leave after he did an inspection. One is a "cover inspection" dated 9/30/72 and the other is a card for "service" dated 9/8/72. The hearings officer noted that the electrical permits issued to Robert Moar in 1972 do not prove that they were issued for a mobile home on Tax lot 24 because he did not purchase the property until a year later.

Mr. Eudaly testified that a permit to relocate the Homette mobile home was issued for Tax Lot 24 in 1985 which calls it a "state approved dwelling." Then the family split and at some point after 1990 the Tax Lots 11 and 24 were in separate ownership.

Mr. Eudaly submitted statements from various people stating that the Homette mobile home has been a dwelling on the property for the last 20-plus years.

It is the applicant's contention that the property was on the property at the time of the application.

Mr. Eudaly testified that the applicant believes that the D.M.V. tag on the Homette Mobile Home probably was placed on the mobile home when it was re-registered in about 1976 because the mobile home was manufactured in 1970. The original tag states that it was a 1970 mobile home. The DMV tag was riveted on later stating the 1976 date. The original tag, which is part of the mobile home, states that it is a 1970 mobile home. Exhibit S47 shows the three tags. Chuck Beasley stated that the top tag, applied by the manufacturer before it is delivered, has a 1970 date. All three tags are placed on by pop rivets which indicates that they could have been applied at any time.

Mr. Eudaly testified about the septic permits which were the only permits they couldn't find a record of. There are about 5 houses in the immediate vicinity that don't have any recorded septic permits. A lot of the permits have been lost.

6. Michael Moar, son of Robert Moar, testified that the manufacturer told him that anybody could put the tags on the mobile home. Some were done at the factory, some were done at the site, depending on where they were

moved to. The manufacturer told him to look at the frame which he did. He stated that there is a tag welded onto the frame that the frame was manufactured in 1968. The manufacturer would not keep frames sitting for that many years. The manufacturer gave him the same information as the Staff has about the serial number. The manufacturer doesn't have any good information that is that old.

His father rented the property in 1972 when the electrical permits were issued. He said the mobile home was there and people lived in it. All the neighbors say that it is there. He knows that the county thinks that the mobile was on the adjacent property but it wasn't.

The hearings officer stated that the tax assessor's records show two owners of property on Tax Lot 24, Michael Moar and his father, Robert Moar. She asked if Robert Moar the owner of the real property and Michael Moar the owner of the personal property? Michael Moar stated that they never put the mobile home in Moar's name. Originally the mobile home was owned by Mr. and Mrs. Shick who rented it. The hearings officer stated that the Shicks were the legal owner but that Michael Moar acted as the legal owner, why did he do that? Michael Moar responded that the Moars owned the property but didn't own the mobile home.

Mr. Moar testified that the original owners of the mobile home were Robert and Edith Lewis who owned the three-acre tract adjacent to the northeast and that his parents purchased the property from Mr. and Mrs. Lewis. Mr. and Mrs. Lewis sold the mobile home to Mr. and Mrs. Shick.

7. Ray Eichner, brother-in-law of Michael Moar, testified in favor. He said that he has known Michael Moar since spring of 1975. He testified that the mobile home was on the property then. Concerning the Champion mobile home on Tax Lot 11, he testified that he was the owner of that mobile home. He sold it to a RV sales company on SE 82<sup>nd</sup>. The Champion mobile home was only on Tax Lot 11 for a short time.
8. Robert Moar, property owner, testified that he and his then-wife bought Tax lot 11 in 1968. In 1970 or 1971 he rented the three acres contained in Tax Lot 24 from Bob and Edith Lewis. He rented Tax Lot 24 until about June of 1973. He and his wife had talked with the Lewis's for some period of time about buying Tax Lot 24. He testified that Mr. & Mrs. Lewis moved the mobile home onto Tax Lot 24 in 1970 or 1971. Mr. Moar testified that he has no knowledge of the lawfulness of the placement of the mobile home on Tax Lot 24 by the Lewis'. When he decided to buy Tax Lot 24, but before actually buying the property, he applied for the electrical permit and had a new electrical system put into the Homette mobile home.

He testified that the mobile home was taken from the property last year, he doesn't remember the month they moved it. Chuck Beasley said the staff believes it was before June 1977. Mr. Moar said it could have been June. He testified that they gave the mobile home away.

Mr. Moar testified that he has been trying to get a replacement dwelling permit established since 1992. His neighbor across the street got a replacement dwelling permit and got a new house. He wants to get a new house on the property. The hearings officer noted that the state law requires that farm land is required to be used as farm land. Houses may be established on farm land if the house is associated with farming the property. An exception is provided if the housing was established before the farm rules, where such housing may be rebuilt if the housing was established before the farm rules.

- 9 Michael Moar testified that he lived in the mobile home from 1988 to 1997. He lived there at the time that the wind storm destroyed the home. The storm knocked down his kitchen cabinets. During the storm it rained and he couldn't keep a tarp over the trailer. Those type of mobile homes were made with press-board so water was running into the mobile home. The press board was like a sponge - it sucks water in. After the storm he patched the mobile home as best he could. He put a tarp over it and lived in it until he could find a new place to live. Denny Grande would have had to put a new floor in it. Michael Moar testified that the mobile home was destroyed. He stated that the tax assessor who had it appraised at \$5,000 or \$10,000 inspected the property, took pictures and said the taxes would be dropped. He said that he lived in the mobile home for 8-9 years when he was a child. He stated that he was born in 1970, so he can't tell whether it was there in 1970. He testified that he moved out of the trailer in May of 1996 or 1997. He stated that he moved about 40 miles away and doesn't go to Sauvies island frequently. He went out six to eight months later and it was gone. By Thanksgiving of 1997 the mobile home was gone.
5. Jane Moar, Michael's mother testified that when they purchased the 3 acres encompassing Tax Lot 24 the trailer was there and has been there all this time until the tree went through and they had it moved. She testified that she did not know when it was moved. She stated that she can't live in her house unless Michael is nearby because of failing health.
6. Ms. Lynn Eichner, daughter of Robert Moar and Sister of Michael Moar, testified that she lives nearby, she has elderly parents who live on the property. It is easier to have Michael living on the property to take care of her parent who are in poor health.



7. Jennifer Harris asked what is to become of the land if the dwelling is not approved. The hearings officer stated that the state law requires that the land be preserved or farming, it can be used for farming either alone or under a lease. Dwelling uses are not allowed unless the dwelling is used in conjunction with farm use of the site or is allowed under an exception for a dwelling on farm land.

**C. MULTNOMAH COUNTY CODE PROVISIONS FOR THE EFU EXCLUSIVE FARM USE DISTRICT**

1. MCC 11.15.2008(L) allows replacement of a lawfully established dwelling that is intact and has certain features.
2. MCC 11.15.2008(M) provides for replacement of a lawfully established dwelling when the dwelling is destroyed by fire, other casualty to natural disaster.

**D. ANALYSIS OF COUNTY CODE PROVISIONS**

**11.15.2006 Uses**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2008 through .2014.

\* \* \*

**11.15.2008 Primary Uses**

\* \* \*

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

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

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

Approval of a replacement dwelling under these provisions requires the applicant to demonstrate that the dwelling which is to be replaced was legally established, that it exists on the subject property, and that it has all of the four listed features.

Existence of the dwelling on the subject property is mandated by use of the present tense "has" in the ordinance (and statute it implements). Objective proof of lawful establishment and existence of the dwelling are also needed to implement the replacement dwelling permit as an outright permit, without exercise of legal judgement or discretion. The number of exhibits submitted by the applicant and staff, and the inconsistencies between them, are an indication that not all of the facts are clear.

Lawful Establishment. The applicant has not been able to provide an original placement permit for the mobile home. The applicant states that the mobile home was a 1970 model Homette which was placed on the property in 1970. He has supported the 1970 manufacture date with an old electrical permit (exhibit A0), affidavits (exhibit A40), Assessor's records (exhibits A26, A42, and A44), and a 1973 deed which references a 1970 Homette mobile home exhibit A51). The 1970 deed also appears to support the conclusion that the mobile home was placed on the property before 1973.

The applicant states that the mobile home at 20537 NW Sauvie Island Road was established in 1970. To prove that the Mobile home was located on the subject site, the applicant provided statements from 10 immediate neighbors stating that they have knowledge of the existence of the residence for period of 20 - 28 years. The applicant also provided a statement from the son of the electrician who obtained the electrical permit and rewired the electrical connection to the mobile home in 1972, the invoice from the electrician who required the mobile home service, and a copy of the original electrical permit issued in 1970.

The Tax records show taxes being paid on this residence back to 1985. The county staff has included copies of Multnomah County tax records which show the mobile home was on this property in 1972 and 1973-74. Multnomah County does not have complete records that go back to 1970. Many records have been lost or misplaced when the city and the county combined forces in the 1980's.

The record contains conflicting information regarding both the mobile home manufacture date. Staff contacted the mobile home manufacturer who indicated that the Homette was constructed in 1976 according to the serial number affixed to the mobile home (exhibits S47 and S50). Other evidence including Assessor's records and Department of Motor Vehicles records support the 1976-manufacture date (exhibits S10, S18, S19, S20, S21, S31).

There is also conflicting information regarding the June 1, 1973 deed which refers to a "none farm dwelling." Apparently this reference is to the Land Conservation and Development (LCD) regulations relating to non-farm dwellings pursuant to OAR 660-33-130. However, information from the Oregon State Archives indicates that OAR Chapter 660 did not exist until 12/31/74 (exhibit S62). In addition, the copy of this deed obtained by staff from the County Recorder does not contain the paragraph that references the dwelling and the OAR (exhibit A53). The Hearings Officer examined the original deed and noted that the reference to the "none farm dwelling" was underneath the legal description. Therefore it would not necessarily appear on a copy of the deed unless two copies are made exposing both the legal description and the underlying none farm dwelling reference. Although the non farm dwelling regulations were not adopted until 19 months after the deed to Tax Lot 24 was granted to Robert and Jane Moar, it is likely that there was knowledge of the proposed statewide goals in June of 1973 which might contain such a requirement when they were ultimately adopted. The deed appears authentic. The Hearings Officer is not persuaded that the deed reference to the non-farm dwelling on the property raises doubt about the authenticity of the deed. The Hearings Officer concludes that the note on the deed is evidence that there was a mobile home on the Lewis property when Mr. and Mrs. Moar purchased it on June 1, 1973.

The applicant has also submitted a copy of a building permit card for TL '24', dated 8/10/84, to relocate a mobile home on the property to meet setbacks(exhibits A54, A55). The permit information contains a site plan that shows the original location of the mobile home and the new location. When comparing the site plan to the 1977 aerial photograph, staff is unable to find the original location of the mobile home. However the 1984 permitted location corresponds to the location shown on the 1986 aerial photograph (exhibits S60 and S61). The applicant has also submitted aerial photographs from 1975 and 1984 (see exhibits A59 and A60). Staff is unable to locate the mobile home in these aerial photographs. However, the Hearings Officer notes that the mobile home was located under a grove of trees and might not be visible in an aerial photograph. The Hearings Officer concludes the weight of the evidence indicates that the mobile home was located on the property in 1970 to 1973. But, there is no evidence to prove it was located there with all necessary land use approvals. The Hearings Officer further concludes that the permit issued to relocate the mobile home on the property in 1984 constitutes a valid permit whereby the mobile home was lawfully established in the 1984 approved location and that the 1986 aerial photograph shows that it was in fact established at that location.

In October 1985, the applicant applied for and was approved for an exempt farm structure on TL '24' (Exhibit S11). No mobile home was shown on the site plan for the exempt farm structure, but the adjacent stick-built dwelling owned at the time by the applicant on TL '11' was indicated. Assessment & Taxation records indicate that the property was vacant until the mobile home was picked up on a site inspection in 1985 (S10). Having concluded that the 1984 relocation permit issued by Multnomah County Planning Department established the lawfulness of the mobile home it is not relevant where the mobile home was before that time. It is consistent with the 1984 permit that the County Assessor detected the existence of the mobile home on the site in 1985.

Dwelling is Existing on the Property. The mobile home is not existing on the property, but was moved to another location on Sauvie Island (see exhibits S24, S37, S47). The exact date the mobile home was moved is not documented because no Oregon Department of Motor Vehicles Trip Permit is in the record, and it was placed in its current location without a building or placement permit. Exhibit S22 shows that the mobile home was on the property in January, 1996. A code enforcement inspection may have picked up the mobile home on a nearby parcel (TL '2' & '26', Sec. 16 & 21, T. 2N, R. 1W) in June, 1997 being utilized as migrant housing. The testimony at the hearing was inconsistent concerning the date the mobile home was removed. Robert Moar stated that it may have been gone by June of 1997. Michael Moar testified that it was gone by Thanksgiving of 1996 or 1997. He was uncertain about the year. His testimony, along with the County Assessor's inspection in January of 1996 makes it more likely the year was 1996. A site inspection by the code enforcement inspector found no mobile home on Tax Lot '24' on August 20, 1997 (Exhibit S24). The record shows that the application was originally filed on September 19, 1997. The Hearings Officer concludes that the dwelling was not existing on the property when the application was filed.

Dwelling Has the Four Listed Features. The applicant has provided photographs of the mobile home which show all of the four elements listed under this section. The dwelling which is to be replaced must contain all of the elements in (L) (1) through (4). Item (1) requires that the walls and roof structure are intact. The applicant, as part of this application, claims that "The 1970 Homemet was destroyed in late 1997 by a wind storm. Several large tree limbs fell through and collapsed the roof. The County Tax appraiser is a witness to the destruction and has photographs of said damage in his files." (see applicant statement under MCC 11.152008(M)). The above statement by the applicant calls into question whether the mobile home was truly habitable as required by MCC 11.15.2008(L). County Appraiser records indicate that a tree limb fell on the structure in January, 1996 (Exhibit S22).

Item (2) requires connection of plumbing facilities to a sanitary waste disposal system. The applicant's exhibit A27 contains a photograph that shows waste piping from the mobile home and a septic system inlet. Staff is unable to verify that this photograph is of the applicant's mobile home on the subject parcel because there are no distinguishing features visible. Based on the letter from the City of Portland in exhibit S49, septic system permits were required for placement of manufactured homes prior to 1970, and the type of tank currently on the property came into use after 1989. The septic system has recently been updated. No permits were taken out for the installation or replacement of the septic system.)

The Hearings Officer concludes that a dwelling that does not exist on the property when the application for a replacement dwelling is made inherently cannot meet the criteria of (L) (1) through (4). A dwelling that doesn't exist there cannot have intact walls and roof structures, plumbing, wiring or a heating system. The evidence about the condition of a dwelling that exists at some other site when the application is made for a replacement dwelling is irrelevant to the condition of a dwelling on the site subject to the application.

Conclusion: The application fails the test of existence on the property in .2008(L) because it is clear that the unit was not on the property on 8/20/97, prior to receipt of the first submittal for the application to replace the dwelling on 9/19/97 (see exhibit S24 and S25).

- (M) Replacement of an existing lawfully established single family dwelling on the same lot not more than 200 feet from the original building site when the dwelling was unintentionally destroyed by fire, other casualty or natural disaster. The dwelling may be reestablished only to its previous nature and extent, and the reestablishment shall meet all other building, plumbing, sanitation and other codes, ordinances and permit requirements. A building permit must be obtained within one year from the date of the event that destroyed the dwelling.

This provision contains several requirements including that the destroyed dwelling exist on the property, that it was lawfully established, that it was destroyed by casualty or natural disaster, and that the building permit must be obtained within one year of loss. The findings under (L) above also apply to the "existing" and "lawful establishment" requirements of this provision. The ordinance gives Mr. Moar up to a year to obtain permits for reestablishing a dwelling destroyed by a natural disaster.

The Hearings Officer has already concluded that this mobile home was a lawfully established dwelling under the Multnomah County Planning Departments issuance of a permit to relocate the residence on Tax Lot 24 in August, 1984. The Hearings Officer has already concluded that this mobile home did not exist on the property at the time the application for the replacement dwelling was filed with Multnomah County.

The dwelling was not destroyed, but is currently occupied on another parcel as indicated in exhibits S47 and S48. Planning staff, with the help of the applicant, observed the structure being utilized for migrant worker housing on Tax Lot '2' & '26', Sec. 16 & 21, T. 2N, R. 1W.

The other pre-condition to approval of a replacement dwelling is that the building permit must be obtained within one year of the event that destroyed the dwelling. The application for a building permit to replace a lawfully established dwelling under MCC .2008(L) was received on September 19, 1997 (see exhibits A27 and A29). The application was amended to include a request for replacement of a destroyed dwelling under MCC .2008(M) and was received on February 17, 1998. Notwithstanding that the dwelling was not destroyed and is currently habitable, the information about when the event occurred is conflicting. The applicant states in exhibit A43 that the mobile home was destroyed by a wind storm in late 1997. Exhibit A45 contains affidavits from Mr. Moar, his mother and father, and from two neighbors attesting to the destruction on April 20, 1997. In addition, exhibit A51 contains a photograph labeled "1997" showing a mobile home covered with a tarp and tree limbs. However, the County Appraiser in his site inspection report for 1/19/96 notes a hole in the roof (see exhibit S22). The Hearings Officer finds the County

Assessor's records more credible evidence and concludes that the mobile home was damaged before January 19, 1996.

Conclusion: The findings above indicate that the dwelling does not exist on the property as required, and that the dwelling has not been destroyed. Although the information about when the destructing event occurred is conflicting, it is irrelevant because the unit is no longer on the property (and was moved prior to any application for replacement) and has not been destroyed. Even if it was destroyed, the Hearings Officer has found that the event occurred before January 19, 1996, more than a year before the application was filed in September, 1997. Therefore, the applicant has not demonstrated compliance with all of the requirements and the request must be denied.

**E. EXHIBITS**

1. Loose-leaf binder containing documents submitted by the applicant and staff. Documents are numbered as exhibits A0 through S62. The letter "A" preceding the number indicates the exhibit was submitted by the applicant, the letter "S" indicates it was submitted by staff.
2. Applicant's building plans dated 7/27/97 and stamped as received on 9/19/97.

**F. HEARINGS OFFICER DECISION**

Based on the findings stated above, and the substantial evidence presented, the request by the applicant for a replacement dwelling under the provisions of MCC 11.15.2008 (L) or alternatively under the provisions of MCC 11.15.2008 (M) is hereby denied.

IT IS SO ORDERED, this 20<sup>th</sup> day of July, 1997.



Deniece B. Won, Hearings Officer

MEETING DATE: July 30, 1998  
AGENDA #: R-2  
ESTIMATED START TIME: 9:30 AM

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Third And Fourth Quarter 1998 Service Awards

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: Thursday, July 30, 1998  
AMOUNT OF TIME NEEDED: 20 Minutes

DEPARTMENT: Support Services DIVISION: Employee Services

CONTACT: Shery Stump or Gail Foster TELEPHONE #: 248-5015, 22203 or 22538  
BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Shery Stump

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☒ OTHER

#### SUGGESTED AGENDA TITLE:

Presentation of employee service awards for five to thirty-five years of service. Forty employees have indicated they will be able to attend in person to receive their awards.

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)

DEPARTMENT MANAGER Vickie S. Gates

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277

CLERK OF  
COUNTY COMMISSIONERS  
98 JUL 23 PM 6:00  
MULTNOMAH COUNTY  
OREGON

**SERVICE AWARDS – 1998 – FIRST & SECOND QUARTERS**

07/23/98

ATTENDEES (40 from a total of 146 invited to attend)

**FIVE YEARS**

ASD -- Terri Jo Wagner

CFS -- Paul Du Commun  
George Maciejewski  
Catherine Scott

DES -- Georgann Dustan  
Joann Glasser  
Jennifer Winkley

DSS -- Karen Hudson

JACJ -- Dori Ann Larson  
Meganne Steele

**TEN YEARS**

ASD -- Kristina Ogilvie  
Lennise Sanders  
Caroline Sullivan

CFS -- Deborah Danner  
Janet Hawkins  
HC Tupper

DES -- Susan Glenn  
Richard Martinez  
David Powell

JACJ --Joanne Fuller  
Richie Goss  
Christor Lewis  
Bette Richardson  
Sandra Rorick

**FIFTEEN YEARS**

ASD -- Heather Stewart

CFS -- Carla K. Gonzales

JACJ --Mary Bettinger  
Richard Matter

**TWENTY YEARS**

DES -- James Koch  
Curtis Meade  
Sandra Moorhead

**TWENTY-FIVE YEARS**

DES -- Pamela Gulley  
Juanita Lomax

DSS -- Steven Baker

JACJ --Edna M. Williams

LIB - Rosalie V. Grafe

**THIRTY YEARS**

DES -- Robert Sullivan

DSS -- John Reynolds, Jr.

JACJ --Sally Ann Healy

**THIRTY-FIVE YEARS**

LIB -- Stanley Bucknum



MEETING DATE: JUL 30 1998  
AGENDA NO: R-3  
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Approval of \$25,000 to evaluate Caring Community Initiative

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: 7/30/98  
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: Support Services DIVISION: Evaluation/Research Unit  
CONTACT: Jim Carlson TELEPHONE #: 248-3575  
BLDG/ROOM #: 106/1400

PERSON(S) MAKING PRESENTATION: Jim Carlson, Maxine Thompson

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Request for approval to spend \$25,000 to evaluate Caring Community Initiative

8/4/98 copies to Jim Carlson

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: Nicki S. Jones

98 JUL 10 PM 2:38  
CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



# MULTNOMAH COUNTY OREGON

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DEPARTMENT OF SUPPORT SERVICES  
VICKIE S. GATES, DIRECTOR

PORTLAND BUILDING  
1120 SW FIFTH AVENUE, 14TH FLOOR  
P.O. BOX 14700  
PORTLAND, OREGON 97214-0700

- AFFIRMATIVE ACTION
  - BUDGET AND QUALITY
  - EMERGENCY MANAGEMENT
  - EMPLOYEE SERVICES
  - FINANCE
  - INFORMATION SERVICES
  - LABOR RELATIONS
  - RISK MANAGEMENT
- 

## SUPPLEMENTAL STAFF REPORT

**TO:** *Board of County Commissioners*

**FROM:** *Department of Support Services*

**DATE:** *July 7, 1998*

**RE:** *Request for approval to spend \$25,000 to evaluate the Caring Community Initiative*

---

1. Recommendation/Action Requested:

Approval to spend \$25,000 in professional services funds from the Evaluation contingency fund to evaluate the Caring Community Initiative.

2. Background/Analysis:

For the FY97-98 Budget the Board authorized a \$300,000 evaluation contingency reserve to increase the county's capacity to evaluate the effectiveness of its programs. The Board instructed the Department of Support Services (DSS) to establish a multi-department Evaluation Workgroup to recommend a coordinated cross-departmental approach for use of these funds. Following a December 2, 1997 presentation of the Evaluation Workgroup, the Board authorized that the funds be used to: 1) restore Ballot Measure 5 related cuts in the Department of Community and Family Services Contracts and Evaluation Unit; 2) supplement one existing evaluation position in DSS with two new positions to create a central Evaluation/Research unit for the county; 3) establish an Evaluation Contingency fund to contract for evaluations of high policy interest to the Board. Use of the Evaluation Contingency funds is subject to Board approval.

The Partners for Caring Community Initiative was launched in 1991 by the Leaders Roundtable. The goal of the Caring Community Initiative was to activate teams in the school attendance areas throughout the County to plan activities and to establish a supportive network of resources to ensure every child's successful completion of school. The Initiative was intended to transcend jurisdictional and institutional boundaries. The basic premise of the Initiative is that all sectors of the community can more effectively support youth and their families by collaborating, by implementing common strategies, and by utilizing existing resources in innovative, interagency ways.

The Caring Community Initiative was started in four areas and has now grown to include eight Caring Communities throughout the County. The eight Caring Communities each have their own programs, activities and funding, and they are at varying stages of development. Each is unique, taking into account the needs and strengths of the various communities; but each is committed to the same underlying philosophy of creating a supportive network of resources required to ensure every child's successful completion of school.

Multnomah County is an active member of the Leaders Roundtable. In 1996 the County adopted high school completion as one of its three priority benchmarks. In 1995 the Caring Communities merged with the County's district coordinating teams (teams in each of the County's six service districts that were charged with integrating services). The Caring Communities are also a primary vehicle through which much of the County's efforts at community building are being realized. There is growing County financial support for the Caring Community Initiative. During the past two fiscal years County funds of \$60,000 to \$70,000 have been allocated to support Caring Community coordinators. During FY98-99 \$230,000 will be allocated to the Caring Communities.

Since its inception, there has been no evaluation of the effectiveness of the Caring Community Initiative. To meet the need for more complete information on how this Initiative is progressing, the Leaders Roundtable commissioned a "Phase One: Caring Community Evaluation" to identify an evaluation process. That document is included in the attached Request for Proposals. To ensure that there is an accountability mechanism for growing use of County funds the Department of Support Services Evaluation/Research Unit has suggested that the "Phase One" evaluation requirements be expanded to include a greater emphasis on outcomes and accountability. The Caring Community Evaluation Team has welcomed this suggestion.

To fund this expanded evaluation it is proposed that \$25,000 be allocated from the County's Evaluation Contingency fund. The State Department of Human Resources has indicated that they would be willing to contribute up to an additional \$5,000. A Request for Proposals (attached) has been distributed to potential contractors for this project. If the Board approves this use of the Evaluation Contingency fund, contractor selection would be completed in August 1998.

3. *Financial Impact:*

There are two requests before the Board to authorize funds to contract for evaluations: \$100,000 to evaluate the School Attendance Initiative and \$25,000 for the Caring Community evaluation. Approval of both these requests will leave \$75,000 to evaluate other Board priorities.

4. *Legal Issues:*

None

5. *Controversial Issues:*

None

6. *Link to Current County Policies:*

---

Evaluation of the Caring Community Initiative is consistent with County Policy that County funded programs be evaluated for outcomes (Board Resolution 90-45). The Caring Community Initiative is consistent with the direction the County has been taking to improve community functioning through establishment of partnerships with other governments, the private sector, private non-profit organizations, and citizens.

7. *Citizen Participation:*

Citizen input in the evaluation design was achieved through representatives of the Caring Communities and Leaders Roundtable.

8. *Other Government Participation:*

The Caring Community Evaluation Team, which will oversee this evaluation, is composed of representatives of the Leaders Roundtable, State Department of Human Resources, and Portland Public Schools, Multnomah County and Caring Community representatives.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 98-99

Approval of \$25,000 to evaluate Caring Community Initiative

The Multnomah County Board of Commissioners Finds:

- a. The Caring Community Initiative is a major vehicle to achieve County goals such as increasing high school completion.
- b. There is growing County financial support for the Caring Community Initiative.
- c. It is sound public policy to evaluate the Caring Community Initiative to ensure effective use of public funds.
- d. There are adequate funds to conduct this evaluation in the County's Evaluation Contingency fund.

The Multnomah County Board of Commissioners Resolves:

That the Department of Support Services may spend up to \$25,000 in professional services funds to contract for an evaluation of the Caring Community Initiative.

Adopted this 30th day of July, 1998.

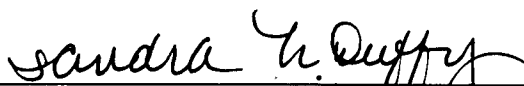


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
Sandra N. Duffy, Chief Assistant County Counsel

## BUDGET MODIFICATION NO.

DSS 99 - 01

(For Clerk's Use) Meeting Date JUL 30 1998Agenda No. R-4

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT

Support ServicesDIVISION Budget and Quality

CONTACT

Jim CarlsonTELEPHO 248-3575

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

SUGGESTEDAGENDA TITLE

(to assist in preparing a description for the printed agenda)

Transfers \$100,000 from Professional Services in the Budget and Quality Office to Health Department  
Planning and Development Office to cover evaluation of the student retention initiative

(Estimated Time Needed on the Agenda)

## 2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

The Health Department Planning and Development Office will contract with State of Oregon staff to work  
in conjunction with County staff to evaluate the student retention initiative.

## 3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

BOARD OF  
COUNTY COMMISSIONERS  
98 JUL 15 AM 9:09  
MULTNOMAH COUNTY  
OREGON

## 4. CONTINGENCY STATUS

(to be completed by Budget &amp; Quality)

NA

Fund Contingency before this modification

Date

After this modification

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

**PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.**

DSS 99-01

**5. ANNUALIZED PERSONNEL CHANGES**

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

		ANNUALIZED			
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
0.2	Principal Investigator (9798)	16,000			0 16,000 0 0 0 0 0 0 0 0 0
0.2	TOTAL CHANGE (ANNUALIZED)	16,000	0	0	16,000

**6. CURRENT YEAR PERSONNEL DOLLAR CHANGES**

(Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

		C U R R E N T F Y			
Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
Increase 0.2 FTE Principal Investigator (9798)	Cover administration of project	16,000			0
					16,000
					0
					0
					0
					0
					0
					0
					0
					0
					0
TOTAL CURRENT FISCAL YEAR CHANGES		16,000	0	0	16,000

EXPENDITURE												
TRANSACTION EB GM [ ]			TRANSACTION DATE			ACCOUNTING PERIOD				BUDGET FY		
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Object	Amount	Amount	Increase (Decrease)	Subtotal	Description
									0			
		100	070	7102			6110		(100,000)	(100,000)		evaluation contracts
		156	015	0051			5100		16,000	16,000		Principal Investigator
		156	015	0051			6110		84,000	84,000		Contract with State
		156	015	0051			7100		12,940	12,940		
									0			
		100	015	9130			7608		112,940	112,940		
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
TOTAL EXPENDITURE CHANGE										125,880	0	
REVENUE												
TRANSACTION RB GM [ ]			TRANSACTION DATE			ACCOUNTING PERIOD				BUDGET FY		
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Revenue	Amount	Amount	Increase (Decrease)	Subtotal	Description
									0			
		156	015	0051			7601		112,940	112,940		
									0			
		100	075	7410			6602		12,940	12,940		
									0			
									0			
									0			
									0			
									0			
									0			
									0			
TOTAL REVENUE CHANGE										125,880	0	





## **MULTNOMAH COUNTY OREGON**

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DEPARTMENT OF SUPPORT SERVICES  
VICKIE S. GATES, DIRECTOR

PORTLAND BUILDING  
1120 SW FIFTH AVENUE, 14TH FLOOR  
P.O. BOX 14700  
PORTLAND, OREGON 97214-0700

- AFFIRMATIVE ACTION
  - BUDGET AND QUALITY
  - EMERGENCY MANAGEMENT
  - EMPLOYEE SERVICES
  - FINANCE
  - INFORMATION SERVICES
  - LABOR RELATIONS
  - RISK MANAGEMENT
- 

# **SUPPLEMENTAL STAFF REPORT**

TO: Board of County Commissioners

FROM: Department of Support Services Evaluation/Research Unit

DATE: July 1, 1998

RE: Authorization of funds to evaluate School Attendance Initiative

1. Recommendation/Action Requested: Authorization to transfer \$100,000 professional services funds from the Department of Support Services Evaluation Contingency fund to the Health Department for evaluation of the first year of the School Attendance Initiative
2. Background/Analysis: For the FY97-98 Budget the Board authorized a \$300,000 evaluation contingency reserve to increase the county's capacity to evaluate the effectiveness of its programs. The Board instructed the Department of Support Services (DSS) to establish a multi-department Evaluation Workgroup to recommend a coordinated cross-departmental approach for use of these funds. Following a December 2, 1997 presentation of the Evaluation Workgroup, the Board authorized that the funds be used to:

1) restore Ballot Measure 5 related cuts in the Department of Community and Family Services Contracts and Evaluation Unit; 2) supplement one existing evaluation position in DSS with two new positions to create a central evaluation/research unit for the county; 3) establish an Evaluation Contingency fund to contract for evaluations of high policy interest to the Board. Use of the Evaluation Contingency funds is subject to Board approval.

Program Design and Evaluation Services (PDES) is a program evaluation unit jointly run by the Multnomah County Health Department and State of Oregon Health Division. Each agency contributes a small amount of general funds to maintain base administrative staffing. Most funding for PDES evaluation staff is through State and Federal direct service grants, which require evaluation. One such grant currently being evaluated is a Truancy Diversion Program in the Roosevelt Cluster elementary and middle schools using Edward Byrne Memorial Grant funds. Given PDES' two-year involvement and expertise in conducting this evaluation, they are the natural candidate to assume evaluation of the broader School Attendance Initiative.

The \$2.5 million School Attendance Initiative will involve up to 130 schools and multiple other partners (see Section 8 below) in Multnomah County. Four teams are to be established to provide services to grades 4-9. Monitoring this extensive process as it unfolds among all the partners, and establishing and maintaining the databases needed to track services and outcomes provided to students and families by this initiative, will require approximately two full-time contract evaluation staff. This is the primary reason the evaluation will cost \$100,000. Details of the products of the evaluation are shown in Attachment 1.

As it could take up to two months to hire the two evaluation staff, timely authorization of funds is required to have the evaluation ready to proceed by Fall 1998. Until the contracted evaluation can begin, the Department of Support Services Evaluation/Research unit will assume initial evaluation activities. Additional details about the proposed evaluation are available upon request by contacting Jim Carlson, manager of the Department of Support Services Evaluation/Research Unit who will oversee administration of this contract.

3. Financial Impact: The Evaluation Contingency fund of \$200,000 will be reduced by \$100,000. This will leave \$100,000 in professional services funds to be targeted to other Board evaluation priorities.
4. Legal Issues: None.
5. Controversial Issues: None
6. Link to Current County Policies: The School Attendance Initiative is a key new County initiative for FY98-99. The School Attendance Initiative supports attainment of one of three county Long Term Benchmarks—that of increasing the rate of high school completion. It is consistent with county policy that the effectiveness of program investments be evaluated, especially when it is likely that fiscal support for this initiative will extend to future fiscal years and may even grow.
7. Citizen Participation: Multiple agencies and private non-profit organizations are represented on the School Attendance Policy Advisory Committee. This Committee will receive monthly reports by the evaluators on the progress of the School Attendance Initiative. They will also be surveyed on a quarterly basis to monitor the evaluator's ability to meet their expectations.
8. Other Government Participation: The School Attendance Initiative is a cooperative effort involving multiple jurisdictions including: Multnomah County Department of Juvenile and Adult Community Justice, Department of Community and Family Services, City of Portland, Leaders Roundtable and Caring Communities, Multnomah County Education Services District, the Centennial, David Douglas, Gresham-Barlow, Parkrose and Reynolds School Districts, Portland Public Schools, Multnomah Commission on Children and Families, the City of Portland, and Volunteers of America.

Evaluation is a cooperative effort of the Department of Support Services Evaluation/Research Unit and the Health Department Program Design and Evaluation Services Unit.

**Attachment 1**  
**School Attendance Initiative**  
**Desired Evaluation Methods and Products**  
DRAFT of June 27, 1998

Prepared by: Jim Carlson and Van Le, DSS Evaluation/Research Unit

**NOTE: This document is currently being circulated among the partners involved in the School Attendance Initiative and should be considered a work in progress.**

**A. Participatory Process Evaluation: monthly user friendly reports and a data base useful to School Attendance Initiative staff in their day to day management**

1. Evaluators will attend key meetings in order to track process issues as they unfold; they will not rely primarily on School Attendance Project staff to capture this information for them via detailed minutes. Evaluators will also interview Project staff for additional information on process issues. Key meetings are defined as all meetings of the School Attendance Initiative Policy Advisory Board, and meetings of the teams where issues covered by the process evaluation are scheduled to be discussed. These issues concern level and quality of collaboration with community partners--especially the Caring Communities. It is expected that as the initiative begins most team meetings will be attended by evaluation staff. The need to attend to monitor process issues will decline as the year progresses.
2. Timely feedback to key people for their immediate decision making as necessary. Please share important insights in a timely fashion rather than waiting for the monthly progress report.
3. Collaboration with Caring Communities evaluation team.
4. Cooperation with the DSS Evaluation/Research unit who will monitor participant satisfaction with the process evaluation (e.g. usefulness of reports; satisfaction with quality and quantity of participation by evaluators).
5. An up-to-date database which integrates school attendance data with services data (e.g. student ID, date referred, types of services, etc.) and is easily accessible to school attendance initiative staff for daily use as a management tool. A basic set of desired client and family characteristics will be selected by the Policy Board for standardized use across teams. Some data entry responsibility, such as services provided, may be negotiated with School Attendance Project staff. At a minimum, evaluators will train staff how to use the system and monitor this data entry. It is expected that the evaluators will be responsible for working with the school district to access school attendance data and integrating this data into the database. Evaluators are not expected to gather school attendance data by hand at each school. Their contract assumes that school attendance data is available to them from the schools in electronic format.
6. Monthly user friendly progress reports to the Policy Board and teams.
  - a) outputs (e.g. number of students enrolled by referral source; types of services offered; termination date of services by reason for termination)

- b) patterns of use of wrap around services
- c) similarities and differences among teams
- d) how the teams are interacting with the Caring Communities and other relevant initiatives
- e) strengths, weaknesses and recommendations for all above
- f) other process questions outlined in the proposal

**B. Output and Outcome Evaluation: a 6-month and a 1-year report. There will be a full report, an executive summary and a user-friendly one pager summarizing key outputs and outcomes of the project.**

*The following will be available for all students served by the Initiative:*

1. Summative process evaluation for all teams including interteam comparisons on amount and type of services offered, comparison of service completion rates, etc.
2. Needs analysis (e.g. % of clients referred to and receiving specific services) as determined by an educational assessment and/or other assessment instruments
3. Database analysis of main factors affecting truancy
4. Truancy rates of individuals referred to the program (before and after comparison or comparison with like/unserved students).
5. Summary output data with trends
6. Summary of evaluator's observations, recommendations regarding the entire initiative and its specific services.
7. A cursory cost effectiveness analysis of the immediate results of student attendance initiative.
8. Other areas of info we may find to be necessary after receiving the 2/98 report. This will be negotiated with the evaluation team.

*Due to a limited evaluation budget more detailed outcomes as follows can be determined for only a sample of students served:*

9. Dropout/retention rates with special focus on middle school to high school transition
10. Academic achievement using multiple measures such as PAL and GPA. This will be a baseline measure for the coming years. It is recognized that academic achievement may not improve in the first year of service. Students in the sample will be followed into the next year to see if they remain in school and their academic achievement improves.
11. Profiles of students and families served using measures like the Asset inventory, amount of extracurricular activities, teen births, and arrest rates.
12. Outcomes of services, if available (e.g. no infestation with head lice after 30,60, 90 days).

MEETING DATE: JUL 30 1998  
AGENDA NO: (R-5)  
ESTIMATED START TIME: 10:15

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: IGA between the Department of Juvenile and Adult Community Justice and Portland School District #1

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: July 30, 1998  
AMOUNT OF TIME NEEDED: 3 minutes

DEPARTMENT: DJCAJ DIVISION: Juvenile Justice

CONTACT: Debbie Persen TELEPHONE #: X83202 248-3202  
BLDG/ROOM #: 311/DJACJ

PERSON(S) MAKING PRESENTATION: ~~Consent Calendar~~ JoAnne Fuller

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Intergovernmental Agreement #700788 between the Department of Juvenile and Adult Community Justice and Portland School District #1 to provide funding to PPS in support of three staff positions connected with the Family Resource Centers providing services to youth and their families in the Grant/Madison and Marshall attendance areas.

8/4/98 originals to Debbie Persen  
SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT MANAGER: [Signature]

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277




# MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE  
JUVENILE COMMUNITY JUSTICE  
1401 N.E. 68TH  
PORTLAND, OREGON 97213  
(503) 248-3460  
TDD 248-3561

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

## MEMORANDUM

TO: Board of County Commissioners

FROM: Elyse Clawson, Director   
Department of Juvenile and Adult Community Justice

DATE: July 10, 1998

SUBJECT: Approval of an Intergovernmental Agreement between the Department of Juvenile and Adult Community Justice and Portland School District #1 for support of the Family Resource/Caring Community staff positions.

### I. RECOMMENDATION/ACTION REQUESTED:

The Department of Juvenile and Adult Community Justice (DJACJ) recommends the Board's approval of an Intergovernmental Agreement between the Department of Juvenile and Adult Community Justice and Portland School District #1 (PPS) to provide funding in support of three staff positions connected to the Family Resource Centers serving the Grant/Madison and Marshall attendance areas.

### II. BACKGROUND/ANALYSIS:

In an effort to support youth and their families who reside in the Grant/Madison and Marshall attendance areas, the Department is contributing funds to support three Portland Public School staff positions who will be working directly with the Whitaker and Marshall Family Resource Centers. The positions specifically funded are:

- 1.0 FTE Marshall Family Resource Center Liaison
- 0.5 FTE Whitaker Family Resource Center Liaison
- 0.5 FTE Grant/Madison Caring Community Coordinator

Family Resource Centers' staff work with youth referred to the program, specifically those youth who are experiencing problems at school (e.g., persistent truancy, behavioral difficulties, suspension, etc.) or undergoing personal difficulties (e.g., health issues, mental health needs, abuse, etc.). The overall objective of the Centers is to connect youth and their family members to the services and resources available within the Family Resource Centers or in the community that address and/or deal with the presenting problems and issues the youth/family are experiencing.

### III. FINANCIAL IMPACT:

The Department will contribute up to \$151,757 in support of Portland Public Schools' three Family Resource Center staff positions. The source of funding is from County General Funds. These funds

have been targeted and budgeted specifically for early intervention programs such as PPS's Family Resource Centers.

IV. LEGAL ISSUES:

N/A

V. CONTROVERSIAL ISSUES:

N/A

VI. LINK TO CURRENT COUNTY POLICIES:

The Family Resource Centers link directly to the County's benchmark of increasing high school completion. This is accomplished by providing youth and their families with the needed services and resources that will enable youth to maintain their attendance in school and to complete their education.

VII. CITIZEN PARTICIPATION:

N/A

VIII. OTHER GOVERNMENTAL PARTICIPATION:

The Department of Juvenile and Adult Community Justice staff will continue working closely with Portland Public Schools' staff to support the successful operation of the Family Resource Centers..



# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☒ Not Attached Contract #: **700788**  
 Amendment #: \_\_\_\_\_

<b>CLASS I</b> <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<b>CLASS II</b> <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<b>CLASS III</b> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b> AGENDA # <u>R-5</u> DATE <u>7/30/98</u> <u>DEB BOGSTAD</u> <b>BOARD CLERK</b>
---	---	--

Department: Juvenile and Adult and Community Justice Division: \_\_\_\_\_ Date: 7/8/98  
 Originator: Joanne Fuller Phone: 306-5599 Bldg/Rm: 311/DJACJ  
 Contact: Debbie Persen Phone: 248-3202 Bldg/Rm: 311/DJACJ

**Description of Contract:** This Intergovernmental Agreement between the Department and PPS will provide funding in support of three Family Resource Center staff positions. The Centers' staff will work directly with youth and their families to connect and access needed services and resources available at the Centers and/or in the community. Youth targeted and referred to the Centers are those who are experiencing difficulty in school and/or at home.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_  
 EXEMPTION #/DATE: \_\_\_\_\_ EXEMPTION EXPIRATION DATE: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☒ N/A ☐ NONE (Check all boxes that apply)

Contractor <u>Portland School District #1/GrantsAccounting Dept</u> Address <u>P.O. Box 3107</u> <u>Portland, OR 97208</u> Phone <u>(503) 916-5840 (Betsy Cole)</u> Employer ID# or SS# <u>93-6000830</u> Effective Date <u>July 1, 1998</u> Termination Date <u>June 30, 1999</u> Original Contract Amount \$ <u>151,757</u> Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>151,757</u>	Remittance address _____ (If different) Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Quarterly <u>Cost Reimbursement</u> <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

**REQUIRED SIGNATURES:**

Department Manager <u>[Signature]</u>	DATE <u>7-13-98</u>
Purchasing Manager _____	DATE _____
County Counsel <u>[Signature]</u>	DATE <u>7/17/98</u>
County Chair <u>[Signature]</u>	DATE <u>July 30, 1998</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

(Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	100	022	2745				6060		General Fund	151,757	
02											
03											

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

# **INTERGOVERNMENTAL AGREEMENT**

## **Contract #700788**

This Agreement is made and entered into pursuant to the authority found in ORS 190.010 between **Multnomah County Department of Juvenile and Adult Community Justice (DJACJ)** and **Portland School District No. 1 (PPS)**.

### **I. PURPOSE**

The purpose of this Agreement is to support the Whitaker and Marshall Family Resource Centers by means of funding three staff positions. These positions will work directly for the Centers in the capacity of coordinating resources and providing services to youth and their families who reside in the Grant/Madison and Marshall attendance areas. The type of youth referred to the Family Resource Centers are those youth who are experiencing problems at school such as poor school attendance, behavioral difficulties, expulsion/suspension, or personal difficulties such as health issues, mental health needs, abuse issues, etc. The overall objective of the Centers will be to work with the youth and their families to connect them to needed services and resources available through the Family Resource Centers. The positions to be funded are:

- 1.0 FTE Marshall Family Resource Center Liaison,
- 0.5 FTE Whitaker Family Resource Center Liaison, and
- 0.5 FTE Grant/Madison Caring Community Coordinator.

### **II. PROGRAM RESPONSIBILITIES**

All personnel specified in this Agreement are and shall remain employees of Portland School District No. 1 for all purposes including, but not limited to, all salary, wages, benefits and workers' compensation coverage, and shall not be considered employees of DJACJ for any purpose.

A. PPS will provide one (1.0 FTE) staff person working under the supervision of PPS Department of Student Services and in the capacity as the Marshall Family Resource Center Liaison. The role of the Marshall Family Resource Center Liaison is to connect youth and their families who are not involved in other case management systems to the resources available at the Family Resource Center. Other responsibilities and job duties will include, but not be limited to:

1. Working in a collaborative relationship with teachers, school counselors, community agencies and the Department's Juvenile Justice Division regarding individual service needs, resource availability, intervention strategies, and student achievement.

2. Conducting outreach to counselors and teachers at Marshall High School its feeder schools to connect students with community resources available through the Family Resource Center.
3. Assisting students in transition from middle to high school.
4. Providing direct services as needed, such as:
  - a. Counseling and guidance services for students with educational problems such as achievement, attendance and classroom behavior to enhance student success.
  - b. Providing small group and individual counseling in response to student problems that affect educational progress and refer students and families to appropriate community agencies as needed.
  - c. Assisting students in improving their self-concept, cultural-ethnic identity and decision-making skills.
  - d. Consulting with parents/guardians about special student concerns. Provide services to parents/guardians including conferences and parent/guardian information meetings.
  - e. Arranging for conference with students, parents and staff as needed.
  - f. Maintaining client records as well as assisting in the identification of student performance measures and outcomes and developing a tracking/monitoring system that will report results.
  - g. Assisting in the creation of the Family Resource Center Work Plan
- B. PPS will provide one (0.5 FTE) staff person working under the supervision of PPS Department of Student Services and in the capacity as the Whitaker Family Resource Center Liaison. The role, responsibilities and job duties of the Whitaker Family Resource Center Liaison will be similar to those as described above in section II, A regarding the Marshall Family Service Liaison.
- C. PPS will provide one (0.5 FTE) staff person working in the capacity as the Grant/Madison Caring Community Coordinator. In addition to the responsibilities of the Grant/Madison Caring Community Coordinator, this position will include commitment to the ongoing development of the Whitaker Family Resource Center. This position will be housed at Madison High School and will be supervised by the Assistant Director of Student Services. Job responsibilities will include, but will not be limited to:
  1. Serving as a catalyst for the continuing development of the Family Resource Center and the network of services in the outer Northeast area.
  2. Providing coordination and leadership for the Family Resource Center Steering Committee
  3. Serving as a member of the Family Resource Center Service Team.

4. Identifying children and families to be brought to the service team.
5. Ensuring participation by various local, state, county, and private non-profit agencies in the Family Resource Center.
6. Assisting in the development of the Family Resource Center's work plan.
7. Promoting the Family Resource Center via the Caring Community network, and Grant and Madison's feeder schools.

### III. COMPENSATION

DJACJ agrees to pay PPS up to and not to exceed \$151,757 for performance of those services as described herein. Payment to PPS shall be made on a cost reimbursement basis and expenditures billed to DJACJ on a quarterly basis. These funds will be used solely to pay for the following budgeted items: **(Note: The following personnel and non-personnel expenditures are estimated not actual expenses. PPS will bill only for actual charges.)**

#### Marshall Family Resource Liaison

Personnel	
Salary (1.0 FTE)	\$54,163
Fringe (19.99%)	
Health/Welfare (\$5,450)	\$16,277
<b>Total Personnel</b>	<b>\$70,440</b>
Non-Personnel	
Phone Line	\$400
Computer, printer, software	\$2,000
Transportation (mileage/parking)	\$500
Office/project supplies	\$500
Office Equipment/Maintenance	\$200
Postage	\$200
Printing	\$100
Training	\$500
<b>Total Non-Personnel</b>	<b>\$4,400</b>
<b>TOTAL</b>	<b>\$74,840</b>

**Whitaker Family Resource Liaison**

<b>Personnel</b>	
Salary (0.5 FTE)	\$27,082
Fringe (19.99%)	
Health/Welfare (\$5,450)	\$10,864
<b>Total Personnel</b>	<b>\$37,946</b>
<b>Non-Personnel</b>	
Phone Line	\$400
Computer, printer, software	\$2,000
Transportation (mileage/parking)	\$250
Office/project supplies	\$250
Office Equipment/Maintenance	\$200
Postage	\$200
Printing	\$100
Training	\$250
<b>Total Non-Personnel</b>	<b>\$3,650</b>

**TOTAL \$41,596**

**Grant/Madison Caring Community Coordinator**

<b>Personnel</b>	
Salary (0.5 FTE)	\$16,851
Fringe (19.99%)	
Health/Welfare (\$5,450)	\$8,818
<b>Total Personnel</b>	<b>\$25,669</b>
<b>Non-Personnel</b>	
Transportation (mileage/parking)	\$250
Office/Project Supplies	\$250
Meeting Refreshments	\$250
Office Equipment/Maintenance	\$100
Postage	\$350
Printing	\$100
Training	\$250
<b>Total Non-Personnel</b>	<b>\$1,550</b>

**TOTAL \$27,219**

**(Total = \$143,655 + Indirect Service Cost (5.64% = \$8,102) = \$151,757)**

In addition to the proposed personnel and non-personnel expenditures, a 5.64 percent indirect service cost will be assessed on all actual and allowable charges and identified as such in the itemized invoice.

Invoices reflecting allowable staff, service and/or equipment expenditures and indirect service costs as identified herein are to be sent directly to Resource Management Services, Contracts Unit, Juvenile Justice Complex, 1401 NE 68<sup>th</sup>, Portland, Oregon 97213. DJACJ shall pay PPS promptly upon receipt of the itemized billings.

#### **IV. MONITORING AND ASSESSMENT**

The parties agree to develop an assessment and evaluation process to monitor performance outcomes under this Agreement. DJACJ will assist PPS in providing program evaluation services. The creation of a process for identifying, monitoring and evaluating performance outcomes will be jointly developed by DJACJ and PPS staff and will be implemented in the Fall, 1998.

#### **V. INDEMNIFICATION AND LIABILITY**

- A. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, DJACJ shall indemnify, defend and hold harmless PPS, its directors, officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of DJACJ personnel acting pursuant to the terms of this Agreement.
- B. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, PPS shall indemnify, defend and hold harmless DJACJ, its directors, officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of PPS personnel acting pursuant to the terms of this Agreement.

#### **VI. WORKERS' COMPENSATION**

PPS shall maintain Workers' Compensation insurance coverage for all subject workers employed by PPS in the performance of the work, whether as a carrier or insured employer as provided in Chapter 656 of Oregon Revised Statutes.

#### **VII. CONFIDENTIALITY**

Each party that receives confidential information, either in written or verbal form from the other, shall hold that information in the strict confidence required by law applicable to the providing agency and shall not disclose the information for any purpose without prior written approval of that agency. Confidential information includes, but is not limited to, student names, family names and all information relative to student and family. The confidential information shall be used for no other purpose than performing the responsibilities of this Agreement.

In the event that demand for disclosure of documents is received by subpoena or otherwise, the documents, if any, shall be returned to the providing agency and the person making the demand shall be immediately notified. In the event that a subpoena for testimony is received, the providing agency shall immediately be notified of the demand and shall provide instructions and defend against the demand.

#### **VIII. CONTRACT MODIFICATION**

- A. Services shall begin upon execution of the Agreement and shall continue to be provided up through June 30, 1999.
- B. The parties may by mutual agreement renew this Agreement for another year.
- C. Either party may terminate this Agreement by giving the other party not less than 90 days written notice. No such termination shall prejudice any right or responsibility of the parties already accrued prior to the effective date of termination.
- D. This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended by written mutual agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by DJACJ and PPS and approved by the Multnomah County Board of Commissioners.

#### **IX. CONTRACT ADMINISTRATION**

- A. DJACJ designates Joanne Fuller, Deputy Director, to represent DJACJ in all matters pertaining to the administration of this Agreement.
- B. PPS designates Betsy Cole, Department of Student Services, to represent PPS in all matters pertaining to the administration of this Agreement.

**IN WITNESS WHEREOF**, the parties have caused this agreement to be executed by their duly appointed officers on the last date written below.

**MULTNOMAH COUNTY, OREGON**

**PORTLAND PUBLIC SCHOOL  
DISTRICT NO. 1**

BY:   
Beverly Stein, Chair  
Multnomah County Commissioners

BY: \_\_\_\_\_

DATE: July 30, 1998

DATE: \_\_\_\_\_

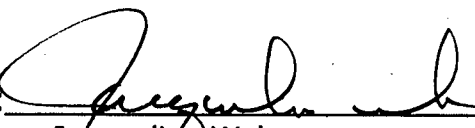
**DEPARTMENT OF JUVENILE AND ADULT  
COMMUNITY JUSTICE**

BY:   
Elyse Clawson, Director

DATE: 7-13-98

**REVIEWED:**

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

BY:   
Jacqueline Weber  
Assistant County Counsel

DATE: 7/17/98

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-5 DATE 7/30/98  
DEB BOGSTAD  
BOARD CLERK



MEETING DATE: JUL 30 1998  
AGENDA NO.: R-6  
ESTIMATED START TIME: 10:20

(Above space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: NOI - Toxic Substances and Disease Registry Proposal

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_  
REGULAR MEETING: DATE REQUESTED: July 30, 1998  
AMOUNT OF TIME NEEDED: 5 to 10 minutes

DEPARTMENT: HEALTH DIVISION: Disease Prevention and Control  
CONTACT: HILDA ADAMS TELEPHONE#: x22404  
BLDG/ROOM#: 160/3  
PERSON(S) MAKING PRESENTATION: HILDA ADAMS

**ACTION REQUESTED:**

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

**SUGGESTED AGENDA TITLE:**

Notice of Intent to Respond to the Request for Proposals from the  
Public Health Service, Agency for Toxic Substances and Disease Registry  
to fund a pilot program of public health interventions around  
Brownfields properties.

**SIGNATURES REQUIRED:**

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

Or

DEPARTMENT MANAGER: John S. duBois Balli Odgaard

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
98 JUL 22 PM 12:05

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk @ 248-3277



# MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT  
426 S.W. STARK STREET, 8TH FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3676  
TDD (503) 248-3816

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

## MEMORANDUM

**TO:** Beverly Stein, Chair

**FROM:** Dave Houghton, Director  
Disease Control and Prevention Division

**THROUGH:** Billi Odegaard, Director

**SUBJECT:** Notice of Intent to respond to a Request for Proposals from the Public Health Service, Agency for Toxic Substances and Disease Registry

**DATE:** July 17, 1998

**REQUESTED PLACEMENT DATE:** July 30, 1998

### **I. Recommendation/Action Requested**

The Multnomah County Health Department is requesting approval to respond to a Request for Applications from the Public Health Service, Agency for Toxic Substances and Disease Registry (ATSDR) to fund a pilot program of public health interventions around Brownfields properties.

### **II. Background/Analysis**

Portland is one of 16 sites nationwide designated by the Environmental Protection Agency as a Brownfields Showcase Community. The Agency for Toxic Substances and Disease Registry is making funds available to 5-7 local public health agencies in Brownfields Showcase Communities to develop and implement strategies to ensure that efforts to remediate and redevelop Brownfield properties do not present environmental public health hazards to current or future community residents.

In the proposed project, the Health Department Environmental Health Program will conduct the following activities:

- (1) obtain an inventory of Brownfields in the local community, analyze existing contaminant data and share that information in collaboration the affected communities;
- (2) collaborate with ATSDR, the Environmental Protection Agency, Oregon Health Division, City of Portland and community stakeholders to insure that relevant health data is used in making decisions regarding assessment, clean-up, and redevelopment in Brownfields;

(3) develop Brownfields Showcase Public Health Teams composed of public health and community stakeholders; work with teams to insure that those affected by Brownfields, particularly those populations disproportionately affected by environmental hazards, have input into clean-up and redevelopment plans.

### **III. Financial Impact**

Multnomah County Health Department anticipates requesting approximately \$70,000 for one year. The project would begin on September 30, 1998. There is currently no expectation that projects will be continued for more than one year.

### **IV. Legal Issues**

None.

### **V. Controversial Issues**

The funding will help collect and provide necessary health information to community residents but it will not be sufficient to address all community needs. Community organizations will be asked to contribute their leadership and support of this project.

### **VI. Link to Current County Policies**

This project is consistent with the county benchmark of healthy people in a healthy community. The project is also linked to the Oregon benchmark of identifying and cleaning up hazardous waste sites.

### **VII. Citizen Participation**

Citizen stakeholders will be participants on Brownfields Public Health Teams. The project requires that citizens from affected communities, including minorities and low income population groups, be part of Brownfields Public Health Teams.

### **VIII. Other Government Participation**

The project will involve working with representatives from the Environmental Protection Agency, the Oregon Department of Environmental Quality, the Oregon Health Division, and the City of Portland. In addition, the following community based agencies will be project participants: the Urban League, the Environmental Justice Advocacy Group and multiple neighborhood associations.

MEETING DATE: JUL 30 1998  
AGENDA NO: R-7  
ESTIMATED START TIME: 10:25

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Grant application to U.S. Department of Education/Media Intervention Project

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: July 30, 1998  
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Health Office of  
DIVISION: Planning & Development

CONTACT: Linda Jaramillo TELEPHONE #: 248-3056 ext. 22815  
BLDG/ROOM #: 160/2

PERSON(S) MAKING PRESENTATION: Linda Jaramillo & Amanda Byron

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Application to U.S. Department of Education, Safe and Drug Free Schools  
Media Literacy and Intervention Project

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: Don Sundares for Bill Odegaard

CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
98 JUL 22 PM 12:10

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES



# MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT  
426 S.W. STARK STREET, 8TH FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3676  
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BOARD OF COUNTY COMMISSIONERS  
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DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

**TO:** Beverly Stein, Chair

**FROM:** Linda Jaramillo, Violence Prevention Coordinator *L. Jaramillo*  
Office of Planning and Development

**THROUGH:** Billi Odegaard, Director *B. Odegaard*

**SUBJECT:** Notice of Intent to respond to Request for Proposals from Department of Education, Safe and Drug-Free Schools Program

**DATE:** July 22, 1998

**REQUESTED PLACEMENT DATE:** July 30, 1998

### **I. Recommendation/Action Requested**

The Multnomah County Health Department is requesting approval to respond to a Request for Proposals from the U.S. Department of Education, Safe and Drug-Free Schools Program to develop, and evaluate new approaches to creating safe and orderly learning environments in schools.

### **II. Background/Analysis**

Despite a significant commitment of federal financial resources to support programs designed to prevent youth drug use and violence, recent national data reflect increased rates of drug use and significant rates of school violence. A clear priority of the U.S. Department of Education is to promote strong, safe, drug-free and disciplined schools that provide healthy environments where children can learn best. Projects proposed through this RFP are expected to comprehensively address multiple factors that predispose youth to drug use and violent behavior.

Multnomah County Health Department Violence Prevention Program has identified media literacy and intervention as a crucial component to the improvement of family viability and school and community cohesion. The Health Department is proposing a project known as the Oregon Media Intervention Model (OMIM). OMIM is a comprehensive, developmentally pervasive curriculum to address the burgeoning degradation of public education through the

overuse and misuse of electronic media by American youth. The Oregon Media Intervention Model holds the potential to provide an intensively researched and thoroughly evaluated systemic improvement of school safety. In recent months we have been tragically reminded that a safe environment is essential to student and school success. OMIM is designed so that its findings, approaches, and materials can then be used throughout Oregon and the United States.

### **III. Financial Impact**

The Health Department anticipates requesting approximately \$750,000 per year for three years for the demonstration project. Projects may be funded for an additional 2 years, following evaluation of years 1-3 program outcomes. There is no requirement for matching funds. Indirect costs are allowed by the grantor.

### **IV. Legal Issues**

None

### **V. Controversial Issues**

There is a disagreement among a variety of organizations throughout the country (including the entertainment industry) about whether the media has any influence on violent and destructive behaviors.

### **VI. Link to Current County Policies**

The Multnomah County Local Public Safety Coordinating Council and the Commission on Children and Families have designed a plan to reduce juvenile delinquency and have now extended it to include youth violence. The County is leading a truancy project to increase school success, and is involved in a joint effort with the City of Portland to reduce youth access to guns and provide appropriate after school programs for youth. These and other community enhancement initiatives are evidence of the Board of Commissioners' concern for increased school safety.

### **VII. Citizen Participation**

The project plan includes the development of a statewide Advisory Team that will provide guidance to the development and implementation of this innovative curriculum. Parents and caregivers are included in the educational plan as reviewers and students. As the curriculum is introduced to the different schools, the surrounding community will be a part of the awareness campaign.

### **VIII. Other Government Participation**

Partners in this project include the Department of Community and Family Services through its contracts with Family Centers, Children and Youth Programs, etc.; the University of Oregon Institute on Violence and Destructive Behavior as the evaluator; Portland Public Schools, David Douglas School District, and Corbett School District as the sites. Since these three school districts in the county are representative of America's schools, the response of the various demographic cultures can be measured, replicated, and expanded into similar districts. OMIM will have credibility because of the sound procedures of the primary partners applicable to the urban, suburban and rural settings across the nation.

## ABSTRACT

### Multnomah County Health Department Media Intervention Project (MIP)

The goals of the Media Intervention Project (MIP) are to increase the safety of school environments through a comprehensive, research-based program which involves a range of community partners; and to build a greater understanding of media influence through the development of critical thinking skills, interpersonal relationship skills and learning abilities. The MIP will develop a K-12 curriculum that will impact 700 students, their families and the surrounding community during the first three years. The demonstration site will be Corbett Elementary School, in the Corbett School District. Corbett Middle and High School students will be involved in the Project's implementation through their *Cross Age Tutor Program*. In the fourth and fifth year the model will be replicated at Ventura Park Elementary School in the David Douglas School District, serving approximately 400 additional students.

Corbett School District, in Multnomah County, Oregon, serves a predominantly European American population. The town of Corbett is commonly considered a bedroom community, although a large percentage of rural Multnomah County residents work locally in a diverse range of occupations, including private business ownership, farming, forestry, and other environmental occupations. This wide range of employment categories creates a varied socioeconomic situation within the School District. The community and school system in Corbett is very inter-connected. This allows for an intense learning exchange between the students and the community.

The David Douglas School District is located within Portland's city limits, but is outside of the boundaries of the Portland Public School System. Approximate 7,000 students attend school in the David Douglas School District, and represent a variety of races, ethnicities and income levels. Nearly 50% of their English as a Second Language population originates from European countries. Because of rapid expansion in the area, the David Douglas School District encompasses a rapidly growing, extremely diverse segment of Multnomah County.

#### Summary of Expected Outcomes:

- Violence and disruptive behavior will decrease in school, including school arrests and referrals,
- Television and other screen watching will decrease, providing increased time for other developmentally appropriate activities,
- Increase in family interaction, discussion, etc,
- Increased knowledge and understanding of media influence and impact,
- Decrease in youth risk behaviors, including alcohol, tobacco and other drug use,
- Strengthen collaborative community involvement, and
- Replication of successful strategies throughout county, state and/or nation.

JUL 09 1998  
MEETING DATE: June 25, 1998  
AGENDA #: R-267-9  
ESTIMATED START TIME: 1:00 10:45

(Above Space for Board Clerk's use only)

JUL 16 1998 JUL 30 1998  
R-4 R-8  
9:50 10:35

AGENDA PLACEMENT FORM

SUBJECT: Ordinance Amending MCC 7.201 Relating to the Office of County Counsel

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: Thursday, June 25, 1998  
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Jacque Weber TELEPHONE #: 248-3138  
BLDG/ROOM #: 106/1530

PERSON(S) MAKING PRESENTATION: County Counsel Jacqueline A. Weber

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Ordinance Amending MCC 7.201 Relating to the  
Office of County Counsel

7/31/98 Copies to Jacquie Weber  
BARBARA Simon & Sheriff Noble  
SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

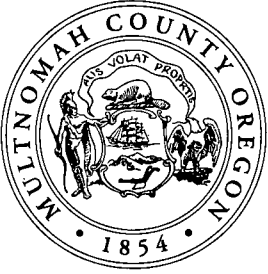
(OR)  
DEPARTMENT  
MANAGER: Bill Tauer

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277

98 JUN 17 PM 5:16  
MULTNOMAH COUNTY  
OREGON  
COUNTY COMMISSIONERS





## Beverly Stein, Multnomah County Chair

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

# SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Bill Farver *Bill Farver*

DATE: June 17, 1998

RE: Appointment of Outside Counsel for Elected Officials

---

1. Recommendation/Action Requested:

Approval of amendment clarifying and expanding the circumstances under which advisory counsel can be obtained by County elected officials.

2. Background/Analysis:

Sheriff Noelle requested an outside advisory opinion on the authority of the Board of County Commissioners to designate Community Justice as the administrative authority in charge of the planned secure alcohol and drug facility. After making the request, the Sheriff asked Bullard, Korshoj, Smith, and Jernstedt to give him an opinion. County Counsel then informed the Sheriff that under the current ordinance, County Counsel could not authorize outside counsel.

As part of the agreement between the Sheriff and the Chair concerning a proposal before the Charter Review, Beverly Stein agreed to seek approval from the Board to provide the Sheriff with authority to obtain outside counsel. As explained in the memo from Jacquie Weber, the current ordinance does the following:

Under Multnomah County's current ordinance, the Board has delegated to county counsel the authority to employ outside counsel on behalf of the county when county counsel deems it appropriate or necessary. It further provides that no county elected official or other county official shall be represented by counsel other than county counsel, with one exception; a majority of the Board may employ outside legal counsel on a specific matter.



Under this ordinance, there is no authority for an elected county official to retain outside counsel to advise them on county issues. The proposed amendment would expand that authority to all County elected officials to request outside counsel by using the process outlined above – i.e. the Board must approve the request and authorize payment.

3. Financial Impact:

The Sheriff may have incurred up to \$15,000 in legal fees which the Board is being asked to ratify. Future costs will be determined by the Board on a case by case basis.

4. Legal Issues:

Counsel Jacquie Weber researched how other counties handle this issue. Her conclusion is that:

Of the counties surveyed, the ultimate authority to retain counsel rests with the governing board, either pursuant to statute, or ordinance. Given that Multnomah County is governed by charter, the board may by ordinance retain the sole authority to appoint legal counsel, or delegate that authority in whole or in part.

Her memo is attached.

5. Controversial Issues:

The Sheriff is submitting an alternative proposal, which would allow him to obtain outside counsel without needing Board approval or financial authorization. He is also seeking ratification authority, which would extent beyond the costs incurred in the original advisory opinion from Bullard.

6. Link to Current County Policies:

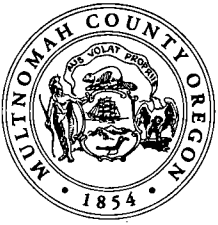
This action is part of the agreement between the Chair and Sheriff which led them jointly to request the Charter Commission to withdraw consideration of an amendment which would have asked voters to decide whether adult community corrections functions would be moved under the Sheriff's office.

7. Citizen Participation:

NA

8. Other Government Participation:

NA



# OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSLER  
*County Counsel*

1120 S.W. FIFTH AVENUE, SUITE 1530  
PORTLAND, OREGON 97204-1977

FAX 248-3377  
(503) 248-3138

SANDRA N. DUFFY  
*Chief Assistant*

SUSAN DUNAWAY  
KATIE GAETJENS  
GERALD H. ITKIN  
JEFFREY B. LITWAK  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
AGNES SOWLE  
JOHN S. THOMAS  
JACQUELINE A. WEBER  
*Assistants*

## MEMORANDUM

To: Chair Stein

Cc: Sheriff Noelle  
Commissioner Kelley  
Commissioner Hansen  
Commissioner Linn  
Commissioner Elect Naito

From: Jacqueline A. Weber *JAW*  
Assistant County Counsel

Date: June 15, 1998

Subject: Proposed Amendment to County Counsel Ordinance

---

In conjunction with the proposed amendment to the county counsel ordinance, you requested that we survey other counties as to how they deal with requests for outside legal counsel by elected county officials. You have also asked for a legal analysis of the effect of a legal opinion, whether issued by county counsel, or by authorized outside legal counsel.

### CURRENT ORDINANCE

Under Multnomah County's current ordinance, the Board has delegated to county counsel the authority to employ outside counsel **on behalf of the county** when county counsel deems it appropriate or necessary. It further provides that no county elected official or other county official shall be represented by counsel other than county counsel, with one exception; a majority of the Board may employ outside legal counsel on a specific matter. Under this ordinance, there is no authority for an elected county official to retain outside counsel to advise them on county issues.

### STATUTORY AUTHORITY

State law provides for the appointment of county counsel by the board of each county, to serve at the pleasure of the board. ORS 203.145 provides in pertinent part:

- (2) Unless otherwise provided by county charter or legislation enacted pursuant thereto, the board of each county may appoint a person or persons licensed to practice law in the State of Oregon as counsel to advise the board and other county officers, to render

services in connection with legal questions of a civil nature arising in the discharge of their functions, to prosecute violations of county law as defined by ORS 203.810, and to provide such additional services as the board determines. Counsel shall serve at the pleasure of the board, on a full-time or part-time basis, and be compensated in the manner and amounts the board determines.

This statute by its terms does not govern Multnomah County, which is a charter county that has enacted specific legislation regarding county counsel.

## SURVEY OF OTHER COUNTIES

I have surveyed 5 other Oregon counties, Washington, Clackamas, Marion, Lane, and Jackson, regarding the circumstances under which they may retain outside counsel, and how the authority to make that decision is delegated.

Clackamas County and Marion County have no ordinance, administrative rule, resolution or other written procedure. They are presumably governed by ORS 203.145 set out above. Jackson County has a very general ordinance, which does not address the issue at all.

Lane County, which is a charter county, has adopted by ordinance rules relating to sources of legal services. County Counsel is designated to provide legal advice on civil matters to the Board of Commissioners and to county departments. Outside legal counsel is authorized where (1) County Counsel determines that an ethical conflict of interest exists, in which case County Counsel's determination is then referred to the Board; (2) where County Counsel does not have the expertise to handle a particular legal matter; (3) where appropriate under the Tort Claims Act; or (4) upon approval of the Board of a request for a private attorney. The ordinance also provides that in any case where a private attorney is retained County Counsel shall authorize payment from appropriate budgeted funds not to exceed \$2,500. If it is necessary to exceed this amount, the fee agreement is handled through the normal contract process.

Washington County established the office of County Counsel and appointed a County Counsel to act as its chief legal advisor pursuant to ORS 203.145, supra, which provides for the appointment of legal counsel by the board of the county. In addition, the Board passed a Resolution identifying the functions and responsibilities of county counsel. The Resolution deals with the issue of appointment of outside legal counsel as follows:

RESOLVED AND ORDERED, from time to time, it may be necessary for the County to acquire outside legal assistance and/or representation and in such cases County Counsel, unless precluded by conflict of interest or otherwise, shall provide the following services:

- 1) Provide consultation as to the necessity and appropriateness of outside legal counsel; and
- 2) Provide advice as to the selection of outside legal counsel; and
- 3) Monitor performance of outside legal counsel performance and provide necessary and appropriate assistance;

The Resolution does not give any indication how Washington County would deal with a request for outside legal counsel to advise a county elected official on county issues.

## CONCLUSION

Of the counties surveyed, the ultimate authority to retain counsel rests with the governing board, either pursuant to statute, or ordinance. Given that Multnomah County is governed by charter, the Board may by ordinance retain the sole authority to appoint legal counsel, or delegate that authority in whole or in part.

## EFFECT OF LEGAL ADVICE/OPINION

You have asked what would be the effect of a County Counsel opinion that differs from or is in conflict with an advisory opinion provided by outside legal counsel. A legal opinion provided to the county, whether by County Counsel, or by authorized outside counsel, is not binding on the county. Its purpose is to provide analysis of applicable law to specific facts at issue, and to assess likely outcomes and risks in following a particular course of action. This provides guidance upon which policy makers, or the Board on legislative matters, can make an informed decision. A legal opinion does not have legally binding effect. Therefore, conflicting legal opinions on the same subject would simply provide differing information for the policy makers to evaluate.



# Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE  
SHERIFF

(503) 255-3600  
TTY (503) 251-2484

## MEMORANDUM

TO: Chair Bev Stein  
Commissioner Diane Linn  
Commissioner Gary Hansen  
Commissioner Lisa Naito  
Commissioner Sharron Kelley

FROM: Dan Noelle, Sheriff *Dan Noelle*

RE: Board Agenda Items

DATE: July 7, 1998

Chair Stein and I met today in regards to the three ordinances in front of you. The first Ordinance (R-8) deals with the designation of the county supervisory authority for residential treatment facilities. I would request that be postponed for 30 days to allow us to obtain a more clear definition of custodial, correctional and residential facilities.

I would request that you pass Chair Stein's ordinance (R-9) regarding legal counsel and postpone indefinitely my ordinance on legal counsel (R-10).

98 JUL - 8 PM 2:58  
CLARK ST.  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY OREGON

ORDINANCE NO. \_\_\_\_\_

An Ordinance amending MCC 7.201 relating to the Office of County Counsel.

(Stricken language in brackets [ ] is to be deleted; **Bold** language is new.)

Multnomah County ordains as follows:

Section 1. Amendment

MCC 7.201 (M) shall be amended as follows:

(M) Employ outside legal counsel on behalf of the county when the County Counsel deems it necessary or appropriate to do so. A majority of the entire Board may also employ outside legal counsel for a specific county matter, **and a majority of the entire Board may authorize a board member, sheriff, district attorney or auditor to retain outside legal counsel to advise the elected county official on a specific county matter. The Board shall specify the amount of the elected official's budget that may be appropriated for this purpose.** With these exceptions no county elected official, board, commission, committee, department director or employee shall employ or be represented by counsel other than the County Counsel.

Section 2. Ratification.

The Board hereby ratifies the Sheriff's action in retaining the law firm of Bullard, Korshoj, Smith & Jernstedt to provide legal advice to the Sheriff on the issue of the Sheriff's authority as it relates to the county's proposed secure residential alcohol and drug treatment facility. This ratification applies to legal advice rendered on the stated issue up to and including June 15, 1998. In addition, the Board hereby authorizes the Sheriff to pay Bullard, Korshoj,

1 Smith & Jernstedt for services rendered up to and including June 15, 1998. Said payment shall  
2 be made out of the Sheriff's budget.

3 Section 3. Effective Date.

4 This Ordinance shall be come effective on \_\_\_\_\_.

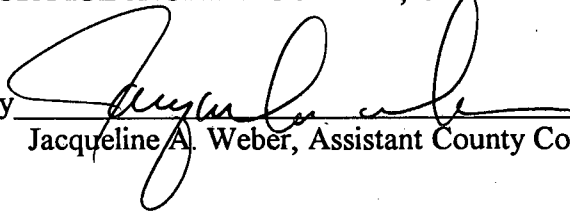
5 APPROVED this \_\_\_\_ day of July, 1998, being the date of its second reading before the  
6 Board of County Commissioners for Multnomah County, Oregon.  
7

8 BOARD OF COUNTY COMMISSIONERS  
9 FOR MULTNOMAH COUNTY, OREGON

10  
11 \_\_\_\_\_  
Beverly Stein, Chair

12 REVIEWED:

13 THOMAS SPONSLER, COUNTY COUNSEL  
14 FOR MULTNOMAH COUNTY, OREGON

15  
16 By   
17 Jacqueline A. Weber, Assistant County Counsel  
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# Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE  
SHERIFF

(503) 255-3600  
TTY (503) 251-2484

## MEMORANDUM

TO: Commissioner Gary Hansen

cc: Chair Bev Stein  
Commissioner Sharron Kelley  
Commissioner Diane Linn  
Commissioner Lisa Naito  
County Counsel Tom Sponslor

FROM: Sheriff Dan Noelle *Dan Noelle*

DATE: July 14, 1998

RE: Clarification of Outside Legal Advice

98 JUL 15 PM 2:45  
MULTNOMAH COUNTY  
OREGON  
HALL OF  
COUNTY COMMISSIONERS

I regret I was unable to attend the Board meeting last Thursday. I appreciate the Board helping me with the problem of the attorney's fees. I understand you requested a copy of the bill for the legal work I obtained. You also wanted to understand the agreement between the firm and myself.

A copy of the bill is attached. If another bill is forthcoming through the July 15 date, I will forward it to you. The agreement we had was not written. My hope was to obtain a legal clarification of the facility we were designing on the new site.

The original plan was to create completely separate facilities. We then agreed to put both the jail and the drug and alcohol facility on the same site. This then evolved into a single building with shared systems including security. It appeared to me that we had designed something that was clearly a jail. County Counsel's legal opinion did not define the question about this facility.

I have had the opportunity to discuss this with both Chair Stein and County Counsel Sponslor. I believe we are developing a better understanding of the various points of view. There may not be a clear line that can be drawn in advance defining a jail and a non-jail facility.

I am very committed to our development of drug and alcohol treatment. In the last three years we have booked over 40,000 inmates each year. 65% to 70% of them are impacted by drug and alcohol issues. If we can work together we can resolve these problems and move forward.

# Bullard, Korshoj, Smith & Jernstedt

A Professional Corporation  
Attorneys At Law  
1000 SW Broadway, Suite 1900  
Portland, Oregon 97205  
(503) 248-1134

TO:

CONFIDENTIAL

Sheriff Dan Noelle  
12240 NE Glisan  
Portland, OR 97230

965- 12 DHW  
June 1, 1998

EMPLOYER'S IDENTIFICATION NUMBER: 93-0693273

STATEMENT FOR PERIOD THROUGH 5/31/98

LEGAL SERVICES REGARDING: A & D Treatment Center /Jail Issues

4/30/98	Conference; telephone conference with Sheriff Noelle regarding jail issues; conference call with Sheriff Noelle	DHW	1.00
		HR	1.00
5/01/98	Conference regarding jail issues	DHW	1.00
	Facsimiles from and conference with Sheriff Noelle; review memoranda; conferences regarding case strategy	HR	2.50
	Research at Multnomah Law Library regarding Multnomah County Charter and Multnomah County Code	KBL	1.00
5/03/98	Study County Counsel opinion letter and statutes and opinions cited therein; study memos and documents regarding jail issues; conferences, outline issues	DHW	3.40
	Review materials; research, analyze and discuss County Counsel's opinion	HR	2.50
5/04/98	Study documents and materials from client; conference; telephone conference with Sheriff Noelle regarding same; draft letter to Sheriff Noelle and review statutes and documents regarding same	DHW	3.90
	Review and analyze materials received from Sheriff's office, ordinances and statutes; conferences with Sheriff Noelle and staff; conference with Dan Olsen of Washington County regarding levy issue	HR	2.80
	Research regarding Multnomah County Code and Multnomah County Charter	KBL	.90
5/05/98	Conference with Mr. Olsen's office; review legal opinion regarding pre-Measure 57 levies	HR	1.10
5/07/98	Conference regarding new materials from client; analyze new materials; prepare for drafting opinion letter	DHW	1.40
	Conference with Sheriff Noelle; review new materials; discuss implications and	HR	3.00

Sheriff Dan Noelle

965-

12 DHW

PAGE 2

	analysis; plan conference with attorney Sponsler		
5/08/98	Telephone conferences with Sheriff Noelle; study documents regarding jail issues	DHW	.80
	Research regarding Board procedure and RFPS; conference with Ms. Simon; facsimilies from Ms. Simon; conferences with Sheriff Noelle; revise planned consultation with attorney Sponsler; conference regarding case strategy	HR	3.20
5/11/98	Study documents, correspondence and statutes regarding Sheriff's authority over county correctional institution; draft, revise and edit opinion letter regarding same; conference	DHW	7.90
	Review and revise opinion letter; conference with Sheriff Noelle	HR	1.70
5/12/98	Legal research for opinion letter on Sheriff's authority; revise and edit opinion letter; meet with Sheriff Noelle regarding same	DHW	4.40
	Review of Oregon criminal statute	ASC	.20
	Meeting with Sheriff Noelle; research regarding ORS 144.087 definition of supervisory authority; revise opinion letter; draft memorandum to County Counsel; research regarding authority of Sheriff as a state official	HR	4.10
5/13/98	Revise and edit letter and memo to Sheriff Noelle; study 1995 statutes regarding same; conference regarding same	DHW	1.10
	Review Senate Bill 1145 and definition of supervisory authority; conference regarding statutory vs. charter precedence; conference with Sheriff Noelle; reconsider County Counsel's analysis of ORS 144.087	HR	2.80
5/14/98	Revise and edit opinion letter; conference	DHW	.80
	Review ORS Ch. 144; conference with Ms. Simon; conferences with Sheriff Noelle; finalize opinion letter	HR	2.00
5/20/98	Correspondence from Sheriff Noelle; review Sponsler 5/19 opinion memorandum; conference regarding legislative history research	HR	.30
	Legislative history research regarding custodial facilities	KBL	2.60
5/21/98	Study Mr. Sponsler's 5/18/98 legal memo	DHW	1.20

**Bullard, Korshoj, Smith & Jernstedt**

A Professional Corporation

Sheriff Dan Noelle

965- 12 DHW PAGE 3

to Sheriff Noelle; revise and edit  
proposed charter amendment; letter to  
Sheriff Noelle regarding same;  
conference; telephone conference with  
Sheriff Noelle

	Continue legislative history research regarding custodial facilities	KBL 1.70
5/22/98	Telephone conference with Archives regarding legislative history regarding custodial facilities	KBL .20
5/27/98	Telephone conference with Archives regarding legislative history; review minutes on Internet to determine which tapes to order	KBL .90
5/29/98	Begin analysis of documents received from Archives	KBL 2.90

TOTAL FEES

\$9,922.50

**COSTS AND EXPENSES**

Photocopy Expense	\$16.50
Long Distance Telephone Charges	\$4.60
Telefax	\$4.00
Photocopy Expense	\$6.15
Photocopy Expense	\$12.30
Telefax	\$12.50
Photocopy Expense	\$6.60
Photocopy Expense	\$9.15
Lexis Research Charge	\$2.29
Telefax	\$1.50
Photocopy Expense	\$12.60
Telefax	\$1.00

TOTAL COSTS AND EXPENSES

\$89.19

CURRENT CHARGES

-----  
\$10,011.69

PAY THIS AMOUNT

\$10,011.69

Any Payments Received After June 1, 1998  
Will Appear on Your Next Statement

**NOTICE:**

THIS STATEMENT IS DUE AND PAYABLE WITHIN 30 DAYS OF THE ABOVE DATE.

STATEMENTS NOT PAID ON A TIMELY BASIS  
WILL BE SUBJECT TO A 9% PER ANNUM (.75% PER MONTH) CHARGE.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY OREGON

ORDINANCE NO. 917

An Ordinance amending MCC 7.201 relating to the Office of County Counsel.

(Stricken language in brackets [ ] is to be deleted; **Bold** language is new.)

Multnomah County ordains as follows:

Section 1. Amendment

MCC 7.201 (M) shall be amended as follows:

(M) Employ outside legal counsel on behalf of the county when the County Counsel deems it necessary or appropriate to do so. A majority of the entire Board may also employ outside legal counsel for a specific county matter, **and a majority of the entire Board may authorize a board member, sheriff, district attorney or auditor to retain outside legal counsel to advise the elected county official on a specific county matter. The Board shall specify the amount of the elected official's budget that may be appropriated for this purpose.** With these exceptions no county elected official, board, commission, committee, department director or employee shall employ or be represented by counsel other than the County Counsel.

Section 2. Ratification.

The Board hereby ratifies the Sheriff's action in retaining the law firm of Bullard, Korshoj, Smith & Jernstedt to provide legal advice to the Sheriff on the issue of the Sheriff's authority as it relates to the county's proposed secure residential alcohol and drug treatment facility. This ratification applies to legal advice rendered on the stated issue up to and including June 15, 1998. In addition, the Board hereby authorizes the Sheriff to pay Bullard, Korshoj,

1 Smith & Jernstedt for services rendered up to and including June 15, 1998. Said payment shall  
2 not exceed \$15,000 and shall be made out of the Sheriff's budget.

3 Section 3. Effective Date.

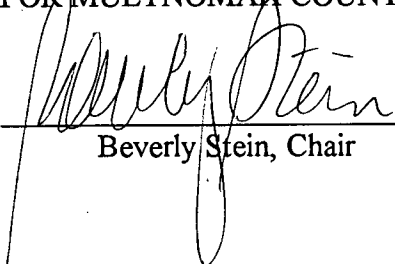
4 This Ordinance shall be come effective thirty days following Board approval.

5 APPROVED this 30th day of July, 1998, being the date of its third reading before the  
6 Board of County Commissioners for Multnomah County, Oregon.  
7



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By

  
Jacqueline A. Weber, Assistant County Counsel

Meeting Date: JUL 14 1998 JUL 30 1998  
Agenda No: R-9  
Est. Start Time: 9:30 10:40

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** A DeNovo Hearing before the Board of County Commissioners regarding the Hearings Officer's decision on CU 4-98 & HV 7-98.

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

**REGULAR MEETING** Date Requested: July 14, 1998  
Amt. of Time Needed: 1 hour

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

**PERSON(S) MAKING PRESENTATION:** Chuck Beasley / Liz Fancher

### ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

### SUGGESTED AGENDA TITLE

DeNovo Hearing before the Board of County Commissioners regarding an appeal of the Hearings Officer's decision approving CU 4-98 & HV 7-98 with modifications to condition number 3 to require the applicant to comply with private road standards of MCC 11.15.2074 (D)

### SIGNATURES REQUIRED

Elected Official: \_\_\_\_\_

or

Department Manager: \_\_\_\_\_

*KB* *Liz Fancher*

98 JUL - 8 PM 2:51  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS



## BOARD HEARING OF July 14, 1998

TIME 9:30am

CASE NAME: Andre Protassy

NUMBER: CU 4-98, HV 7-98

### 1. Applicant Name/Address

Andre Protassy  
12120 SW Boones Ferry Rd.  
Portland, OR 97219

Owner:  
Andre Protassy

#### Action Requested of Board

☐ Affirm Hearings Officer Dec.

☐ Hearing/Rehearing

#### Scope of Review

☐ On the record

☒ De Novo

☐ New information allowed

2. **Action Requested by Applicant:** Conditional Use approval to modify a condition of approval imposed in case number CU 12-96, which approved a new dwelling in the Commercial Forest Use (CFU) district. The condition requires compliance with the private road standards of the CFU, which include a 20' wide improved road width and other standards. The applicant is also requesting immediate Building Permit approval. The variance request is to allow the minimum road width of 20' to be reduced to 16.'

### 3. Planning Staff Recommendation

Approve in part, the Conditional Use request CU 4-98. The request is for modification of Conditions of Approval for CU 12-96 which require that the applicant demonstrate compliance with the private road standards of MCC 11.15.2074(D), and to direct or require staff to approve the Building Permit immediately. Approval of his variance request, HV 7-98, and subsequent construction of the road to the revised road width, will satisfy MCC .2074(2) and (7). If the variance is approved, staff recommends approval of the request to modify condition #3 of CU 12-96 accordingly. Staff recommends against approval of the Building Permit until the approved road is either in place, or until assurance of timely construction is made.

The staff recommendation to the Hearings Officer was to approve an alternative variance. The applicant's requested variance is to reduce the private road width requirement of .2074(D)(2) from 20' to 16'. The applicant did not demonstrate that a practical difficulty exists for the first approximately 170' of road, therefore staff recommended approval of an alternative variance. This variance would allow the improved road width to be reduced to 16' and would require improvement of one 40' long section to the full 20' width to provide a turnout as required in .2074(D).

### 4. Hearings Officer Decision

The Hearings Officer modified Condition of Approval #3 of CU 12-96 to require that the applicant comply with the private road construction standards of MCC 11.15.2074(D), except as modified by the approved variance.



The Hearings Officer denied the requested road width reduction for the first 170' of roadway, and approved a variance to reduce the width for the remainder of the road from 20' to 18'. A condition is imposed that requires that the applicant obtain a Grading and Erosion Control permit for the road work and drainage improvements.

**5. If recommendation and decision are different, why?**

The staff recommendation and Hearings Officer decision are essentially the same for the Conditional Use request. The Hearings Officer found that she does not have the authority under the code to direct staff to approve the Building Permit.

The Hearings Officer agreed with staff that the applicant did not demonstrate justification of a variance for the east 170' of the roadway. The Hearings Officer found that the applicant should build the rest of the road to the maximum width possible in order to protect public safety, and that since the existing utility poles along the north side of the road would need to be moved to construct the requested 16' wide road, that the road should be widened further. The Hearings Officer decision to widen the road beyond the staff recommendation is based on new information submitted at the hearing.

**ISSUES**

*(who raised them?)*

**6. The following issues were raised:**

Staff accepted the applicant's argument that the walnut trees on the south side of the road, and the utility poles on the north side of the road, could be found to be a "practical difficulty" as required for consideration of a variance. The trees did not exist along the first 184' of the road when application was made, therefore staff found that a variance was not justified along that portion of the road. The applicant submitted evidence during the hearings process which showed that the utility poles along the north side would need to be moved in order to widen the road to the requested 16' width. Therefore, there is no practical difficulty to widening the road on the north to the widest allowed within the 30' easement.

The applicant raised an issue that since the road had been approved for a reduction in width from 20' to 16' in a past land use action, and since the road has not been built, he should not be required to meet the ordinance requirements applicable to his application. The Hearings Officer found that the earlier reduction in road width was for a different applicant, was to a different legal standard, and does not in any way justify a variance to the CFU zone standard that applies here

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

No.

ISSUE	CODE REQUIREMENT	WHO RAISED ISSUE?	HEARINGS OFFICER DECISION	STAFF CONCERNS/ COMMENTS	RECOMMENDATION
1. Practical Difficulty (need for variance)	<b><u>MCC .8505(A):</u> The Approval Authority may authorize a variance from the requirements of this chapter only when there are practical difficulties in the application of the Chapter.</b>	Hearings Officer/ Staff.  Requires a finding that a practical difficulty exists to constructing the road to the full 20' width required by the ordinance.	The applicant cited mature walnut trees along south side of road and utility poles on north side of road were the practical difficulties claimed by the applicant.  Mature walnut trees and poles do not exist along the first 170' of the road, the small trees planted along the road in April of 1998 are a self- created hardship and could have ( and still can ) be planted elsewhere, therefore, no practical difficulty was shown for this area.  The poles on north side need to be moved to construct the 16' wide road which is the width asked for in the variance.	Agrees with Hearings Officer.	Adopt Hearings Officer decision.

ISSUE	CODE REQUIREMENT	WHO RAISED ISSUE?	HEARINGS OFFICER DECISION	STAFF CONCERNS/ COMMENTS	RECOMMENDATION
2. Road width reduction already approved for Camp Angelos, Protassy should not be required to meet.	<p><b><u>MCC .2074(D):</u> A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:</b></p> <p><b><u>(2)</u> Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway.</b></p>	Applicant	Variance from one legal standard does not, in any way, justify a variance from another legal standard.	Agrees with Hearings Officer. The camp received a road width reduction to the 20' width required by the Off-Street Parking standard of MCC .6128 in October of 1993, to implement a CS use approved in March, 1992. The CFU road standards became effective for applications received 30 days after Dec. 8, 1992, when the standards were adopted. The road width standards of the CFU zone were not applied to the Design Review decision for the camp because the use decision was made in March 1992, prior to the effective date of the new standards.	Adopt Hearings Officer decision.

ISSUE	CODE REQUIREMENT	WHO RAISED ISSUE?	HEARINGS OFFICER DECISION	STAFF CONCERNS/ COMMENTS	RECOMMENDATION
3. The road has already been approved as is by fire district	Same as in 2. above.	Applicant	Response received from District in response to applicant's dwelling does not explain why a private roadway that does not meet the CFU code requirements listed on the comment sheet, carries out the safety concerns that the standards were adopted to address.	<p>Agrees with Hearings Officer.</p> <p>The road width standards adopted by the County in late 1992 are the same as the standards recommended by the Oregon Department of Forestry in the statewide publication "Fire Safety Design Standards for Roads."</p> <p>As county code requirements, the adopted standards are legal standards. HB 3508 specifies that when a local government adopts road width standards, those standards supersede standards in the fire code. In this case, the county standard for road width is the same as the state fire code for roads which access three or more dwellings e.g. 20'.</p>	Adopt Hearings Officer decision.



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

11#  
ZONING 530.00  
TOTAL 530.00  
0000-001 6/19/98  
8221 DERRIC 11:12AM

## NOTICE OF REVIEW

1. Name: PROTASSY , Andre  

*Last**Middle**First*
2. Address: 12120 SW Boones Ferry Rd. Portland , OR. 97219  

*Street or Box**City**State and Zip Code*
3. Telephone: ( 503 ) 245 - 5569
4. If serving as a representative of other persons, list their names and addresses:
5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?  

Hearings Officer Decision

  
CU 4-98 and HV 7-98
6. The decision was announced by the Hearing Officer on June 7 , 19 98
7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

As an owner of 32152 SE Stevens Road  
TL 44 of Section 8, T1S, R4E

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

Grounds will be presented before or at the hearing

9. Scope of Review (Check One):

(a) ☐ On the Record

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

(c) ☒ De Novo (i.e., Full Rehearing)

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

Grounds will be presented before or at the hearing

*Misrepresentation, misleading, violating <sup>my</sup> civil rights. Using personal reasons from staff to deny most of other things I applied for*

Signed: \_\_\_\_\_

*Andrew Proctor*

Date: \_\_\_\_\_

June 19, 1998

For Staff Use Only

Fee:

Notice of Review = ~~\$500.00~~ 530.00

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Case No. \_\_\_\_\_

---

Friday, June 19, 1998

Grounds For Reversal of Decision:

The decision is unconstitutional, depriving me of protections and of rights that are granted to others. Making me build a road bigger than the one the County already approved creates an unnecessary impact. The findings are insufficient to support the decision because they failed to indicate the basis for the decision. The decision is not supported by substantial evidence in the whole record. The decision is flawed by procedural errors that prejudice my substantial rights. The decision improperly construes the applicable law ORS 197835.

The requirement for the road ignored evidence that creation of the road would cost hardship on me. It is unnecessary to meet fire and police standards and is in violation of conservation and environmental protection policies.

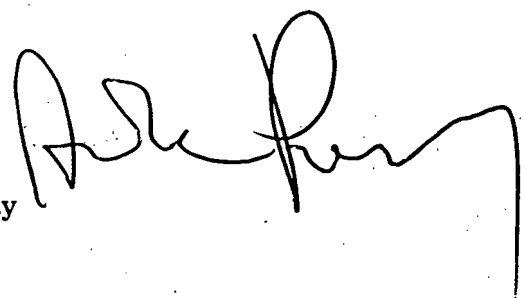
It is my contention that the Hearings Officer decision should be reversed because the Hearings Officer exceeded her jurisdiction by imposing staff personal rather than legal standards in her analysis. The Hearings Officer decision is not based upon substantial evidence in the record.

The locations and width of the road were suggested by County staff, but no evidence is in the record that they are superior to or even equivalent to the one chosen by me, the applicant.

As the Hearings Officer recognized the road used to access my dwelling continues beyond the subject parcel of the property. There is substantial and un rebutted evidence in the record that the road will exist regardless of the future use of the site for my dwelling.

Respectfully,

Andre Protassy



PLANNING SECTION  
MULTICOUNTY

98 JUN 19 PM 3:32

RECEIVED



DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214-2865  
(503) 248-3043 FAX: (503) 248-3389

MEMORANDUM

To: Board of County Commissioners  
From: Chuck Beasley  
Date: July 7, 1998  
Re: Timeline of Protassy Zoning Violation Resolution

---

Below is a timeline of events which relate to processing of the permits needed to resolve this zoning violation. This is included because of the extended time we have been working to help Mr. Protassy meet the legal requirements for the dwelling constructed without permits.

**Conditional Use CU 12-96, Major Variance HV 18-96, Significant Environmental Concern SEC 27-96**

11/2/95 Notice of Zoning Violation

5/6/96 Pre-Application conference to legalize dwelling (held by Barry Manning). Pre-app submitted 4/17/96.

11/12/96 Application materials received for CU 12-96, HV 18-96, and SEC 27-96. The CU is for the forest dwelling, the HV for a major variance to front and side yard setbacks, the SEC is the general Sandy River application.

12/9/96 Notice of incomplete application mailed.

4/18/97 Submittal by applicant of a portion of the requested information.

4/24/97 Second incomplete letter mailed.

5/12/97 Second submittal by applicant.

6/22/97 Notification to applicant that application is complete as of 5/12/97.

7/16/97 First Hearings Officer hearing. Staff recommends denial on all three applications, primarily because the applicant did not demonstrate compliance with one or more



approval criteria. Applicant requests and is granted 7 days to submit additional evidence.

- 7/18/97 Statement from Hearings Officer including her list of information lacking in the application and includes questions the applicant needs to answer.
- 7/22/97 Letter from Paul Norr, waiving the 120 days, requesting that the Hearings Officer hold the record open until 9/24/97 in order to submit additional evidence in support of the application.
- 7/28/97 Hearings Officer grants request to extended period for open record.
- 9/24/97 Supplement to the record received from Paul Norr. (Record closed 10/1/97)
- 11/18/97 Hearings Officer decision signed. (Decision mailed to parties on 11/21/97.)
- 12/4/97 Decision approved on Consent Calendar by BOC.

**Design Review DR 14-97**

- 12/26/97 Application materials received for Design Review.
- 1/7/98 Notification of incomplete application letter mailed.
- 1/9/98 Follow up incomplete letter, confirmation that road does not meet improvement standards of MCC .2074(D).
- 1/13/98 Submittal by applicant, agrees to widen road 4' on his (south) side. This is the same side on which the trees are located.
- 1/26/98 Submittal by applicant, includes revised section pertaining to road and omits the agreement to widen the road.
- 1/30/98 Notice of complete application after receipt of Geotech report. States that needed road improvements do not have to be addressed again in Design Review application, states that road improvements need to be done prior to county approval of the Building Permit. Advises that if additional time is needed to complete the road, and/or if he wants to apply for a variance to the road width standard, he should immediately apply for a Modification of Condition and Variance. Letter warns that if he fails to comply with the conditions and timelines of the CU it will void.
- 2/10/98 Design Review application approved.

**Conditional Use CU 4-98, Variance HV 7-98**

- 4/9/98 Initial submittal by applicant for Modification of Condition CU 4-98 and HV 7-98.
- 4/15/98 Incomplete letter. Needs to address quasi-judicial policies. Hearing is scheduled for 5/6/98.
- 4/21/98 Submittal by applicant of a portion of the requested information.
- 4/27/98 Submittal by applicant of balance of requested information.
- 5/6/98 Hearing. Staff recommends alternate variance. New information regarding location of the utility poles in relation to the existing easement and mature Walnut trees, and information that new trees have been planted along the east 170' of roadway, is placed into the record by the applicant. The record held open until May 22, 1998 to allow applicant additional time to submit testimony and argument.
- 6/7/98 Decision signed by Hearings Officer. Appeal period ends June 22, 1998.
- 6/19/98 Notice of Review filed and fee paid.



DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214-2865  
(503) 248-3043 FAX: (503) 248-3389

**To:** Multnomah County Board of Commissioners

**From:** Chuck Beasley *CB*

**Date:** July 7, 1998

**Re:** Cu 4-98 and HV 7-98 Addition to Record

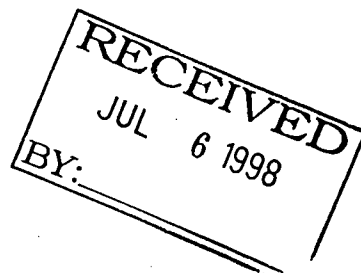
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Attached are three documents for the record of this case. The first is a summary of the decision and comments from the Hearings Officer. This is a concise description of the case and the legal basis for the decision, and also contains her thoughts about some of the issues raised in Mr. Protassy's Notice of Review.

The second is a letter from the applicant dated January 13, 1998, which was submitted in response to correspondence from staff on the administrative Design Review application DR 14-97. Staff had sent Mr. Protassy a letter stating that the road did not meet the road width standards of MCC .2074(D)(2) as required in the Conditional Use approval CU 12-96. The attached letter applies to this case in that the last sentence contains a statement that he will widen the road 4' on his side (the south side) in order to meet the applicable standard. In a subsequent submittal, Mr. Protassy omits the promise to widen the road, and staff included the later letter in the record of DR 14-97. This letter was not before the Hearings Officer in the current case, CU 4-98 and HV 7-98.

The third document is a letter dated July 6, 1997, to Mr. Protassy, informing him that the time allowed for him to meet the conditions of approval of CU 4-98 has elapsed, but that we are offering another opportunity for him to comply. The letter lays out three steps he can take in order to keep his Conditional Use permit valid, and to resolve his zoning violation.

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



**Case File:** Conditional Use CU 4-98  
Minor Variance HV 7-98

**Matter:** Appeal of partial approval of CU 4-98 and HV 7-98 re  
road width standards of the CFU zone

**Location:** 32152 SE Stevens Road

**Property Description:** TL '44' of Section 8, T1S, R4E

**Zoning:** CFU, Commercial Forest Use  
SEC, Significant Environmental Concern

**Applicant/Owner:** Andre Protassy

**Hearings Officer:** Liz Fancher

**SUMMARY OF HEARINGS OFFICER'S DECISION AND COMMENTS**

**Construction of Dwelling without Permits**

The Protassy residence was damaged by fire many years ago. More than one year following the date of the fire, Mr. Protassy built a new home on his property without receiving building permit, septic permit or land use permit approval.

**Conditional Use Approval**

In 1996, the County required Mr. Protassy to seek conditional use approval for a dwelling in a forest zone for his illegally constructed dwelling. The east side of the Protassy property adjoins the end of Stevens Road. The home is located on the west side of the Protassy property and is reached by driving a distance of more than 500' over a private road. In the conditional use application, Mr. Protassy stated that the private road was 20' wide and, therefore, met CFU zone standards that require a 20' wide road for the Protassy property.

The Hearings Officer approved Mr. Protassy's conditional use permit in 1997 subject to proof of compliance with the road standards of the CFU zone, including the 20' wide roadway requirement. Mr. Protassy did not appeal the Hearings Officer's decision and that decision became final.

## **Compliance Problems**

Following conditional use approval, it was determined that the private roadway that serves the Protassy residence does not meet County road standards as it is only 10' to 14' wide. As a result, Mr. Protassy filed for approval of a modification of the Hearings Officer's 1997 decision and for approval of a variance to allow use of 16' wide, rather than a 20' wide road.

## **Grounds for Variance & Modification Requests**

The main grounds claimed to support the variance and modification were:

- (1) It is not possible to widen the road to the south of its present location without harming existing, mature walnut trees; and
- (2) It is not possible to widen the road to the north because power line poles exist within a short distance of the northern edge of the private road.

## **Legal Criteria**

A variance may be approved **only if** the applicant demonstrates that "practical difficulties" exist in the application of the zoning ordinance. Approval of the variance may not be materially detrimental to the public welfare or injurious to area property.

## **Hearings Officer Action**

The Hearings Officer denied the variance request for the first 170' of roadway, as measured from the terminus of Stevens Road, as no mature walnut trees or telephone poles exist in this section of roadway. As a result, no practical difficulty exists to warrant a variance. The Hearings Officer approved a variance to 18' in width for the remainder of the roadway, however, in order to protect the mature walnut trees from damage due to road construction.

## **Reasons for Hearings Officer's Decision**

A 20' wide road was required for the first 170' of the Protassy private road because no practical difficulties (mature trees or telephone poles) were found to exist in this section of roadway. Mr. Protassy planted new trees close to the south side of roadway in April 1998, after the filing of the variance application. The trees were planted to replace mature trees that died or were cut down a number of years ago. The April 1998 planting effort appears to have been designed to create a difficulty to justify this variance. Such a self-created difficulty is not a valid legal reason to grant a variance. Further, the trees are very small and it appears that it may be possible to move the trees to another location or to replace the trees with other trees in another, more appropriate location.

An 18' road width was required for the rest of the roadway (near the mature trees and telephone poles) because this is the narrowest width that was justified by the evidence in the record. The evidence is that the telephone poles will be moved in the near future, thereby allowing Mr. Protassy to improve his road to the north of the centerline. Evidence in the record shows that, without the telephone poles in the easement area, it is possible to build a road 21' in width without expanding the road toward the walnut trees on the south side of the road. The Hearings Officer determined that a 3' wide strip of land would be needed within the easement area for the relocated telephone poles. This strip will provide a small buffer area between the poles and the roadway. These facts established a practical difficulty that justified a variance to 18 feet, not the 16 feet requested by Mr. Protassy.

### **New Evidence and Due Process**

Camp Angelos, another user of the private road in question in this appeal, is required by a prior County land use approval to widen the Protassy roadway to 16 feet in width. The camp submitted evidence to the County that showed that the camp plans to and will need to move the telephone poles in order to widen the Protassy roadway. This new fact had a significant bearing on the question of practical difficulty. Upon learning this new fact, the Hearings Officer extended the post-comment period in order to allow all parties, particularly Mr. Protassy, to respond to the evidence.

### **Protassy Grounds for Appeal**

Mr. Protassy appears to be raising a challenge to the road improvement requirement and the Hearing Officer's decision based upon the Dolan decision. No challenge of the road improvement requirement imposed by the conditional use approval was raised in the conditional use approval process. No such challenge was raised during the variance proceedings until the filing of this appeal.

The Dolan case requires the County to show, by individualized factual findings, that any property dedication or public improvement requirement in a land use decision be "roughly proportional" to the impact of the development being permitted. The time to have made such findings, however, was during the conditional use approval process. At that time, the County could have assured safe ingress and egress to the Protassy home without any claim of unconstitutional exactions, by requiring Mr. Protassy to place his home in the eastern area of his property, near the end of Stevens Road. This location met the conditional use approval criteria for a dwelling, as did the site approved by the Hearings Officer (assuming that the roadway was actually 20' in width).

During the conditional use permit review, however, Mr. Protassy strongly resisted all County requests that the Protassy home be moved to the eastern end of the property. Mr. Protassy argued to retain his home in its current location because he did not want to move the illegally constructed home. The Hearings Officer allowed Mr. Protassy to retain the current home site, rather than move the home to the eastern side of the Protassy property based upon the understanding that the private roadway was 20' in width and would

provide safe access to the Protassy residence for fire vehicles in compliance with the County ordinance. This was a particular concern because of the fact that the house adjoins a steep, heavily wooded area and is uphill from a heavily used camp. It is clear now, however, that the private roadway is too narrow to meet County fire safety standards. If this fact had been known during the conditional use permit review, the Hearings Officer would have required Mr. Protassy to place his home on the eastern area of his property where fire safety could be assured without imposing any type of road improvement requirement.

As mentioned earlier, a prior land use decision requires Camp Angelos to improve the private roadway to 16' in width for the entire length of the road. This means that it is highly unlikely that Mr. Protassy will pay for the full cost of the roadway improvements required by the decision.

The Hearings Officer's decision was based upon the facts of the case, not upon "personal" reasons from staff. Mr. Protassy's evidence was reviewed closely, however, it is obvious from photographic evidence in the record that Mr. Protassy's oral testimony regarding damage to his walnut trees was inaccurate.

The primary reasons that Mr. Protassy did not receive the variance approval he requested are:

- (1) No practical difficulty exists to support approval of a variance for the first 170' of the road; and
- (2) One of the two practical difficulties that may have justified a 16' wide road, the telephone poles, will be moved by Camp Angelos in the near future; and
- (3) Mr. Protassy failed to provide evidence to establish that a full 5' area is needed between the roadway and the edge of the roadway easement (the width that must be justified to warrant a 16' roadway width).

Mr. Protassy's notice of appeal makes it clear that Mr. Protassy believes that it is his role to choose the correct road width for the private roadway. The road width standard has been set by County ordinance and may be changed only to the extent necessary to alleviate proven hardship. In this case, that proof was not provided.

#### **Protassy Intentions re Road Improvements**

At the land use hearing, Mr. Protassy stated his legal theory that if a 16' wide road is approved by the County to serve the Protassy residence that Camp Angelos, and not Andre Protassy, will be required to improve the private road. The Hearings Officer advised Mr. Protassy that Protassy is not relieved from any obligation to improve the road just because Camp Angeles is responsible for roadway improvements. The fact that Camp Angelos must also improve the road, however, means that users of the road should be able to agree to share the costs of improving this road to County standards.

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MULTNOMAH COUNTY  
PLANNING SECTION

Tuesday, January 13, 1998

Multnomah County Planning Division  
2115 SE Morrison St.  
Portland, OR 97214

Attention: Chuck Beasley, planner

RE: Design Review Request DR 14-97 at 32152 SE Stevens Road

Dear Mr. Beasley:

From your letters dated January 7, 1998 and January 9, 1998, I see once again that some kind of misunderstanding has occurred. Again, I will try in detail to satisfy all the criteria in question.

(1) MCC.7850 (A) (6) Surface Drainage-Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets and

(2) MCC 11.15.6420 (J) : Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restrictions on timing of soil disturbing activities.

Which is condition number five of CU 12-96.

In the decision of the hearings officer under MCC 11.15.6420 (J) Staff indicated that there are no areas of erosion observed on the property. Further down, the hearing's officer indicates, "Exempt activities, however, need not to be addressed in the plan."

In the Chapter 9.40. Grading and Erosion Control Code under 9.40.020 are clearly indicated all Exempt land Uses and Activities. Which I all, under (B) General Exemptions meet.

(1) Natural and finished slopes will be less than 25 percent.  
I have less than eight percent.

(2) The disturbed or filled area is 20,000 square feet or less.  
There is no disturbed or filled area, and the property I am building on is less than 8,000 square feet.



(3) The volume of soil or earth materials to be stored is fifty cubic yards or less. No earth materials have been moved whatsoever.

(4) Rain water run off is diverted either during or after construction, from an area smaller than 10,000 square feet.

The area is smaller than 8,000 square feet.

(5) Impervious services, if any, of less than 10,000 square feet are to be created. There are no impervious services at the building site.

(6) No drainage way is to be blocked or have its storm water carrying capacities or characteristics modified.

No drain way was blocked. The storm water carrying capacities were there for more than thirty years (On the old house). The new structure is sitting on the exact same place and the drainage 4" pipes are carrying the roof water in the exact same direction as the old ones did. The only difference is that I replaced and improved the old material with new one.

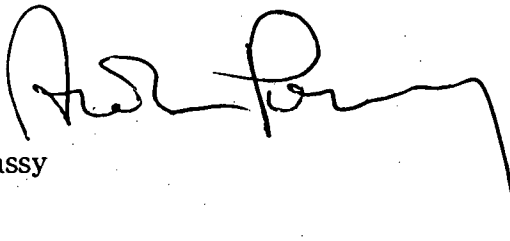
Notwithstanding MCC 9.40.020 (A) (B) (1) through (6) the following activities took and will take place in order to minimize soil erosion and protect neighboring properties. Adequately designed and sized septic system was designed and approved by a sanitarian, which also will be approved by the City of Portland Authorities. The system existed for more than thirty years, and for better service was replaced with a new system in 1989. The system was put on the exact same place where the old one was. Talking to the previous owner, no erosions whatsoever were noticed on the entire property, especially on the west property line. No erosions whatsoever were observed also since I bought the property in 1987. All natural drainage on the property flows to the south and into the Sandy river. Considering that no excavation, earth movement, vegetation removal, and altering of a drainage course took place, the criteria have been met. Regardless of all the above, for more safety, to protect my property and structures and to control erosion, I will direct the 4" pipes to the south on my property so that the water going through will drain into the natural surface drainage and into the Sandy river. Most of the water is going to drain into the soil after a bed of drainage rock will be installed. The density of the trees and the rocky soil did not allow any erosions in the past but to ensure even more protection, I will plant even more trees to perfectly satisfy the criterion so that the whole system will not adversely affect the neighboring properties.

(3) MCC 2074 (D) (2) and (4)

and Conditions of Approval 3. A and D. of CU 12-96 in relation with MCC 7850 (A) (2) and (5).

The private road which serves Protassy's property, the Camp, and the neighbor to the north is in existence for more than forty years. More than twenty years ago, easement was granted to the Camp and the road was maintained by the Camp. I bought the property under this condition, and signed a statement with which I accepted the condition. It seems to me that after more than forty years of service I solely have to take responsibilities for maintenance of the road. MCC 2074 (D) is there for cases where no roads and driveways exist and the standards you provide are for a building of a new road. I am confused some how because the road existed for so long time and was accepted by the authorities like Fire Marshal, Police department, and others. It did not bother anyone, and was good enough to serve the three properties. Considering that very often there are passing by vehicles like dump trucks, buses, logging trucks, and long and wide load vehicles. In addition of some times hundreds of cars and buses going to the Camp. I and my neighbor to the north have one or two cars, which are going in and out maybe once or twice a day. I still don't get it and am curious where does it say that a private road which serves three different properties has to be maintained only by one of the owners. Is that a privilege to only two property owners? How do I have to feel?-Discriminated? Despite the facts above, I am willing to maintain vertical clearance of 13' and 6" starting immediately after the weather makes it possible for me. In addition to that, I will widen the road on my side with four feet to meet the applicable standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andre Protassy', with a long horizontal flourish extending to the right.

Andre Protassy



DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214-2865  
(503) 248-3043 FAX: (503) 248-3389

---

July 6, 1998

Andre Protassy  
12120 SW Boones Ferry Rd.  
Portland, OR 97219

Subject: Non-Compliance with Condition of Approval #6. of CU 12-96, to Legalize the Dwelling Currently Under Construction, Extension of Time to Meet Condition.

Dear Mr. Protassy:

This letter is to inform you that you have not satisfied the above cited Condition of Approval within the six month time specified in the final decision in Conditional Use approval CU 12-96. The terms of that decision state that if the time frames are not strictly complied with, "this permit shall expire and be of no further legal validity and the residence shall be removed from the subject property by the applicant." You were advised by staff to include a request for additional time to meet the condition along with your Modification of Condition request in CU 4-98, however you did not make the request. Nevertheless, in recognition of your application to resolve the road width improvement requirement, and due to our interests of trying to resolve this zoning violation as quickly as possible and to avoid processing a new dwelling application, we are extending your time for compliance with Condition of Approval #6 as specified in this letter.

Condition of Approval #6 of CU 12-96 allowed six months for you to obtain a Building Permit for the dwelling under construction on your property. During the process of verification of compliance with the private road construction standards in order to meet Condition of Approval #3 of CU 12-96, staff found that the road does not meet the 20' width standard. Your requests for Modification of Condition and Variance have been approved for a road width reduction to 18' for a portion of the road. We have already advised you that we will give zoning authorization of the Building Permit when either the road is constructed as required, or when we receive surety sufficient to ensure that the road improvements will be built. In order to avoid enforcement action, you must :

1. Meet the requirements for a complete Grading and Erosion Control (GEC) permit application for construction of the necessary road improvements within 60 days of the final decision from the Board of Commissioners in CU 4-98. The GEC application shall include a road design consistent with MCC 11.15.2074(D) except as modified by the variance, and include utility relocation and drainage facilities. A registered professional engineer shall complete the design work. In addition, the GEC application shall include a proposed timeline for completing the work.

2. Within 45 days of completion of the GEC application, provide a surety bond or other surety agreeable to the County, for 100% of the cost of the constructed improvements. The value must be based on an estimate by a registered professional engineer or actual bid for construction by an experienced road construction contractor. Land Use Planning with the assistance of the Transportation Division will review the proposed cost of the road for accuracy.
3. Within 45 days of providing the surety, you must obtain a building permit from the City of Gresham Building Department after zoning sign-off by Multnomah County Planning. Due diligence in completing the dwelling shall be shown by keeping the building permit valid and having regular and necessary inspections to complete the dwelling.

This letter is our final notification to you of the measures you must take to maintain the dwelling approval CU 12-96 in effect. Failure to comply with the measures specified herein will result in our referral of your case to County Counsel for prompt enforcement action.

Sincerely,  
Multnomah County Transportation and Land Use Planning Division

Handwritten signature of Kathy Busse in cursive script.

Kathy Busse  
Planning Director

cc: Jeff Litwak, Assistant County Counsel

William C Cox, Attorney at Law  
0244 SW California St.  
Portland, OR 97219

Gary P. Shepherd, Attorney at Law  
3115 SE Salmon St.  
Portland, OR 97214



DEPARTMENT OF ENVIRONMENTAL SERVICES  
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## Decision of Hearings Officer

**Case File:** Conditional Use CU 4-98  
Minor Variance HV 7-98

**Proposed Action and Use:** CU 4-98 is a request for modification of a condition of approval imposed in case number CU 12-96, which approved a new dwelling in the Commercial Forest Use (CFU) district. The condition requires compliance with the private road standards of the CFU, which include a 20' wide access road and other standards. The applicant is also requesting immediate Building Permit approval. The variance request is to allow the minimum road width of 20' to be reduced to 16'.

**Location:** 32152 SE Stevens Road

**Property Description:** TL '44' of Section 8, T1S, R4E

**Zoning:** CFU, Commercial Forest Use  
SEC, Significant Environmental Concern

**Applicant/Owner:** Andre Protassy  
12120 SW Boones Ferry Road  
Portland, OR 97219

**Decision:**

The Hearings Officer denies the variance request for the first 170' of roadway (as measured from the terminus of Stevens Road, east of the Protassy property).

The Hearings Officer approves the variance request for the remainder of the roadway at a width of 18 feet, except that the roadway shall be tapered from the 20' width at the 170' point from the end of Steven Road down to a width of 18 feet, according to County specifications.

The variance is granted upon the express condition that the Applicant obtain a Grading and Erosion Control permit from the County for all required road work and related drainage improvements prior to commencing roadway improvements.

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MULTNOMAH COUNTY  
PLANNING SECTION

**The Hearings Officer modifies Condition of Approval 3 of CU-12-96 to require that the Applicant comply with the requirements of MCC 11.15.2074(D), except as varied by this variance application.**

### **Applications:**

CU 4-98 is a request for modification of Condition of Approval #3 for CU 12-96 which requires that the applicant demonstrate compliance with the private road standards of MCC 11.15.2074(D). MCC 11.15.2074(D) requires Mr. Protassy to widen the existing private roadway to the Protassy residence to a minimum width of 20 feet, to provide a vehicle turnaround and a vehicle turnout. Mr. Protassy proposes to improve the road to a width of sixteen rather than twenty feet. As the road improvement standards included in the conditional use application mirror mandatory County code road requirements, a variance is needed to authorize the requested modification of the conditional use permit.

Mr. Protassy's land use application includes a request that the Hearings Officer direct Multnomah County Planning staff to sign a Building Permit application for the Protassy residence immediately. Mr. Protassy does not identify any provision in the County Code to support this request. Further, the Hearings Officer's authority is strictly limited by law and does not include the authority to direct County staff to take any type of action regarding building permits.

### **Procedural Matters**

A hearing was held on the variance and conditional use applications on May 6, 1998. The record of the application was held open until May 13, 1998 for additional evidence. The Hearings Officer also gave the parties until May 16, 1998 to request an opportunity to respond to new evidence. During the comment period new evidence was received regarding the need to remove the telephone poles in question in this matter to construct a 16' wide road. The Hearings Officer extended the comment period until May 22, 1998 in order to allow the applicant to respond to this new information. On May 21, 1998 the applicant submitted additional information responding to the telephone pole issue.

### **Decision Format**

This decision addresses two requested actions, a request for modification of the Hearings Officer decision, and a Minor Variance. The Applicant's narrative or response to an approval criterion is indicated by the notation "Applicant." Planning staff comments and analysis follow the Applicant's responses to the criteria. Additional planning staff comments are added where supplemental information is needed or where staff may not concur with the applicant's statements. If no staff remarks are indicated, staff concurs with the applicant. The Hearings Officer's comments follow staff remarks. A lack of any findings indicates that the Hearings Officer concurs with applicant and staff comments. Where staff comments differ from the applicant's comments, those of staff shall serve as the controlling findings, unless the Hearings Officer's findings indicate

otherwise.

## FINDINGS:

**Case History:** The applicant's requests follow approval of his forest dwelling application, CU 12-96, in December of 1997, and approval of his Design Review permit DR 14-97 in February of 1998. These cases were and are intended to resolve a zoning violation that entails construction of a dwelling by the applicant without required permits. Inspection of the property for DR 14-97 revealed that a substantial portion of the private easement road is approximately 12' wide, does not meet the 20' width standard of the Commercial Forest Use district, and is therefore not in compliance with CU 12-96.

The record of CU 12-96 includes a written statement from Mr. Protassy that his private road access was 20-feet wide. This statement was provided in order to demonstrate compliance with MCC 11.15.2074(D)(2). This statement is clearly wrong. The road is, *according to Mr. Protassy's current evidence*, a single lane road that is approximately 10 to 12 feet in width. Mr. Protassy claims that his misstatement in CU-12-96 was made because "I assumed that the road, since it has been used for so long, is legal and never bothered to measure it." Whether the road was or was not legal was not question asked in CU-12-96. The question asked was whether the road was 20-feet wide. That question was answered as follows: "The width of the road is at least 20 feet wide . . ." The Hearings Officer finds that Mr. Protassy's prior statement could not reasonably be confused with a statement regarding the legality of the road. Further, a review of the photographs of the roadway and of a car parked in the roadway make it obvious that the existing road is not 20-feet wide. As a result, the Hearings Officer concludes that, at a minimum, Mr. Protassy's prior statement exhibited a complete lack of concern for providing this hearings body with accurate evidence.

Other factual inaccuracies occur throughout Mr. Protassy's testimony, most notably, his statement that the trees that he replaced in April 1998 were lost in an ice storm in the winter of 1997. Photographs from CU-12-96 show that most of the walnut trees that Mr. Protassy claims were lost in the winter of 1997 were not present on the Protassy property in November of 1996. Mr. Protassy offers excuses for his inaccurate testimony, claiming that he was not referring to the loss of all of the trees but it is clear from the photographs that almost all of the walnut trees in question were missing from the Protassy property prior to November 16, 1996.

The fact that Mr. Protassy has provided such inaccurate testimony in this and the earlier conditional use proceeding casts a long shadow on the reliability of the remainder of Mr. Protassy's evidence. As a result, the Hearings Officer has carefully reviewed all of the evidence to determine whether Mr. Protassy has met his burden of proof in the variance and modification proceeding. The burden of proving this case rests on Mr. Protassy's shoulders. Without competent evidence, the requested variance and modification cannot be approved.

A 16' road width for the private road was approved in a Design Review permit for the adjacent Camp Angelos, in October of 1993. Camp Angeles has failed to improve the road to the approved 16' width. The County is currently proceeding to require Camp Angeles to comply with the road improvement requirements of its Design Review approval. The County's approval of a variance for this road in that case was made under different approval criteria and is not binding upon the County in this proceeding. Further, the hearings officer is not authorized to rely upon the fact that such a variance was approved to justify the approval of the requested variance to the road standards of the CFU zone. Approval must be granted based upon facts included in the record of this case and upon the law that relates to the approval of the Protassy dwelling.

The applicant requested immediate zoning sign-off of a Building Permit application in order to obtain the confirmation of compliance with building code requirements needed to meet Condition of Approval #6 of CU 12-96. This condition must be satisfied by June 14, 1998, which is six months from December 14, 1997, the date the decision was final. As discussed above, the Hearings Officer lacks the authority to direct the County to take administrative actions to order County staff to sign a building permit application. As such, this request is denied.

**Description of Site and Vicinity:** The access road is described in the applicant's Exhibits A. and B., which are contained in casefile Exhibit A1.

**Notification and Public Participation:** Notice of the hearing Scheduled for May 6, 1998 and applicable criteria was sent to 15 neighboring property owners, interested parties, and agencies on April 15, 1998. A copy of the notice is included as Exhibit "B1" of this report.

## **Requested Actions**

### **1. CU 4-98, Request for Modification of Hearings Officer Decision**

#### **Applicant:**

This request is for:

- (a) Modification of condition #3D on a prior Hearings Officer decision from CU 12-96, HV 18-96, and SEC 27-96.
- (b) Immediate permit for sign off from Planning Commission in order to obtain Building permit which is going to satisfy condition #6 of the Hearing's Officer decision from CU 12-96, HV 18-96, and SEC 27-96.

Submitted here with are the following exhibits:

- Exhibit A- Site Plan
- Exhibit B- Photographs
- Exhibit C- letter from Halstead's Arborculture Consultants



- Exhibit D- Signed statement from Thomas Layton (Fire Chief), Multnomah County Fire District #14.
- Exhibit E- Signed statement from Dennis Bryson (Fire Chief), Multnomah County RFPD #14.
- Exhibit F- Site Map.
- Exhibit G- Robert E. Meyer Consultants Inc. Statement.
- Exhibit H- CS 4-92 #574- #583-B from March 2, 1992.
- Exhibit I- Administrative decision on an application for Hillside development permit and final design review plan. File numbers DR 17-93; HDP 21-93.
- Exhibit J- Staff Report for Public hearing on August 3, 1994, HV 12-94 (Variance).
- Exhibit K- Decision of the Hearings Officer HV 12-94.
- Exhibit L- Variance request from Spencer H. Vail, Planning Consultant.

The Site: The site is located approximately one and a quarter miles South of the community of Springdale. It starts at westerly terminus of SE Stevens Road and ends 660 feet to the westerly property line with American Hellenic Education Center Inc. (Camp Angelos). A private roadway provides the current access. This roadway is of varying widths and has two turn arounds.

History: The private road has been serving more or less, three sites for more than thirty years. This road came to the attention of the Planning Commission on March 2, 1992, when a decision was made and approved for community serving expansion CS 4-92 #574/#583-B. Condition # 1 of the approval was to widen the road to 20 feet. Nevertheless, the Planning Commission indicated quote: "Full placement and associated work necessary to widen the access drive shall avoid or minimize adverse effects to existing wall nut trees on tax lot 44, immediately abutting the south boundary of the easement road.

On October 7, 1993, the application for Hillside development permit and final design review plan DR 17-93; HDP 21-93 was approved with conditions. Design review plan was calling for construction of a new access road there fore, for an administrative approval, the design review plan and Hillside development permit had to be modified to provide at least 16 feet of road width for the entire length of the private access from the SE Stevens Road Right-of-way.

On August 3, 1994, a public hearing was held to approve variance HV 12-94. Staff has indicated that the road starting from the end of Stevens road to the entry gate of Camp Angelos is 16 feet or wider which was previously approved from the planning director. A response of Fire Chief, Dennis Bryson of RFPD 14 indicated that a twelve foot wide access is satisfactory to the Fire District.

On August 24, 1994, variance HV 12-94 was approved by the Hearings officer. The road was accepted and approved the way it is except 250 feet on the American Hellenic Education Center Inc. property. The planning director granted 25% minor exception to the 20 foot road width requirement in the DR 17-93 decision. The fact that the road between Camp Angelos property and West end of Stevens road was inspected, accepted

and approved from Portland Planning Division, its staff and Hearings officer creates a confusing situation. I do not know why a road which was serving the area for many years and was approved by the County and Planning Commission for certain reasons, has to be approved twice or for the same reasons again. If the road was accepted and approved by the Planning Commission, it means that the road is legal and that is why I am asking the Hearings Officer to exclude or modify #3 D from the conditions of approval in CU 12-96.

Regardless of all the facts above, the access private road can not be widened without of causing tremendous hardship to tax lot 44 and all the adjoining properties for the following reasons:

- (1) Widening the road is going to kill the ten forty years old walnut trees which are part of my farming. It was already mentioned from the Planning Commission as a condition #1 from March 2, 1992 decision CS 4-92, #574/#583-B and Halstead's Arboriculture Consultant's report from March 16, 1998.
- (2) Widening the road will cause removal and replacement of all electrical polls and cable along the entire private road. The electrical polls sitting almost in the middle of the road will be unsafe for the drivers and causing eventual accidents. Especially dangerous will be for the school district buses full of children driving very often in dozens into the camp. That also will cost unnecessary and expensive work for PGE and Paramount Cable to remove all the electrical polls.
- (3) Widening the road on the south will cause removing and replacing of the entire telephone line along the private road, which will also be expensive work for the telephone company.
- (4) Widening the road (because of the slope) is going to carry twice the amount of water all the way down to the camp property and will cost tremendous erosion and eventual take the entire hill side down. This is regardless if ditches are built on the side of the road or not. It happened some time in the past, and widening the road will double the danger of land slide and erosion.

**Staff Comment:** The applicant notes under "The Site" above that the road is of varying widths and has two turn arounds. Staff is unable to find a description of the varying widths expressed in feet in the application. Only one turn around is indicated on Exhibit A1. A. It is not clear that the turn around meets the 48' radius turn-around requirement in MCC .2074(D)(7). A diagram of turn around types is included in Exhibit C4, and are referenced in the 6/5/96 fire district sign-off in Exhibit A3.

Staff notes that two statements above made by the applicant are not accurate. The applicant's statement that staff found the road to be 16' wide, and that the road was accepted and approved as it is, are not consistent with the record. These statements are addressed in the staff comments beginning on page 8. of this report.

The applicant questions why, since the road in question has already been approved for a reduced width, must he also request a variance. The portion of the access road from Stevens Road to the Camp Angelos property received a Minor Exception to the access road width requirement of the Off-Street Parking Standards. In order for the applicant to meet the code requirements for a dwelling in the CFU district, he must demonstrate compliance with the code requirements of that section, including the road standards of .2074(D). Conditions of approval were imposed to ensure compliance with these code requirements.

**Hearings Officer:** The standards of the CFU zone are different from the off-street parking standards considered in the Camp Angeles approval. The approval of the variance of one legal standard does not, in any way, justify the variance of the different legal standard of the CFU district. The CFU zone variance must rise or fall upon its own merits.

**Applicant:**

(b) In the decision of the Hearings officer CU 12-96, HV 18-96, and SEC 27-96, condition #6 cannot be satisfied without sign off from the Planning Commission, which has been refused to me. The condition has to be satisfied no later than six months from the date that approval has taken place. The dwelling is 90% finished and is sitting in this condition since 1992. I have suffered great loss of materials, furniture, tools and instruments because I do not have heat inside of the dwelling and the moisture destroyed and continues to destroy my belongings. That is why I seek immediate sign off from the Planning Commission in order to obtain building permit and satisfy all the building requirements of the Uniform building code, including the satisfaction of condition #6 of the Hearings officer decision from CU 12-96, SEC 27-96, and HV 18-96.

**Staff Comment:** In his application for a new dwelling under CU 12-96, the applicant stated that the road meets all of the standards of .2074(D), including that it is 20' wide. The County is holding a special hearing on May 6, 1998, in order to expedite processing of the variance request, notwithstanding that the road improvement standards could have been addressed at the July 16, 1997 hearing.

Staff believes that any needed road improvements should be constructed prior to building permit approval in order to ensure safe access to structures which are under construction, and after completion. This is also cited as an Oregon Uniform Fire Code requirement on the Multnomah County fire district response form in Exhibit A3.

**Hearings Officer:** The Hearings Officer lacks the authority to direct staff to "sign-off" the building permit application sought by Mr. Protassy.

**MCC .2074 - Development Standards for Dwellings and Structures:** Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048 (E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993, shall comply with the following:

\* \* \*

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

- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
- (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
- (3) Provide minimum curve radii of 48 feet or greater;
- (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
- (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below;
  - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
  - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
  - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
  - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of  $\frac{1}{2}$  the driveway length or 400 feet whichever is less.

#### **MODIFICATION OF CONDITIONAL USE CONCLUSION:**

##### **Staff:**

1. The applicant has requested modification of the Hearings Officer decision through the variance application HV 7-98. Staff recommends approval of a modified variance which would reduce the road width requirement which must be met to satisfy Condition of Approval #3. A. and D.
2. Approval of request (b), building permit approval prior to construction of the required improvements is not found to be consistent with the purpose of the code because no assurance is provided that the road will be constructed. Staff recommends denial of this part of the request.

#### **2. Minor Variance Request HV 7-98:**

**Applicant:**

**THE SITE:** The site is located approximately one and a quarter miles South of the community of Springdale. It starts at westerly terminus of SE Stevens road and ends 660 feet to the westerly property line with American Hellenic Education Center Inc. (Camp Angelos). A private roadway provides the current access. This roadway is of varying widths and has two turn arounds.

**Hearings Officer:** The applicant has demonstrated that there is one loop road near the end of Stevens Road. A large portion of the loop road, however, is located on land that is not owned by Mr. Protassy and that is located outside of the 30' easement area provided for the private road. In order to qualify as the turnaround required by MCC .2074 and the Hearings Officer's conditional use approval, Mr. Protassy must provide proof of his right to use this turnaround in order to satisfy the conditions of approval of CU-12-96. This issue is not before the Hearings Officer for decision in this case. These comments are offered, however, as *dicta*, in an attempt to help Mr. Protassy understand the requirements of the approved conditional use permit.

**HISTORY:** The private road has been serving more or less, three sites for more than thirty years. The road came to the attention of the Planning Commission on March 2, 1992, when a decision was made and approved for the community serving expansion CS 4-92 #574/#583-B. Condition #1 of the approval was to widen the road to 20 feet. Nevertheless, the Planning Commission indicated quote: "Full placement and associated work necessary to widen the access drive shall avoid or minimize adverse effects to existing wall nut trees on tax lot @ immediately abutting the south boundary of the easement road.

On October 7, 1993, the application for Hillside development permit and final design review plan DR 17-93; HDP 21-93 was approved with conditions. Design review plan was calling for construction of a new access road there fore, for an administrative approval, the design review plan and Hillside development permit had to be modified to provide at least 16 feet of road width for the entire length of the private access from the SE Stevens road Right-of-way.

On August 3, 1994, a public hearing was held to approve variance HV 12-94. Staff has indicated that the road starting from the end of Stevens road to the entry gate of Camp Angelos is 16 feet or wider which was previously approved from the planning director. A response of Fire Chief, Dennis Bryson of RFPD 14 indicated that a twelve-foot wide access is satisfactory to the Fire District.

On August 24, 1994, the Hearings Officer approved variance HV 12-94. The road was accepted and approved the way it is except 250 feet on the American Hellenic Education Center Inc. property. The planning director granted 25% minor exception to the 20 foot road width requirement in the DR 17-93 decision.

The road between Camp Angeles property and west end of Stevens road was inspected, accepted, and approved from Portland Planning Division as a 16 feet wide access private road.

**Staff Comment:** The statement above which states; "Staff has indicated that the road starting from the end of Stevens road to the entry gate of Camp Angeles is 16 feet or wider which was previously approved from the planning director" appears to be in error in part. On page 7 of the staff report for HV 12-94 (see Exhibit A1. K.) the statement that the roadway is 16 feet or wider is the applicant's response, not staff's.

The applicant has submitted a letter from Fire District Chief Tom Layton, dated 4/20/98, which verifies that the easement road was considered and approved as adequate both for access to the applicant's property and for Camp Angeles. This letter and attached fire district responses are included in Exhibit A3. The attached responses include the June 5, 1996 letter from Chief Thomas Layton, and the August 17, 1993 letter from Chief Dennis Bryson. The letter from Chief Layton is in response to the request from Mr. Protassy, in connection with his dwelling request (CU 12-96). The response from Chief Bryson is apparently in response to a request from Camp Angeles in connection with the 1993 Design Review and Hillside Development Permits (DR 17-93 and HDP 21-93). Staff is unsure what this latter response means for the entire access road, extending from the end of Stevens Road to the camp facilities, for two reasons. The 8/17/93 response carries a notation by the Chief Bryson that the access road will serve two parcels of property. If the four tax lots owned by the camp are considered as one parcel, the access road served three parcels at the time, Mr. Protassy's parcel, the adjacent parcel to the north, Tax Lot '49', and the camp. Second, the staff comment on page 7 of HV 12-94 (see Exhibit A1. K.) relates that in a telephone conversation with Chief Bryson, he indicated that a 12' wide access road "on one section of the road was adequate for emergency vehicle access."

The statement above which states; "The road was accepted and approved the way it is except 250 feet on the American Hellenic Education Center Inc. property." appears to be in error in part. The Hearings Officer decision in HV 12-94 (see Exhibit A1. K.) does not "accept" or "approve" any portion of the access road. The decision clearly states on the first page that it is for one 250' section, cites the already approved reduction from 20' to 16' (DR 17-93 decision), and states in the staff comment on page 9 that improvements are required to other portions of the road outside of the 250' being considered for the variance.

Staff does not understand the last statement above because the Portland Planning Bureau has no review authority for implementation of land use decisions in unincorporated Multnomah County.

#### **Hearings Officer:**

The statement from Chief Tom Layton of the Multnomah County Rural Fire Protection District dated April 20, 1998 discusses the Protassy driveway and private driveway but

fails to explain why the District determined that a private roadway that does not meet the fire protection standards of the CFU zone that are plainly listed on the County's Fire Service comment sheet is adequate. The roadway width requirements were imposed by the County to satisfy fire safety concerns of area fire districts and departments. At a minimum, the Hearings Officer needs to know why this very narrow road will provide safe access to three properties, one of which is a very intensive use of land in a very isolated and vulnerable location. At the present roadway width, it is clear that residents and camp visitors fleeing a fire would prevent fire vehicles from driving down the private road. How this can be a safe situation is unclear from the evidence in this case.

#### **MCC 11.15.8505 Variance Approval Criteria**

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

**Staff:** This provision defines the circumstances under which a variance can be considered, and distinguishes between approval criteria for major and minor variances. A finding needs to be made that a practical difficulty to implementation of the 20' road width requirement exists for the application. The applicant makes three general arguments that there are practical difficulties in the application of the 20' road width requirement. These include potential damage to his walnut trees, re-locating existing utilities, and increased stormwater runoff and landslide hazard. See the numbered points under section 1. of this report. The statement of erosion effects or instability caused by road widening is unsubstantiated in the application.

The applicant has submitted a map to show the relationship between the easement road and the utility poles on the north side and the trees on the south side. Based on this map, the walnut trees start 184' from the end of Stevens Road, and the utility poles start 204' from the end. The practical difficulty described by the applicant begins at the point where widening of the road would begin to impact the trees on the south side of the road. Staff estimates that this would be approximately 170' from the end of Stevens Road.

A Minor Variance is defined as one that is within 25% of an applicable dimensional requirement. The dimensional requirement which is the subject of the variance is the CFU Development Standard in MCC 11.15.2074(D)(2), which requires an all-weather surface of at least 20 feet in width for a private road. The applicant is requesting a 4 foot variance for a reduction of 20% of the standard.

**Hearings Officer:** Mr. Protassy planted walnut trees in April 1998, long after approval of CU-12-96. Mr. Protassy claims that the locations he chose for these new trees must be protected from encroachment by any roadway improvements. These trees could have been planted elsewhere on the Protassy property where they would have not been effected by the road widening required by CU-12-96. As such, the location of the

newly planted trees is a self-created difficulty that, as a legal matter, does not warrant approval of a variance.

The evidence in the record indicates that the telephone poles located to the north of the private roadway will need to be moved by Camp Angeles when the camp widens the road to 16' in order to comply with its land use approvals. As a result, the current location of these poles is no longer a justification for this variance. Evidence from County staff reveals that a 21' wide road could be built if the existing road was widened to the north only. Mr. Protassy states that the existing telephone poles are two feet north of the easement area. As the poles in question have a diameter of less than one foot, a total of 3' feet may be required for the poles and a buffer area between the poles and the roadway. This means that Mr. Protassy should be able to widen the private roadway to a width of 18' without harming his walnut trees. This evidence does not, however, justify a variance to the 16' width sought by Mr. Protassy.

Mr. Protassy's evidence does not explain why it is not possible to construct storm drains and other drainage facilities to handle run-off from the private roadway. This may or may not require more than 3' of easement area. As the burden of proof is on the applicant in this proceeding and the hearings officer cannot go outside of the record of this matter to find this information. Without this information, the hearings officer may not justify a variance to a 16' wide road standard (from the 18' justified by the need to place telephone poles in the easement area and to avoid paving on the tree side of the roadway). The hearing officer she would like to approve a variance that will allow the roadway, drainage facilities and telephone poles to be constructed within the easement area without causing harm to the mature walnut trees. Hopefully, the 18' roadway width will allow Mr. Protassy to achieve this result.

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

**Applicant:** As mentioned above, the access private road is an existing road which has been serving Tax Lot 44 and the adjoining properties for more than thirty years. The owners of the adjoining properties have not expressed any concerns about this matter, and have signed a property owner consent of variance request. Approval of the Variance will only affect the subject property, and this proposal would not impede nor impact any of the neighboring practices. As for adversely affecting the development of adjoining properties, the adjoining properties are already developed and have been served by the same road. Also, as stated above, the Fire District has approved twice the 12 foot width as adequate for emergency vehicles.

**Staff:** The public welfare in this case is safe access and adequate fire access. The 20' road width requirement allows for two way traffic for emergency and private vehicles. Jerry Renfro, Tualatin Valley Fire and Rescue, confirmed in telephone conversation with staff that the 20' road width requirement is intended to allow two way access for



emergency vehicles. The proposed 16' wide road would allow a narrow two lane access for cars, but would not allow two emergency vehicles or a truck and an emergency vehicle to pass. Staff notes that the road development standard in the CFU zone in MCC .2074(D)(7) requires turnarounds or turnouts at intervals of less than 500 feet in order to provide safe and convenient passage of vehicles. The applicant has not shown that a turn around or turnout which meets the requirement of .2074(D)(7) exists within the first 400' or 500' from the end of Stevens Rd. The legal rights to the turn around shown on the applicant's Exhibit A1. A. are uncertain. If the turn around is not within a dedicated easement, then there is no assurance it will remain available because current or future property owners could restrict access.

As noted in the findings under (A) above, the applicant has not demonstrated a practical difficulty to meeting the 20' road width standard for the first approximately 170' from the end of Stevens Road. Improvement of the road to the full width for the first 170' would reduce the substandard road length to the end of the last utility pole to 386'. See Exhibit A5. Widening of the road to 16', plus improvement of a turnout in the middle of the section to 20' X 40' as provided in .2074(D)(7)(b), would meet that standard and substantially increase areas suitable for fire equipment and other vehicles to pass.

The two other adjoining properties are owned by the neighbor to the north, and by the American Hellenic Education Association. The CFU zoning on the property to the north limits that property to one dwelling. The Camp Angelos property received an initial Community Service Use approval in 1986, and approval for expansion in 1992. Future development requests by the Camp will be required to meet the access road requirements of the CFU district in MCC .2074(D), the minimum access road requirements in the Off-Street Parking ordinance .6128(A), and the Framework Plan Policy 31: Community Facilities and Uses.

**Hearings Officer:** Evidence received after the staff report was written show that the private road may be widened to a width of 18 feet because the telephone poles located to the north of the roadway will be need to be moved for construction of a 16' wide road and there is adequate room for such a road and the telephone poles within the existing easement area, without widening the road to the south toward the walnut trees.

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

**Applicant:** No use is being permitted that is not allowed either outright or through a conditional use permit. The approval of the Variance request, therefore, will not provide for the establishment of a use not listed in the underlining zone. Previous approvals from the County for the single family dwelling on Lot 44 have been based partially on Findings that the use was consistent with the comprehensive plan. Approval of this Variance concerning roadway width will not jeopardize compliance with the plan.

**Staff:** Staff agrees that approval of the variance would not adversely affect realization of the Comprehensive Plan or establish a use not allowed in the zone.

#### **VARIANCE CONCLUSIONS:**

1. Staff concludes that the applicant has not demonstrated that practical difficulties exist on the approximately 170' road segment beginning at Stevens Road. Since this threshold requirement for consideration of a variance has not been shown to have been met by the applicant, staff recommends that this area be excluded from consideration of the road width variance.
2. The requested variance reduces the road function from a two lane road suitable to all vehicles, to a narrow two lane road for cars. The applicant has not shown that no material detriment to the public welfare would occur if the variance is approved. In addition, the turn around and/or turn out standard of MCC .2074(D)(7) has not been shown to have been met. Staff feels that a conclusion of compliance with variance approval criterion #3. can be made if turnouts which meet the .2074(D)(7)(b) standard are provided. This would require improving one 40' long section in the middle of the 386' long variance area to the full 20' width.

**Hearings Officer:** The Hearings Officer concurs with staff's conclusion that the applicant has failed to demonstrate that a variance is justified for the eastern portion of the private roadway. The Hearings Officer also finds that, due to the fact that the telephone poles will be need to be moved to create a 16' wide road, that the road should be built to the maximum width possible in order to protect public safety. Although the evidence in the record is scanty, it appears that an area of approximately three feet is needed between the edge of the roadway and the northern boundary of the easement for power poles and buffer area. This 3 feet wide area will also allow some room for drainage facilities. Whether it is sufficient is unknown as the applicant has failed to provide this information. Yet, in the absence of proof from the applicant, the Hearings Officer may not grant a more generous variance upon the unproven assumption that a larger area is needed.

#### **3. Multnomah County Comprehensive Plan Policies:**

The Framework Plan Policies applicable to this Quasi-judicial Decision are addressed as follows:

**Policy No. 13, Air, Water and Noise Quality:** Multnomah County, ... Supports efforts to improve air and water quality and to reduce noise levels. ... Furthermore, it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to Air Quality, Water Quality, and Noise Levels.

**Applicant:** A single family dwelling is not a high emission source. Water quality is not degraded by the dwelling on the property and there are no streams or creeks on the property. This policy is satisfied because all necessary permits have been obtained, and the applicable sanitation regulations have been complied with.

**Staff:** The primary issue under this policy is water quality related to any construction which would be required to widen the road. This type of development impact can be addressed through the Grading and Erosion Control Permit.

**Policy No. 22, Energy Conservation:** The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. ... The County shall require a finding prior to approval of a legislative or quasi-judicial action that the following factors have been considered:

- A. The development of energy-efficient land uses and practices;
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreation centers;
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.

**Applicant:** The parcel is in a rural area. For the proposed use, there are no new streets, power lines, or energy consumptive development requirements.

**Staff:** The parcel is in a rural area. Urban energy, transportation and lotting pattern issues do not apply.

**Policy No. 37, Utilities:** The County's policy is to require a finding prior to approval of a legislative hearing or quasi-judicial action that:

**WATER DISPOSAL SYSTEM:**

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. There is an adequate private water system, and a public sewer with adequate capacity.

### **DRAINAGE:**

- E. There is adequate capacity in the storm water system to handle the increased run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjacent lands.

### **ENERGY AND COMMUNICATIONS:**

- H. There is an adequate energy supply to handle levels projected by the plan; and
- I. Communications facilities are available.

**Applicant:** There has been an approved site for on-site septic tank and drain field by the sanitarian. A septic tank permit has been obtained. the water run-off will be handled on site, and the property is serviced by PGE, Cascade Utilities, and Corbett Water District. The applicable service provider forms have been submitted in exhibit A from CU 12-96, HV 18-96, and SEC 27-96.

**Staff:** The portion of this policy which is unmet by the submittal is Drainage. The applicable sub-policies are F. and G. The applicant has stated that widening the road will result in increased stormwater flow onto adjoining land, erosion, and increased danger of landslide. He notes that these effects will occur even if roadside ditching is constructed. This policy requires adequate stormwater measures to be provided, and absent expert testimony to the contrary, staff finds that the drainage policies can be met as part of the Grading and Erosion Control Permit process. A Grading and Erosion Control Permit is required for private road construction of the magnitude required to build to meet the revised width.

**Policy No. 38, Facilities:** The County's Policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- A. The appropriate School District has had an opportunity to review and comment on the proposal.
- B. There is adequate water pressure and flow for fire fighting purposes; and
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.
- D. The proposal can receive adequate local police protection with the standards of the jurisdiction providing police protection.

**Applicant:** All of the service provider forms have been signed and submitted, showing adequate service levels can be provided to the dwelling. The service provider forms are in exhibit A6 from CU 12-96, HV 18-96, and SEC 27-96.

**Staff:** The fire district has not commented on the proposed variance or modification of conditions requests. Staff assumes based on the 1996 response form that the district would not oppose the requests.

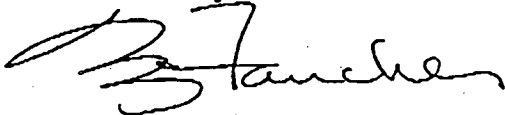
**Policy No. 40, Development Requirements:** The County's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.
- C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.

**Applicant:** This should not apply to a residential dwelling, nor is there a near by park or recreation area.

**Staff:** Concurs that this policy does not apply to the request related to a single family dwelling.

Dated this 7<sup>th</sup> day of June 1998.



Liz Fancher, Hearings Officer

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**Appeal to the Board of County Commissioners:**

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An Appeal requires a completed "Notice of Review" for and a fee of \$500.00 plus a \$3.50 - per- minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the County Planning Office at 2115 SE Morrison Street (in Portland) or you may call 248-3043, for additional instructions.

## List of Exhibits for CU 4-98, and HV 7-98

### **"A" Applicant Submittals:**

- A1 Combined CU, Variance Narrative and Exhibits, 4/9/98 submittal, form.
  - A. Site Plan
  - B. Photographs
  - C. 3/16/98 ltr. Halstead Arboriculture
  - D. 6/5/96 statement from T. Layton, Fire Chief
  - E. 8/17/93 statement from D. Bryson, Fire Chief
  - F. Site Map
  - G. 6/29/93 statement from R. Meyer
  - H. CS 4-92 Decision, 3/2/92
  - I. Administrative decision, DR 17-93, HDP 21-93
  - J. 8/3/94 hearing minutes and staff report, HV 12-94
  - K. Hearings Officer decision HV 12-94
  - L. HV 12-94 Variance request, Spencer Vail
- A2 7/16/97 Hearings Officer decision, CU 12-96, HV 18-96, SEC 27-96
- A3 4/20/98 letter, T. Layton, To Whom it may concern.
- A4 12/9/88 Lot of Exception application, deed and survey.
- A5 Road plan date stamped 4/27/98
- A6 4/24/98 Framework Plan Summary

### **"B" Notification Information**

- B1 4/15/98 Notice of Public Hearing
- B2 Staff Incomplete letter dated 4/15/98

### **"C" Staff Report, Documentation**

- C1 CU 4-98, HV 7-98 Staff Report, dated 4/29/98.
- C2 Letters from staff to Andre Protassy, dated 1/7/98, 1/9/98, 1/30/98.
- C3 4/24/98 letter from Lisa Estrin to American Hellenic Education Center, Inc.
- C4 1996 Aerial photo of road and adjacent properties/Recommended Road Standards

### **"D" Agency Comment**

### **"H" Documents Submitted at 5/6/98** **Public Hearing:**

- H1 \_\_\_\_\_
- H2 \_\_\_\_\_
- H3 \_\_\_\_\_

## **Exhibit List for CU 4-98 and HV 7-98, Continued**

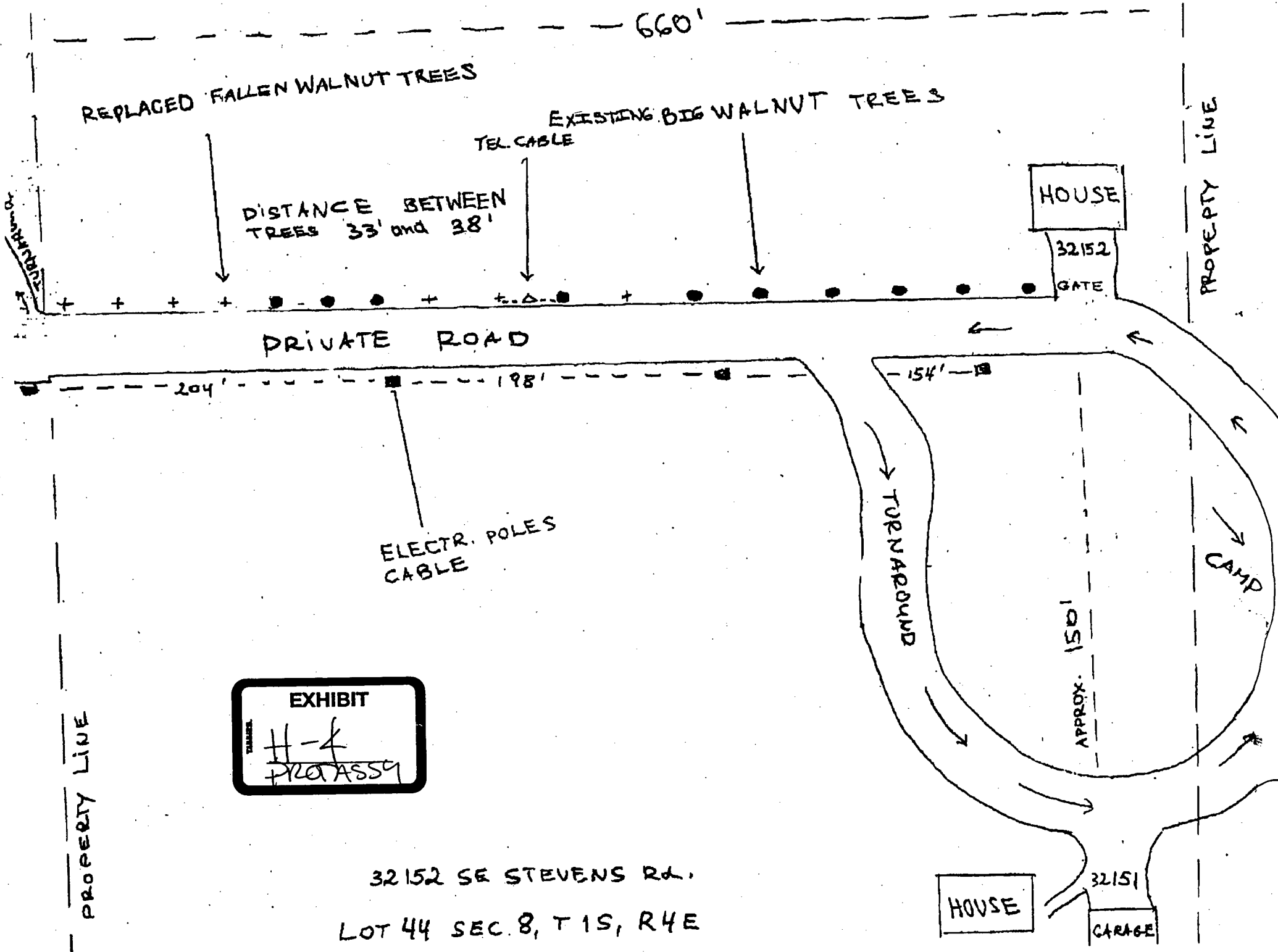
### **"F" Documents Submitted After 5/6/98 Public Hearing**

- F-1 May 13, 1998 letter from Chuck Beasley to Liz Fancher
- F-2 Fax and letter from Jim Peterson, Vice President, American Hellenic Educational Center dated May 12, 1998
- F-3 May 12, 1998 letter from Andre Protassy to Liz Fancher
- F-4 Two-part May 21, 1998 letter from Andre Protassy to Liz Fancher, with map and photograph exhibits
- F-5 May 18, 1998 letter from Chuck Beasley to Liz Fancher
- F-6 Letter from Dorothy Cofield to Liz Fancher dated May 7, 1998

### **"H" Documents Submitted at 5/6/98 Public Hearing**

- H-1 Affidavit of Posting
- H-2 May 5, 1998 Letter from Chuck Beasley to Liz Fancher, Hearings Officer
- H-3 Twelve photographs of Protassy property and roadway numbered H-3-A through H-3-L
- H-4 Map of private road, Protassy property and turnaround on adjoining property
- H-5 HB 3508





PROPERTY LINE

PROPERTY LINE

EXHIBIT  
H-4  
PROASSY

32152 SE STEVENS RD.  
LOT 44 SEC. 8, T 1S, R 4E

HOUSE

32151  
GARAGE

*Land Use and Development Consultation*

July 10, 1998

Board of County Commissioners  
Multnomah County  
c/o Multnomah County Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214

**Re: Appeal of Hearings Officer Decision**

Case File: Conditional Use CU 4-98  
Minor Variance HV 7-98

Applicant: Andre Protassy  
12120 SW Boones Ferry Road  
Portland, Oregon 97219

Location of Proposal:

32152 SE Stevens Road  
TL 44 of Section 8, T1S, R4E

Applicant, Andre Protassy, hereby requests the Multnomah County Board of County Commissioners, reverse, in part, the decision of the Hearings Officer denying Mr. Protassy's request for a minor variance. Mr. Protassy requested a variance from the roadway approval standards for a dwelling in the CFU zone imposed as a condition of approval in CU 12-96. The standards and condition, in part, require the construction of a 20 foot wide private driveway. Through the subject variance application, Mr. Protassy sought permission to allow the use of a 16 foot private driveway with a 40 foot long section, 20 feet in width, to provide a turnout. The Hearings Officer approved his variance request but with modifications, requiring the construction of an 18 foot driveway, except for the east 170 feet of the easement

road, which must be improved the full 20 foot width. Mr. Protassy appeals the modification of his variance request and request Commission approval to permit the use of a 16 foot driveway the length of the easement road, except for the required turnout area. Mr. Protassy no longer is requesting immediate approval of the Building Permit. Mr. Protassy is in agreement that the Building permit should not be approved prior to actual construction or until assurance of timely construction is made in accordance with this Commissions ruling.

The staff continually refers to Mr. Protassy's home as an "illegally constructed home." The only thing that may be "illegal" about the Protassy home is construction without appropriate building permits. A lack of a building permit does not take away use rights Mr. Protassy enjoys under applicable law. The County planning staff has even said it does not have jurisdiction over the building permit. Mr. Protassy's home is an outright and permitted use in the zone and thus enjoys certain rights that may not be taken away by the planning staff. The lack of building permit does not take away these rights. The planning department is also without authority to do so.

#### **Roadway History:**

The private road serving the Protassy residence has been serving three sites for more than thirty years. The road served the location of the original Protassy residence since the 1960's. That residence was destroyed by fire. The roadway also has served another residence since the 1950's as well as Camp Angelos. In October of 1993, planning staff and the hearings officer gave approval to Camp Angelos to construct and make use of a 16 foot wide roadway for the entire length of the access road, including the easement area. (See DR 17-93). The applicable roadway standard required a 20 foot wide access road. The County later gave the camp a variance to further reduce the width of roadway to 12 feet over a 250 foot stretch. (See HV 12-

94). The camp has yet to make required roadway improvements even though it has received \$100,000 for the requisite improvements.

**Road Standards are not Applicable to Dwelling:**

The Multnomah County Code standards relevant to this variance appeal are **MCC 11.15.2074 Development Standards for Dwellings and Structures**. That section provides in pertinent part.

"Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(E) and .2049(B), all dwellings and structures located in the CFU district after January 7, 1993, shall comply with the following:

(D) A private road (including all easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintain to:

X X X X X X

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

The standards in MCC 11.15.2074 do not apply to alteration, replacement or restoration dwellings and then only to dwellings and structures located in the CFU district after January 7, 1993. The current roadway standards were adopted in 1993. Exhibit H2. The Protassy restoration and/or replacement dwelling was located in the CFU district prior to January 3, 1993. As such, the roadway standards in MCC 11.15.2074 do not apply to Mr. Protassy's application.

Prior to 1980 no regulation of access roads existed. Exhibit H2. Between 1993 and 1980, a 16' wide roadway standard was in place. Mr. Protassy will meet any roadway requirements that legally apply to his replacement dwelling.

The Protassy dwelling is a replacement and/or restoration dwelling. Replacement and restoration dwellings can be sited pursuant to MCC 11.15.2048(E) or .2049(B).

MCC 11.15.2048(E) allows the replacement of a previously existing dwelling, on the same lot as the replaced dwelling. Pursuant to 11.15.2048(E) a replacement dwelling is a **use permitted outright**, and only subject to the following two conditions: (1) the replacement dwelling must be located within 200 feet of the existing dwellings; and (2) the existing dwelling must have been habitable. Mr. Protassy meets both conditions.

MCC 11.15.2049 regulates use permitted under prescribed conditions. MCC 11.15.2049(B) allows the restoration or replacement of a dwelling on the same lot and within 200 feet of the prior dwelling when the restoration or replacement is made necessary by fire, **subject to the following condition:** (1) restoration or replacement is commenced within 1 year of fire.

Substantial evidence in the record demonstrates that Mr. Protassy meets either of the above standards. Substantial evidence is evidence a reasonable person would rely on in reaching a decision. **City of Portland v. Bureau of Labor and Ind.**, 298 Or 104, 119, 690 P2d 475 (1984). Documents submitted as part of CU 12-96 show that the subject property was developed with a dwelling in July of 1987 when the property was recognized as one of two lots of exception pursuant to Multnomah County Ordinance No. 100. (Mult. Co. case file LE 6-87). The application of LE 6-87 shows the existence of 2 dwellings on the old tax lot 49 , with the location of the two houses shown on the approved Tentative Plan and on the approved survey. **(See Paul Norr CU 12-96 submission dated September 24, 1997** (hereinafter cited as just "CU 12-96"), Exhibit A, at A-1 through A-4 filed herein). One dwelling was situated on tax lot 49 and another on newly created tax lot 44. Id. Mr. Protassy has owned tax lot 44 since 1987, upon which a lawfully established habitable house was situated prior to and at purchase. The one-story 693 square foot home had running water for domestic use, a septic system, a kitchen, sleeping areas, and bathroom facilities. CU 12-96,

transcript at 13, 18-19. During Mr. Protassy's ownership, the home was occupied by renters. Mr. Protassy owned the residence when it was destroyed by fire on October 22, 1988. The destroyed home was built prior to 1960 and was occupied until its destruction. Mr. Protassy's testimony as to the existence of the prior habitable home is supported by testimony of a former owner, Mr. Pinheiro, old pictures (Exhibit E-4) and tax records. See CU 12-96, Exhibit A at A-1 through A-6, Exhibit B, Exhibit I, Transcript 16-20. Mr. Protassy received an insurance payment on December 15, 1988 for the loss associated with the destructive fire. (CU 12-96, Exhibit C, at C-1). Photographs and a floor plan provided to the insurance company demonstrate the layout of the home before the fire. CU 12-96, Exhibit C, at C-2. Nicholas O'Connell, an adjacent neighbor of Mr. Protassy, residing at 32202 SE Stevens since 1988, confirmed Mr. Protassy's testimony and verified the destructive fire occurring at the rental house. CU 12-96, Exhibit D.

Within one year after the fire, in May of 1989, Mr. Protassy began construction of the replacement dwelling by having a new septic tank and drain field installed. Receipts document this work performed by Randy Lee. CU 12-96, Exhibit E, at E-1, E-2. A Multnomah County temporary electrical permit issued through the City of Gresham was secured June 7, 1989. CU 12-96, Exhibit F-1, F-2. Numerous other receipts also demonstrate construction undertaken within one year of the destructive fire. CU 12-96, Exhibit G. Furthermore, Mr. O'Connell also confirmed the fact that Mr. Protassy commenced rebuilding in the Spring of 1989, well within the 1 year deadline for replacement dwellings. CU 12-96, Exhibit D. The replacement house was built on the same spot as the replaced house. CU-12-96, Exhibit A. The hearings office also agreed with the evidence and acknowledged the existence of the prior residence. CU 12-96, tr. at 38. No evidence has been offered to contradict the evidence presented,

the testimony of Mr. Protassy, the prior owner, and adjacent neighbor, all of which clearly demonstrates a destructive fire necessitating the need for restoration and/or replacement of the prior habitable residence with construction commencing within one year after fire and on the same spot as the prior home.

Contrary to the staff statement in its Summary of Hearings Officer's Decision and Comments at page 1, overwhelming evidence demonstrates compliance with applicable replacement dwelling criteria: i.e. restoration or replacement within 200 feet of prior habitable dwelling and commencing construction within one year of the event making the restoration or replacement necessary. See CU 12-96, Paul Norr, September 24, 1997 submission with attached exhibits identified above, submitted into the record during this hearing. No reasonable person could reach a conclusion otherwise. As such, the standards of MCC .2074 do not apply to the Protassy restoration or replacement dwelling.

Conditional use roadway standards should have never been applied to the replacement or restoration dwelling constructed by Mr. Protassy. Apart from the failure to obtain a building permit, the dwelling is lawfully located and protected pursuant to MCC 11.15.2048(E) and/or MCC 11.15.2049(B).

**Variance Request for 16 foot roadway request should have been granted:**

In the alternative, Mr. Protassy seeks a minor variance from the requirements of MCC 11.15.2074(D)(2). Mr. Protassy does not dispute that the newly planted trees do not warrant a finding that practical difficulties exist. He does take issue with the staff's statement that the planting of the trees was an effort to create a difficulty to justify the variance. Early in 1997 Mr. Protassy was attempting to save some trees that were damaged by weather and neglect due to the fact he was prevented from living at the home by the County. During his efforts he fell from 20

feet directly on his head. This resulted in severe injuries, unconsciousness, extended hospital stays, two surgeries and much rehabilitation. Mr. Protassy was not trying to outdo the County. He was merely replanting trees that had died at the first chance he was able to do so. Continually and wrongly painting Mr. Protassy as a bad man does nothing to add to this hearing.

Approval of minor variances are regulated by MCC 11.15.8505. and to be given only when "there are practical difficulties in the application of the Chapter" and the applicant has demonstrated compliance with requirements of 11.15.8050(3) and (4).

MCC 11.15.8050(3) provides:

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

MCC 11.15.8050(4) provides:

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

The staff concludes that the "primary reason that Mr. Protassy did not receive the variance approval he requested are:

- (1) No practical difficulty exists to support approval of a variance for the first 170' of the road; and
- (2) One of the two practical difficulties that may have justified a 16' wide road, the telephone poles, will be moved by Camp Angelos in the near future; and
- (3) Mr. Protassy failed to provide evidence to establish that the full 5' area is needed between the roadway and the edge of the roadway easement (the width that must be justified to warrant a 16' roadway width in the available 21 foot wide area)." Summary at 4.



Each of these reason either contains factual inaccuracies, mischaracterize circumstances surrounding roadway construction, ignores facts in evidence, is contrary to substantial evidence in the record, and cannot be supported by substantial evidence in the record.

First, practical difficulties exist to support approval of a variance for the entire stretch of roadway. The staff has determined that the difficulties do not exist for the eastern portion of the roadway, characterized by the staff as 170 feet. Based on the condition imposed, it is assumed that the eastern portion of the roadway is that area prior to the first mature Walnut tree. The distance, including an adequate buffer, to the first mature Walnut tree is not 170 feet long, as will be discussed infra. If Mr. Protassy is required to improve the entire roadway an additional 2 to 4 feet from the Camp's improvements, it will be practically difficult to ensure the safe use of the roadway. Furthermore, it will likely exacerbate a documented drainage concern, of which substantial evidence exists, and of which the County has largely ignored.

The purpose of the County roadway standards are to ensure a safe and adequate roadway surface for both users and emergency response teams. If the purpose of the statute is satisfied, enforcing it to the point of creating an unsafe situation defeats the legislative intent. The approved 16 foot wide access roadway with necessary turnouts meets the purpose of the County roadway standards. To require the construction of a wider roadway will not guarantee a safer roadway for both users and emergency vehicles but frustrate roadway standards by creating an unsafe and hazardous roadway. Substantial evidence in the record supports this conclusion.

Mr. Protassy, as do other impacted property owners, strongly believes that the hearings officer's decision will result in an unsafe situation. Owners and users of the roadway easement have

expressed valid safety concerns over allowing a wider roadway than the 16 feet already required. The American Hellenic Education Center, the operator of Camp Angelos, submitted written testimony that reiterated Mr. Protassy's concerns regarding safety. Specifically, concerns that a wider road will encourage individuals to drive faster and thus create an unsafe situation. American Hellenic Educational Center, letter to planning department dated 5/12/98, filed herein. They fear the young adults who travel the roadway will increase their speed on a wider roadway and thus make the roadway unsafe for travel. This situation gets more dangerous when buses full of school children, as is often the case, are traveling in the other direction. The only roadway that will keep speeds down is a roadway that is narrow enough to keep speeds down on its own. The County is taking this road away and instead requiring Mr. Protassy to build a road essentially the equivalent of a public street. Who is to enforce speed limits on the private drive? The County is creating an accident waiting to happen. This unsafe circumstance is further exacerbated by the hearings officer requirement that the road go from 20 feet to 18 feet at a certain point. This point is at the downhill section of the private drive. The result of squeezing a speeding vehicle into a tighter land with oncoming traffic is not difficult to image. Mr. Protassy pleads that such a situation is not created. Such hazards can be avoided by having a continuous 16 foot wide roadway. Awarding the variance will work towards preventing a detriment to the public welfare and injuries to property. The Commissioners have in there power to award Mr. Protassy his requested variance and act towards ensuring safe travel for the roadway users. The unsafe conditions of a wider roadway is a "practical difficulty" and should justify the variance.

The other purpose of the roadway standards are to ensure emergency vehicles can safely and effectively access the site as

needed. In this case, all of the emergency support providers have given approval to either a 12 foot or 16 foot wide access road. Dennis Bryson, Fire Chief, Multnomah County RFPD #14 has stated that the existing 12 foot wide roadway is sufficient to ensure safe and adequate emergency vehicle access. Exhibit A1, at E. Mr. Protassy has submitted a letter from Fire District Chief Tom Layton (RFPD), dated 4/20/98, which verifies that the easement road was considered and approved as adequate both for access to the applicant's property and Camp Angelos. Exhibit A3, Decision at 10. Chief Layton also gave roadway design review approval on June 5, 1996. Exhibit A1, at D. Furthermore, the Oregon State Fire Marshall gave Camp Angelos approval to use the existing twelve foot wide roadway in June of 1993. Exhibit A1, at G. It is the fire district that protects the public welfare in this area. They have determined that the existing 12 foot wide and expanded 16 foot wide road do NOT cause a material detriment to the public welfare. They have said they can safely serve the area. The county planning staff does not provide emergency rescue services to the property, the fire district does. Those who provide emergency services have determined it safe as proposed. Thus the proposed 16 foot wide roadway meets the purpose of the County's roadway standards.

Approving the 16 foot roadway also promotes the policy behind granting variances. The applicable variance criteria allows a variance request when it will not be materially detrimental to the public welfare or injurious to property in the vicinity. What should be strongly noted is that a denial of this request will have the very effect the variance criteria seek to avoid: the roadway required WILL be "detrimental to the public welfare" AND "injurious to property in the vicinity." Only through a grant of the variance can the County insure a safer roadway for its users and individuals living along it.

The existing access roadway now serves the Camp and two residences, including the Protassy residence. The road has existed for more than forty years. Dump trucks, busses, and other vehicles all use the road to access the camp. A wider roadway is not needed for emergency rescue crews, nor is a wider roadway needed for the individuals accessing their properties. No negative situation has ever developed with respect to the existing 12 foot wide access road.

The County's present findings are inconsistent and at opposite with past findings with respect to what size roadway is needed to adequately serve the subject site, including the Protassy dwelling. The County has consistently found that a 12-16 foot roadway could safely and sufficiently provide access and emergency access to the properties served by it. In 1993, the County determined a 20 foot wide roadway was not needed to ensure safe emergency access when it approved the use of a 16 foot wide roadway in approving Camp Angelo's design for the roadway. Exhibit A1, at J and I. Again, in 1994 the county planning staff approved a variance to the 16 foot requirement by concluding that a 12 foot wide section of roadway could sufficiently and safely accommodated emergency vehicles. Exhibit A1, at J. The County staff then made the following findings, which the hearings officer adopted:

"The property is used as a camp and education center, with large numbers of people on the site at one time, which is dissimilar to other less intensive uses in the vicinity. (One of these other less intensive uses is the Protassy dwelling) That nature of the use thus led to the requirement for a 20 foot wide access road, **while other uses such as single family residences (Protassy dwelling) in the area would require only a 12 foot wide access road.** The subject property also exhibits steep slopes between the developed camp area and the nearest public road, a condition that does not generally apply to other properties in the area. The property also does not have direct road frontage, thus subjecting the property to the 20 foot access road

width, a condition that does not apply to other properties in the area which all have frontage on public roads." \*\*\*

"Other properties in the area are for the most part developed with single family residences which require access road widths of only 12 feet. The 20 foot road width thus more restrictive than the access required for other properties in the vicinity."

\*\*\*

"Public welfare centers around the issue of fire safety. Dennis Bryson, Chief of Multnomah RFPD #14 has indicated that a 12 foot paved roadway is adequate to meet fire access requirements. ... A phone conversation with him on July 21, 1994 verified that the 12 foot width on one section of the road was adequate for emergency vehicle access." Exhibit A1, at J, Staff Report (emphasis added), and Ex. A1, at K.

In granting the Camp's requested reduction from a 20 foot wide roadway requirement to 16 feet for its entire length in 1993, the hearings officer and county staff made the following findings as reasons for the approval:

"a) To insure that site work and grading activity is conducted as represented in the application, and to minimize erosion and other adverse effects associated with soil disturbance proposed on the site.

b) To protect adjoining properties, right-of-ways, and stream near the site from turbidity and other erosion caused discharges associated with propose grading on the site.

c) To minimize tree clearing on wooded portion of the property, and thereby maintain slope stability and reduce erosion potential associated with the development." Exhibit A1, at I, page 4.

The same erosion and stability concerns are present in Mr. Protassy's variance request. Nothing has changed. Yet, contrary to past findings and conclusion reached concerning the sites stability and projected erosion for roadway construction, contrary to past decisions concerning what roadway width is

necessary to ensure safe access, and contrary to every emergency service provider who has given approval to the request, the County is requiring Mr. Protassy to construct the very roadway (18-20 feet wide) the County once determined was not appropriate in the area nor necessary for intended uses.

Denying the variance request will also result in "injury to neighboring property," a result variances seek to avoid. The 18-20 foot wide stretch required by the hearings officer will require significant excavation and filling of his neighbors property, upon which the easement is located. Expert testimony submitted herein from a certified engineer confirms this fact. The roadway stretch from the slow down pole to just past the turn around road will need to be excavated and the roadway cut into the hillside. The hillside, where the road would extend, and the excavation and fill needed, can all clearly be seen from pictures provided as evidence. Tape measurements taken on site on July 10 by Gary Shepherd, Of Attorneys for Applicant, and applicant, depicted on the pictures, clearly show the distance the road will extend into the neighboring property and the significant area that will be cut and filled.

The staff states that Mr. Protassy failed to prove that a full 5 feet area is needed to address erosion, stability and drainage concerns between the edge of the roadway easement and the requested 16 foot wide roadway. (Summary at 4). This statement ignores evidence in the record and confuses the issue.

The parties are in agreement that the south side of the easement roadway, having mature walnut trees, has "practical difficulties" that support the variance request. The easement roadway is 30 feet wide. The existing roadway is 12 feet wide, leaving 9 feet of easement on either side. The walnut trees prevent expansion to the south, thus leaving any expansion going to the north 9 feet. On the north side, telephone poles presently block any roadway expansion. It should be noted that

the staff found that the telephone poles could be found to be a practical difficulty as required for the requested variance. Staff Board Hearing Submission, #6. Although, the hearings officer found that since the telephone poles will be moved in the near future by Camp Angelos, Mr. Protassy has room to expand the roadway further to the north. Camp Angelos is required by a prior County land use approval to widen the Protassy roadway to 16 feet in width and has yet to do so. Widening the roadway to 16 feet would involve Camp Angelos moving the telephone poles as well.

It should be noted that Mr. Protassy has no control over the telephone poles being moved. The roadway was suppose to built years ago, as the condition was imposed in 1993. Other issues involving the approval of the Protassy dwelling including meeting the conditional use approval (CU 12-96) deadline, the Grading Permit and Building Permit are conditional on this variance approval. If the poles are not moved in a timely manner by Camp Angelos and the 16 foot wide roadway constructed, Mr. Protassy cannot meet his obligations to widen the roadway if the Commission so imposed such an obligation. Mr. Protassy is extremely concerned over losing development rights because some action is out of his control. Without adjustment to the decision, if the Camp does not make the requisite improvements, Mr. Protassy would be forced to pay for the entire roadway or risk loosing his conditional use approval from the delay. The staff concludes that it is unlikely Mr. Protassy will absorb the entire cost for roadway improvements. Summary at 4. There is no assurance that this will be true. The County has not assured him that the Camp will make the improvements in a timely fashion before Mr. Protassy's approvals expire. If the poles are not moved, practical difficulties in expanding to the north arise again. See Summary at 3.

Assuming the telephone poles will be moved by the Camp, there is a hypothetical 21 foot wide strip of area in which to place a roadway. The question then remains, what is the maximum size roadway that can fit within that 21 feet, allowing for buffers, erosion control and roadway stability concerns. The hearings officer concluded that a 21 foot wide road could be built if the existing road were widened to the north only. Decision at 12. If one were to just subtract nine feet (the distance from the south edge of the existing roadway to the walnut trees, the direction Mr. Protassy cannot go) from thirty (the easement width), they would end up with twenty one feet (the width the county staff came up with). If that is all the county staff is relying on, simple mathematics, that takes no account for conditions on site, it should not be considered as evidence to defeat Mr. Protassy's request and evidence submitted by him. Mr. Protassy does not know what evidence the hearings officer is speaking of as none supporting such a conclusion is in the record. If one were to visit the site, it would become clear that a twenty one foot road could not be accommodated by expanding to the north.

The hearings officer also found that 3 of the 5 feet is needed as a buffer between the relocated utility (not just telephone, but electric) poles, to be relocated by the Camp, and the roadway surface. This leaves only two feet for expansion. This comports to the hearings officer requirement of an 18 foot wide roadway. It should be noted that this 18 feet only becomes available after the telephone poles are moved by another property owner.

Ideally, an 18 foot wide roadway could be constructed, but only if the subject area were completely flat, had no ditches to fill or hills to excavate. Unfortunately, the subject site characteristics are not as such.



An eighteen foot wide roadway assumes that all the space from the utility pole buffer can be used to accommodate the pavement. The truth is that much area will be need to shore up the slopes being cut into, to prevent erosions and slides, and ensure proper drainage. See LaVielle Geotechnical submission. Even logic will tell you that you cannot simply just cut into a slope and put in a roadway. The engineering of road construction prevents an 18 foot wide roadway from being laid on an 18 foot wide piece of land. What makes the circumstances even more difficult here is that the subject land is rather hilly and creates a situation that does not allow for the expansion of the roadway more than 16 feet without creating serious erosion, control, and stability problems.

It is evident from the record and just plain logic that an 18-20 foot wide roadway cannot be accommodated in the space available at this site without running into practical difficulties that justify the variance requested. Evidence already in the record and that introduced during this hearing demonstrate, without being refuted, the substantial cut and fill will be needed to extend the roadway out further than 16 feet. While the landscape may accommodate a 16 foot wide roadway, it will not accommodate an 18-20 foot wide roadway without trespassing on neighboring property, undermining the stability of the surrounding landscape and roadway, and preventing the installation of needed erosions controls in the easement area.

If the roadway is expanded to the north the presently required 18-20 feet, it will involve a significant amount of cut and fill for its entire length. Upon entering the property off of Stevens Road, the first 75 feet will need to be cut. This involves moving a substantial amount of material as demonstrated by the pictures entered as exhibits and expert testimony. The next 125 feet will need to be filled. The hill slopes down significantly here as is demonstrated by pictures in the record.

The next 240 feet, from the slow down pole to past the turnaround driveway on the right, will need to be cut as demonstrated by the pictures. These measurements were documented by Gary Shepherd, and Andre Protassy on a July 10, 1998, at which time pictures entered into the record were taken. Extending the road 16 to 18 feet will require significantly more excavation work as the hillside slopes upwards. This will undermine the slope stability that presently exists.

Mr. Protassy has also demonstrated that a wider roadway will result in erosion concerns downhill. A wider roadway will result in more runoff affecting adjacent properties. Mr. Protassy and others made this point on many occasion through several mediums. Mr. Protassy commissioned a study performed by LaVielle Geotechnical which concluded that widening the roadway may have serious detrimental effects on surrounding properties. Exhibit F3, and attached hereto. The wider roadway will increase the impermeable surface thereby nearly double the stormwater run off that flows towards the steep slope above Mr. Protassy's and the Camp Angelos Property. An expert has concluded this increase runoff could greatly reduce the stability of the slopes on Mr. Protassy's and neighboring properties. Exhibit F3, letter from LaVielle Geotechnical. The projected increase in storm water runoff and its potential effects on slope stability is especially of concern on the Protassy property because of the significant amount of rainwater that drains across and down the existing roadway and through his property. Another hydrological study performed on site revealed that approximately 52 acres could contribute runoff to the property and roadway area. This amounts to a volume of water ranging from 156 to 195 acre feet which must flow downhill and pass through the property as either surface or subsurface flow. These flows are sufficiently large that they can cause damage to roadways. See CU 12-96, Exhibit J filed herein. Camp Angelos' owner also expressed concerns over the

increased runoff in a letter submitted to the planning department dated 5/12/98, filed herein.

In spite of the volumes of water now traveling down the roadway as documented by experts, Mr. Protassy and Camp Angelos, the County is requiring Mr. Protassy to further increase the width of non-permeable surface, which will just worsen existing conditions. It seems the hearings officer and staff ignored substantial evidence regarding drainage, stability and erosion when it concluded that Mr. Protassy did not demonstrate erosion and slope stability concerns to justify the variance. The landscape creates the practical difficulties. The variance is need to avoid "injuries to property"; precisely what the variance criteria seeks to prevent.

The county decision requiring Mr. Protassy to construct a wider and more intrusive roadway is also in violation of County Policy No. 14. Policy No. 14, developmental limitations states:

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

- A: Slopes exceeding 20%;
- B. Severe soil erosion potential;
- C. Land within 100 year flood plain;
- D. A high seasonal water table...;
- E. A fragipan less than 30 inches from the surface;
- F. Land subject to slumping, earth slides or movement.

The county is violating Policy 14 by directing development in an area that will likely create erosion problems for the roadway and downhill property owners. The County is requiring applicant to widen the exiting roadway, thus requiring significant cut and fill. The roadway will have to be cut into the hillside because of the width the county is requiring. This will increase the

risk of slides and slumping in what is now a stable slope. Furthermore, the increase roadway surface will increase runoff and thus impact downhill property owners. Both owners have expressed concern over requiring the increase in width and roadway surface and have submitted testimony of expert witnesses regarding the impacts of the increased road surface.

**Required 20 foot wide extension, on East 170 feet, will destroy mature trees:**

If the Commission disagrees with Mr. Protassy and is going to require Mr. Protassy to extend the Camp's roadway an additional 4 feet, to 20 feet, on the eastern portion of the roadway, the Commission needs to revisit the appropriate length for this expansion. Both the staff and hearings officer agree with Mr. Protassy that practical difficulties associated with the mature Walnut trees prevent expanding the roadway to the south and towards the mature trees. What is alarming is that the requirement that Mr. Protassy extend the roadway the full 20 feet for 170 feet will result in the destruction of mature walnut trees. The first mature walnut tree is 160 feet from the property line, not the 170 feet estimated by staff at page 11 of the hearings officer decision. This office and Mr. Protassy visited the site on Friday, July 10, 1998 and took accurate measurements. To require a twenty foot roadway for the first 170 feet would result in the lose of Walnut trees. Such a result is contrary to what the staff and hearings officer attempted to avoid. Thus, any 20 foot wide roadway requirement, or a 4 foot expansion of the Camp's 16 foot roadway, should only extend to a point that provides a sufficient buffer for the first mature Walnut tree. To flatly apply a condition that 170 feet needs to be 20 feet wide will result in the loss of mature trees. Expert arborists have testified that any movement to the south could impact the trees. Exhibit A1, at C. The trees are presently 9 feet from the roadway surface. Thus 9 feet is a needed buffer.

Therefore the Commission should only require Mr. Protassy to extend the Camp's 16 foot roadway to 20 feet for a length of 151 feet. Even better, rather than making a specific numerical condition, Mr. Protassy requests language that will protect the first mature walnut tree such as: 20 feet wide for length from Steven Road property line until nine feet from first mature tree.

**Condition of Improvements needs to be rephrased:**

If the Commission requires Mr. Protassy to construct improvements, the condition needs to be rephrased to ensure Mr. Protassy's land use and Constitutional rights are protected. The condition needs to ensure that any requirement of Mr. Protassy to expand the roadway will arise only after Camp Angelos has made its required roadway improvements to 16 feet. This is the only way to ensure that Mr. Protassy is not required to cover the entire cost of the improvement. If he is required to pay for the entire cost of the improvement it would be disproportional to the impacts he places on the roadway. Other users, including the Camp and public which use the roadway to access the Camp, would be reaping a benefit at Mr. Protassy's expense. The Camp has stated that up to 160 individuals are at the site for eighteen weekends of the year. The Camp has had over fifty cars on site at once, significantly more use than applicant's one residence generates. Thus, the decision of the county would amount to an unconstitutional taking of private property in violation of the Fifth Amendment to the United States Constitution and Article 1, section 18, of the Oregon Constitution under the **Dolan** rough-proportionality analysis. See **Clark v. City of Albany**, 137 Or. App. 293, 904 P2d 185 (1995), rev. den. 322 Or 644 (1996).

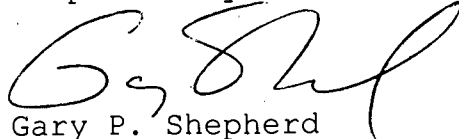
The Taking Clause of the Fifth Amendment to the United States Constitution provides: "[N]or shall private property be taken for public use without just compensation." Article I, section 18, of the Oregon Constitution states in pertinent part:

"Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation \* \* \*."

In addition, making Mr. Protassy's performance conditional on the camp's performance will ensure that Mr. Protassy's conditional use approval, and timeline for performance associated with it, does not expire prior to him being permitted to make the required improvements. Mr. Protassy's ability to construct an 18-20 foot wide roadway without experiencing practical difficulties is dependent upon Camp Angelos meeting its requirement to construct a 16 foot wide roadway.

Mr. Protassy, applicant herein, respectfully requests the decision of the Hearings Officer be reversed and his variance request granted.

Respectfully submitted,



Gary P. Shepherd  
Of Attorneys for Applicant

CC: client  
Jeff Litwak, County Counsel  
Board of County Commissioners

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MULTNOMAH COUNTY  
PLANNING SECTION

PAUL NORR  
ATTORNEY AND COUNSELOR AT LAW  
1020 S.W. TAYLOR STREET, SUITE 530  
PORTLAND, OREGON 97205-2550

OF COUNSEL  
DENISE FRISBEE

TELEPHONE (503) 226-3662  
FAX (503) 224-1123

HAND DELIVERED

September 24, 1997

Liz Fancher, Hearings Officer  
Multnomah County Department of  
Environmental Services  
Transportation and Land Use Planning Division  
Multnomah County  
2115 S.E. Morrison St.  
Portland, OR 97214-2865

Case File: Conditional Use CU 12-96  
Significant Environmental Concern SEC 27-96  
Major Variance HV 18-96

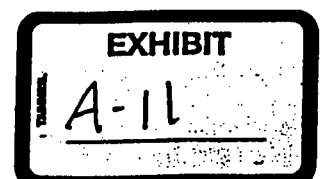
Applicant: Andre Protassy

Dear Madam Hearings Officer:

This office represents the Applicant, Andre Protassy. Mr. Protassy offers the following additional evidence and comments in response to the staff report and the questions outlined by the Hearings Officer at the July 16, 1997 hearing and in her subsequent written comments of July 18, 1997.

Submitted herewith are the following Exhibits:

- Exhibit A - Materials from Multnomah County Planning Case No. LE 6-87
- Exhibit B - Materials from Multnomah County Division of Assessment and Taxation Re: Accounts No. R-00403-0490 and R-00408-0440
- Exhibit C - Materials relating to Insurance Settlement for Fire Loss of 10/22/88



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- Exhibit D - Letter from Nicholas O'Connell regarding fire loss and rebuilding the destroyed house
- Exhibit E - Proposal and Contract for septic installation dated 5/18/89 and canceled payment checks
- Exhibit F - City of Gresham Temporary Electrical Hookup Permit No. 10546 and Payment Receipt No. 78137, both dated 6/7/89
- Exhibit G - Miscellaneous building materials receipts
- Exhibit H - Transcript of July 16, 1997, hearing in CU 12-96/SEC 27-96/HV 18-96
- Exhibit I - Photographs of the previously existing house prior to and after the October 22, 1988, fire
- Exhibit J - Letter dated September 17, 1997, from Robert E. Rallison, P.E., Hydraulic Engineer, with attachments
- Exhibit K - Letter dated September 18, 1997, from Daniel F. Green, Vice President, Woodland Management, Inc.
- Exhibit L - Estimates from Emmert International dated September 9, 1997 and Watson Plumbing dated September 5, 1997.

I. APPLICANT'S HOME IS A REPLACEMENT DWELLING ALLOWED BY  
RIGHT UNDER MCC 11.15.2048(E) AS A USE PERMITTED  
OUTRIGHT AND ALSO UNDER MCC 11.15.2049(B) AS A USE  
PERMITTED UNDER PRESCRIBED CONDITIONS.

MCC 11.15.2048(E) allows the replacement of a previously existing dwelling, on the same lot as the replaced dwelling, a use permitted outright, subject to the following two conditions:



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1. The replacement dwelling must be located within 200 feet of the replaced dwelling; and
2. The replaced dwelling must have been habitable, have had reliable running water for domestic use, and contained a cooking/eating area, a sleeping area and bathroom facilities connected to a sewage disposal system.

MCC 11.15.2049(B) allows a restoration or replacement dwelling when replacement results from destruction by fire, subject to the following two conditions:

1. The restoration or replacement was commenced within 1 year of the fire; and
2. If the replacement dwelling is located more than 200 feet from the replaced dwelling the standards of MCC .2074 apply.

Prior to 1987, the properties now known as 32151 and 32152 SE Stevens Road were one property, then known as Tax Lot 49 (Account R-00403-0490), with the address of 32151 SE Stevens. This property was approximately 30 acres in size.

By Multnomah County Case No. LE 6-87, this property was divided into two legal Lots of Exception, creating an approximately 19.5 acre Parcel 1 which remained Tax Lot 49 (Account R-99405-0490) known as 32151 SE Stevens, and the newly created approximately 12 acre Parcel 2 which became Tax Lot 44 (Account R-99408-0440) known as 32152 SE Stevens. (See Exhibit A, pages A-1, A-3, and A-4).

The County tax records show slightly different acreage figures, however their Change Order records also show the division of the 29.88 acre Tax Lot 49 into an 18.35 acre Tax Lot 49 and an 11.53 acre Tax Lot 44 (See Exhibit B, page B-1).

The newly created 11.53 acre Tax Lot 44 is now the Protassy property, known as 35152 SE Stevens.

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The following supports the conclusion that Mr. Protassy's house qualifies under both MCC 11.15.2048(E) and .2049(B) as a replacement dwelling:

1. The application in Case No. LE 6-87 shows the existence of 2 dwellings on the old Tax Lot 49 (See Exhibit A, page A-1), with the location of the two houses shown on the approved Tentative Plan (Exhibit A, page A-3) and on the approved survey (Exhibit A, page A-4). One house is shown on Tax Lot 49 (Parcel 1) and the other on Tax Lot 44 (Parcel 2).
2. The tax account Characteristics Card printout for Tax Lot 49 at 35151 SE Stevens (Account R-99405-0490), dated 7/06/89, although reflecting the new size of 18.35 acres, still shows the two improvements, one being an 880 sq.ft. 1 story house with a basement and attached garage built in 1900 (See Exhibit B, page B-6) and the other being a 693 sq.ft. 1 story bungalow type house built in 1940, as both being located on the 18.35 acre parcel.

The tax account Characteristics Card printout for the new Tax Lot 44 of 11.53 acres (Account R-99408-0440), dated 7/6/89, shows that the separate account was set up, but does not show any characteristics for a house on that 11.53 acre parcel.

The only logical conclusion is that the characteristics of the second house (the 693 sq.ft. 1 story bungalow house built in 1940), which was the house located on the new 11.53 acre Tax Lot 44 (now the Protassy property), were not transferred over to the right account as of 7/06/89. It is clear from Planning Case LE 6-87 that one house went with each lot, and the materials in Exhibit A show the specific location of that house on the Protassy property.

3. Mr. Protassy received an insurance payment on December 15, 1988, as the result of a fire loss occurring on October 22, 1988. (See Exhibit C, page C-1). Attached to the copy of the insurance draft is a floor plan diagram which Mr. Protassy provided to the insurance company, prepared by Mr. Protassy's tenant prior to the

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fire, Stefan Gerov. (See Exhibit C, page C-2). The photographs on Exhibit I show the house prior to the fire and the kitchen area after the fire.

4. Mr. Protassy's neighbor, Nicholas O'Connell, at 32202 SE Stevens, verifies that the rental house on the Protassy property burned in October, 1988, and that Andre began rebuilding in the Spring of 1989. (See Exhibit D).
5. Mr. Protassy testified at the hearing that the pre-existing house was built before 1960, (Tr. p. 13) and had existed there for at least 30 to 40 years prior to its destruction by fire in October 1988. (Tr. p. 13). This testimony was supported by the testimony of Mr. Pinheiro, a prior owner, who supplied photos of the old house on the site. (Tr. p. 18-19).
6. Mr. Protassy began the replacement dwelling by having a new 1000 gallon septic tank and 225' drain field installed in May, 1989. The work was done by Randy Lee, of 42912 E. Larch Mt. Road. (See Exhibit E).
7. Mr. Protassy secured a Multnomah County temporary electrical permit for construction on June 7, 1989, Permit No. 10546 (Exhibit F, page F-1), issued through the City of Gresham, Receipt No. 78137 dated June 7, 1989 (Exhibit F, page F-2).
8. Mr. Protassy continued construction on his home (See Exhibit G). Exhibit G is comprised of numerous receipts for framing lumber, nails, cement, electrical, plumbing and roofing materials.
9. The replacement house was built on the same spot as the replaced house. (Tr. P. 13, 19, and Exhibit A).

The existence of the prior dwelling cannot seriously be doubted. The Hearings Officer apparently recognized this at the hearing (See Transcript of Hearing, pp. 19, 38), even before seeing the evidence submitted herewith. The evidence is undisputed that there was a previously existing dwelling, that the dwelling burned in a fire in October, 1988, and that construction commenced on the replacement dwelling by May, 1989.

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In summary, the house partially completed at 32152 SE Stevens is a replacement dwelling, and it is allowed by right under MCC 11.15.2048(E) as a Use Permitted Outright and also is allowed under MCC 11.15.2049(B) as a Use Permitted Under Prescribed Conditions. As such, the Applicant is not required to show compliance with the other approval criteria contained in MCC 11.15 as set out in the Staff Report. Such criteria are not applicable to this replacement dwelling.

## II. CRITERIA FOR CONDITIONAL USE APPROVAL OF A TEMPLATE DWELLING IN THE CFU ZONE

Even though Applicant believes MCC 11.15.2052(A) does not apply, these criteria will be addressed since they are addressed in the Staff Report.

MCC 11.15.2052(A) identifies the criteria for approval of a template dwelling in the CFU zone. Staff acknowledges that Applicant meets the criteria listed in MCC 11.15.2052(A) (1) - (6) and in (A) (8). Section (A) (6) requires submission of a stocking report which staff acknowledges could be validly implemented with a condition of approval.

Subsection (A) (7) requires conformance to the development standards set forth in MCC 11.15.2074. This section would, if applicable, bring into play the main issues identified by the Hearings Officer:

- A. The impact of the Applicant's home on adjoining forest or agricultural lands; and
- B. The impact of the drainage of water on siting this house.

### A. COMPLIANCE WITH MCC 11.15.2074, DEVELOPMENT STANDARDS

Though it is Applicant's position that his home qualifies as a replacement dwelling and thus need not comply with the Development Standards set forth in Section 2074, the dwelling nonetheless can satisfy those requirements. The focal issue is siting and its relationship to forest and agricultural practices on Applicant's and his neighbors' properties.

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Section A(1) requires the dwelling to be located such that "it has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G)". The application for a variance request is made in recognition that the current dwelling location does not meet the 200 foot side and front yard setbacks for this zone. That issue will be addressed separately.

The existing location of the home has the least impact on nearby or adjoining forest or agricultural lands. Attached as Exhibit K is a letter from Daniel F. Green, a forester with 28 years of professional experience, who has visited the property and evaluated the property and the neighboring properties. As expressed in his letter, it is Mr. Green's opinion that:

- (1) the location of a house on any property typically does not affect the neighbors' farm or forestry practices, so whether it is located in the northwest corner or further east has no impact;
- (2) for this specific property, locating the house where it is, tucked in the northwest corner, close to the previously existing road, power lines and the house to the north, minimizes any potential impact; and
- (3) whatever questionable benefit there might possibly be to locating the Protassy house more centrally on his property would surely be outweighed by the obvious negative impact on the forest or farm production of his own property.

Mr. Green's professional opinion is apparently similar to the Hearings Officer intuitive observation at the July 16 hearing, that being that it the location of the house where it is might meet the "least impact" requirement because it would have the same impact if it were situated towards the center of the property and in compliance with the setback requirements. (Tr. p. 39).

With respect to the Camp property to the west, it is Mr. Green's opinion that the location of the house as constructed will not negatively impact forest practices on that site, and offers the advantage of clustering the house with the existing impacts caused by the exiting development (electrical lines, road, and house to the north). Such location also minimizes the

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potential negative impact on farming that could be generated on property to the north and east. Mr. Green also states that the current location minimizes any negative impact on agricultural practices on Applicant's own property. In sum, Mr. Green's evaluation indicates that the dwelling as currently sited has the least impact on his own and on nearby or adjoining forest or agricultural land.

Again, the Staff Report acknowledges that Applicant meets all other Development Standards contained in Section A.

B. UNIFORM BUILDING CODE CONSIDERATIONS OF MCC  
11.15.2074 (B)

Section B requires the dwelling to comply with the standards of the Uniform Building Code. This would be an appropriate condition of approval.

It is clear that Mr. Protassy did not secure the required building permits at the time he began construction. Obviously, he must comply with the Uniform Building Code in order to be able to occupy the structure. Failure to comply with the Building Code, however, should not automatically disqualify him from the requested zoning approvals.

Mr. Protassy acknowledges that he must secure the appropriate building permits, and must comply with the applicable building codes.

III. CRITERIA FOR APPROVAL OF SEC PERMIT

The general issue with regard to approval of the SEC permit relates to the staff's questioning whether the house could be moved farther to the east, in other words farther from the Sandy River Gorge. Testimony at the hearing indicated that the house could not be moved farther to the east because the eastern portion of the property was generally covered with water during the winter months. This testimony was offered by Mr. Protassy, by Nicholas O'Connell, the owner of 32202 S.E. Stevens, and by Mr. Pinheiro, the prior owner of the Protassy property.

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Attached as Exhibit J is a letter dated September 17, 1997, from Robert E. Rallison, P.E., a hydraulic engineer, who has been out to the site and performed certain calculations with regard to this property (see Exhibit J). Mr. Rallison concludes that approximately 52 acres of property drain onto the Protassy site, that the Protassy site being the low point between these 52 acres and the river is the natural drainage point, and that as a result of diking along the Protassy property to protect erosion along the top of the Sandy River bank escarpment, ponding occurs on the Protassy property. He concludes that this is an indicator that "excess water on the property is a long-standing problem." (See Exhibit J).

The Hearings Officer appears concerned about a report that the Protassy house where it exists has experienced flooding. Mr. Protassy states that the only time that his existing house flooded was when he failed to properly hook up the water lines, and had water backing up underneath his house. He states that he showed this condition to a representative of the Camp, and believes that the reason the representative of the Camp mentioned flooding of the house is this one incident in which the pipes were not properly hooked up.

Mr. Protassy indicates that he is not aware of any flooding at the current location during the period of time in which he owned the house, and there have been no reports of flooding from any of the prior owners or any of the neighbors.

To the contrary, the testimony of the prior owner and the neighbor, along with that of Mr. Protassy, as supported by the engineer, Mr. Rallison, is that it is the eastern portion of the Protassy property which experiences the annual water problems, not the site where a house has been located since the 1940's.

In terms of the SEC permit, the house is located as far to the east and as far from the Sandy River bank as possible, given the flooding problems and standing water to the east of the existing home.

There is evidence in the record from Mr. Protassy, in terms of photographs and his personal testimony, indicating that the house is not visible from across the Sandy River Gorge. Mr. O'Connell testified that the house is not visible from the Sandy River. (Tr. p. 23). Also, there is no evidence in the record that

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his house is visible from any location downhill of the property within the Sandy River Gorge itself. The staff did note that there were portions of the river visible from the Protassy property, however this is not the same as saying that the house itself is visible from the river gorge. Given the problems with standing water and the wetness of the soil during the winter months, which results from the drainage of 52 acres downhill onto the Protassy property, the house is located as far as possible from the river gorge.

#### IV. CRITERIA FOR APPROVAL OF THE MAJOR VARIANCE

The variance approval criteria are contained in MCC 11.15.8505. The four criteria are addressed as follows:

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

This property is unique in that, as Mr. Rallison points out (see Exhibit J), this property is at the bottom of a 52-acre drainage area. The physical characteristics of the property, including natural features and topography, result in the entire eastern portion of the property being inundated with water during the winter months. Based on calculations made by Mr. Rallison, there are approximately 156 to 195 acre feet of water passing through the property during the average winter season of November through March. As Mr. Rallison points out, this results in the eastern portion of the property being wet, with ponding and a longstanding water problem. The original house built on this site was built, according to tax records, in 1940. Testimony at the hearing indicates that the house has been at that location for 30 years or more. The experience over this period of time is that the house at that location does not flood, making it the only location on the property for the appropriate location of a dwelling. The unique circumstances of this property do not apply to other property in the same vicinity or district.



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

The imposition of the standard 200 foot setback would prohibit the Applicant from placing the house on his property. The only portion of the property which would fall within the area 200 feet from the east, west and north property line lies in the area in which the neighbor and prior property owner, along with Mr. Protassy and Mr. Rallison, indicate is the area of principal water inundation. The 200 foot limit cannot be met, and the imposition of the 200 foot setback would prohibit Mr. Protassy from having a house on his property.

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

Surrounding properties are zoned CFU. A professional forester, Mr. Green, has evaluated the impact of the Protassy house on the neighboring properties, and finds that there would be no impact. To the extent that there could be some potential impact, Mr. Green finds that clustering his house at its location near the road, power lines, and a neighbor's house to the north, is the best location on the Protassy property in terms of any potential interference on neighboring farm and forest practices. (See Exhibit K).

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

Staff agrees that the approval of the variance would not adversely affect realization of the Comprehensive Plan, nor establish a use not allowed in the zone. Further, as noted by Mr. Green in his letter of September 18, 1997, location of the house on the Protassy property tucked in the northwest corner, maximizes the potential production of the Protassy property. (See Exhibit K).

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Transportation and Land Use Planning Division  
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As demonstrated, the variance approval criteria are met for this Application.

#### V. COST OF MOVING THE EXISTING HOME

The issue of the cost of moving the existing house was raised by the Staff at the hearing. (Tr. P. 11). Enclosed as Exhibit L are the estimates of Emmert International and Watson Plumbing Company with regard to the potential relocation of the existing structure. Emmert International estimates a cost of \$31,500 to move the existing house any distance to the east, plus an additional approximately \$4,500 for foundation work. Watson Plumbing indicates approximately \$4,600 for plumbing work. These estimates combined total approximately \$40,000 simply to move the house to the east, and place it on a foundation with adequate plumbing.

This estimate does not include the cost of running new electrical lines, nor does it include the cost of construction of an over 200 foot driveway to attempt to place the house 200 feet from all of the property lines. Total costs have been estimated by Mr. Protassy to be approximately \$100,000.00 (Tr. p. 16).

Please, however, remember that based on the expert testimony of Mr. Rallison and Mr. Green, as well as the testimony of those people most familiar with the property (the owner Mr. Protassy, the prior owner Mr. Pinheiro, and the neighbor Mr. O'Connell), the only appropriate location is the northwest corner of the property where the home is currently located. No evidence has even been offered to contradict this testimony.

#### VI. SUMMARY

Mr. Protassy has demonstrated that his house should be allowed outright as a replacement dwelling, without the requirement of meeting the other approval criteria set out in the staff report. Nevertheless, the materials and testimony submitted prior to and at the hearing, along with the materials submitted with this letter, demonstrate that the approval

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criteria are met for the template dwelling, for the SEC review,  
and for the variance to the setback requirements.

Mr. Protassy's house should be approved at its existing  
location.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Norr", written over the word "Respectfully,".

Paul Norr

PN:srs  
Enclosures



# MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2116 S.E. Morrison St. Portland, Oregon 97214 • 248-3043

RECEIVED

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## APPLICATION FOR ADMINISTRATIVE APPROVAL - LOT OF EXCEPTION

Application is hereby made for Administrative Approval of  
one (two) Lot(s) of Exception, pursuant to the provisions of Subsection \_\_\_\_\_ of Ordinance No. 100.

No. 6-87

Property Description: 32151 SE STEVENS RD  
'TL '49' SEC 5, 1S 4E

Zone MUF19 SEC

Owner Name: WINIFRED PINHEIRO

Associated File

No. —

address: 3007 NE 181ST. PORTLAND, OREGON 97230

telephone: 665-4916

Date Filed

7-2-87

Applicant Name: FRANK A. WINDUST, JR.

address: 3793F SR RICKERT Rd., CORBETT, OR 97019

telephone: 675-5132

Decision Filed

Description of Proposal (attach map):

SZM No. 674, 683B

Rec'd by

AP

Fee \$40

Existing dwellings 2 Proposed dwellings 2

Receipt —

State of Oregon )  
County of Multnomah ) ss

I, FRANK A. WINDUST, JR.

Frank Windust, Jr.

each being first duly sworn, depose and say that  
I am ~~(one of)~~ the applicant(s) in the foregoing application and that  
the same is true as I verily believe.

Frank Windust, Jr.

Subscribed and sworn to before me this 2nd day of July,  
1987.

Barbara McVey  
Notary Public for Oregon

My Commission Expires 12-9-88

Over

DECISION

Division of the property to create \_\_\_\_\_ Lot(s) of Exception is hereby APPROVED/DENIED on a finding that the number of permitted dwellings will not/will thereby be increased above that otherwise allowed in the district.

CONDITIONS

1. "Comply with requirements for Exempt Minor Partition"
2. Provide a report from the Division of Assessment and Taxation indicating the value of the dwelling unit on the property
3. All existing structures on the property shall meet all MUF-19 setback requirements with respect to new property line.

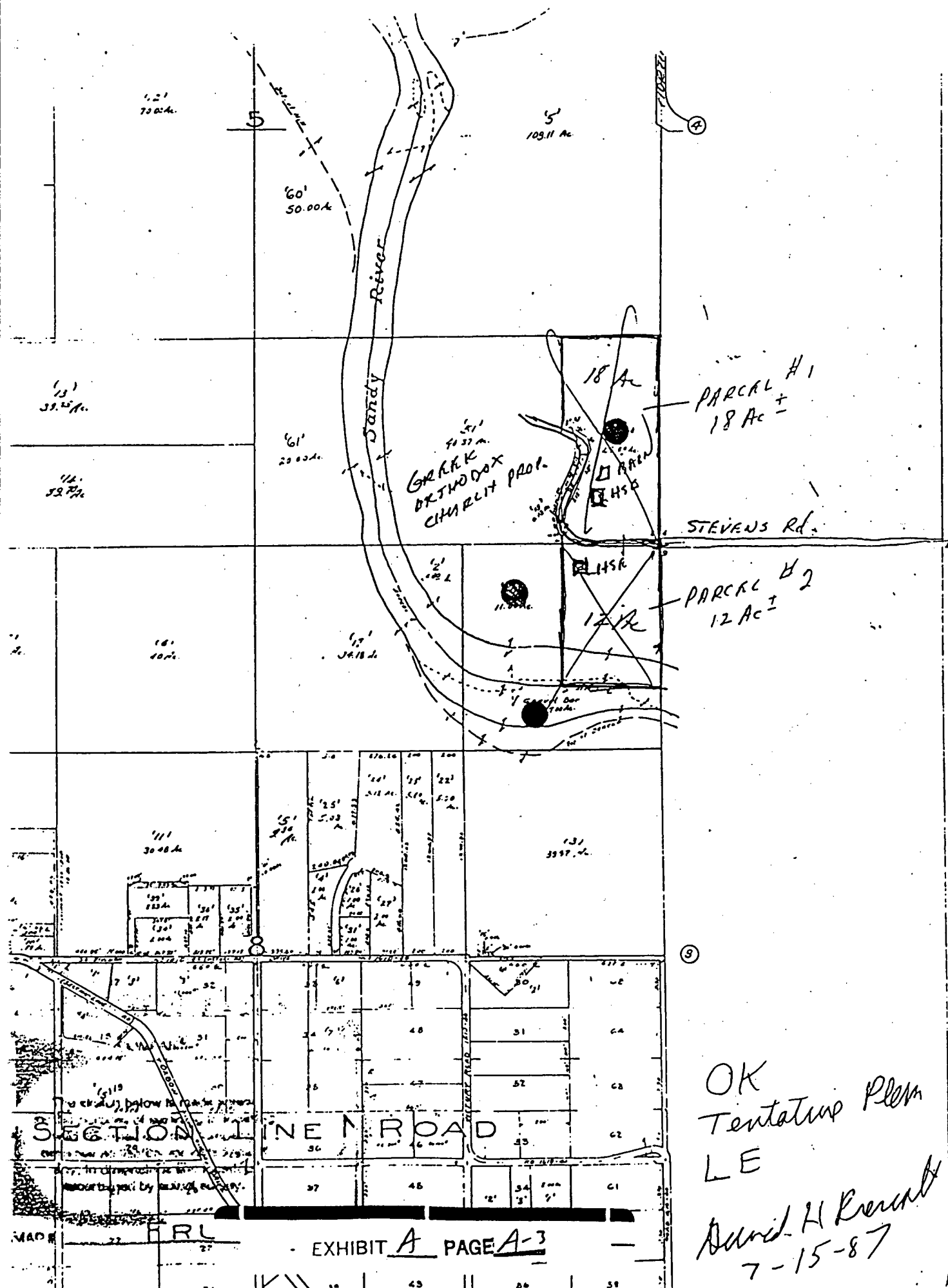
NOTICE: This decision may be appealed within ten days, pursuant to the provisions of Subsection 12.38 of Ordinance No. 100. For information on appeal procedure, contact Land Development Section, 2115 S. E. Morrison Street / 248-3043.

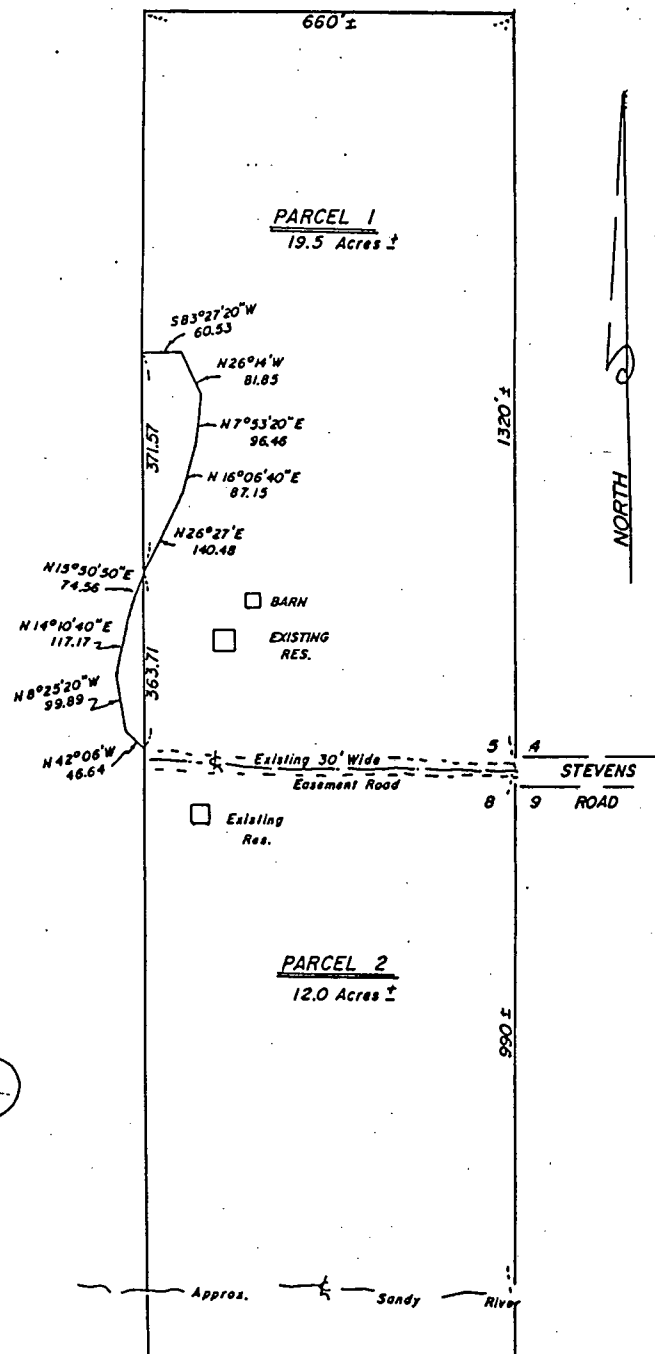
MULTNOMAH COUNTY, OREGON  
DEPARTMENT OF ENVIRONMENTAL SERVICES

LE 6-87 APPROVED/DENIED

Title David H. Prescott, Planner  
for Director, Planning & Development

Date: 7-15-87





NORTH

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gene A. Leuthold*

OREGON  
MAY 6, 1980  
GENE A. LEUTHOLD  
476

LE - 6 - 87

EXEMPT MINOR PARTITION

IN S.E. 1/4 SECTION 5

8 N.E. 1/4 SECTION 8

EXEMPT MINOR PARTITION \*

(Under Mult Co Ord #174)

29 OCT. 1987

ALLAN & LEUTHOLD, INC.  
SURVEYING  
4827 N. E. 103rd AVENUE  
PORTLAND, OREGON 97220  
503 - 234-0734

PARCEL # 1

A tract of land in the S.E.  $\frac{1}{4}$  of Section 5 T. 1 S., R. 4 E., W.M. Multnomah County, Oregon described as follows:

Beginning at the Southeast corner of Section 5 T. 1 S., R. 4 E., W.M. Multnomah County, Oregon; thence Westerly along the centerline of a 30.0 foot easement road a distance of 660.0 feet more or less to a point in the West line of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 5; thence North along said East line to a point that is 45.0 feet North of the Southwest corner of the East  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of said Section; thence North  $42^{\circ} 06'$  West 46.64 feet; thence North  $8^{\circ} 25' 20''$  West 99.89 feet; thence North  $14^{\circ} 10' 40''$  East 117.17 feet; thence North  $15^{\circ} 50' 50''$  East 74.56 feet to a point in the East line of the afore said subdivision which is 363.71 feet North of the S.E. Corner thereof; thence North  $26^{\circ} 27'$  East 140.48 feet; thence North  $16^{\circ} 06' 40''$  East 87.15 feet; thence North  $7^{\circ} 53' 20''$  East 96.46 feet; thence North  $26^{\circ} 14'$  West 81.85 feet; thence South  $83^{\circ} 27' 20''$  West 60.53 feet to a point in the East line of the afore said subdivision; thence North along said East line 585.0 feet more or less to the Northwest corner of said East  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of said Section 5; thence East along the North line of said East  $\frac{1}{2}$  a distance of 660.0 feet more or less to the Northeast corner of said East  $\frac{1}{2}$  and a point in the East line of said Section 5; thence South along said East line a distance of 1320.0 feet more or less to the point of beginning...

Containing 19.50 acres more or less....

Subject to and together with a 15.0 foot easement each side of the South line of the above described Tract..

EXEMPT MINOR PARTITION \*  
(Under Mult Co Ord #174)  
date 29 OCT. 1987  
by Irving G Ewen  
Irving G Ewen  
Land Development Section  
MULT CO ENVIRON SERVICES  
\* REF: Case # 15 06-87

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
Gene A. Leuthold  
OREGON  
MAY 8, 1989  
GENE A. LEUTHOLD  
475



ALLAN & LEUTHOLD, INC.  
SURVEYING  
4827 N. E. 106th AVENUE  
PORTLAND, OREGON 97220  
503 - 254-0734

PARCEL # 2

A tract of land in the S.E.  $\frac{1}{4}$  of Section 5 and the N. E.,  $\frac{1}{4}$  of Section 8 T. 1 S., R. 4 E., W.M. Multnomah County, Oregon described as follows:

Beginning at the Southeast corner of Section 5 T. 1 S., R. 4 E., W.M. Multnomah County, Oregon; thence Westerly along the centerline of a 30.0 foot easement road a distance of 660.0 feet more or less to a point in the West line of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 5; thence South along said West line 20.0 feet more or less to the Northwest corner of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 8; thence South along the West line of the East  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  a distance of 900.0 feet more or less to the center of Sandy River; thence Easterly in the center of said Sandy River a distance of 660.0 feet more or less to a point in the East line of Section 8; thence North along the East line of said Section 8 a distance of 990.0 feet more or less to the point of beginning..

Containing 12.0 Acres more or less....

Subject to and together with a 15.0 foot easement each side of the North line of the above described Tract..

EXEMPT MINOR PARTITION *	
(Under Mult Co Ord #174)	
date	29 OCT. 1987
by	<i>Irving G Ewen</i>
Irving G Ewen	
Land Development Section	
MULT CO ENVIRON SERVICES	

\* REF: Case # LE 06-87

REGISTERED
PROFESSIONAL
LAND SURVEYOR
<i>Gene A. Leuthold</i>
OREGON
MAY 8, 1989
GENE A. LEUTHOLD
475

112387 205453 00058

REPORT 432 2062-AM37-01  
DATE RUN 11/23/87

CHANGE ORDER

JATCH NBR=9734

PAGE 1  
ACT SYSTEM

ACCOUNT R-99403-0490

VOUCHER 87-2007 C13 YEAR 87

SPLIT DDPR DEFERRAL ACCT

OWN GRAHAM, ROBERT W  
(01) *Pinheiro, Winitred*

XXXXXXXXX OWNER NAME LINE2XXXXXXXX

YR ACQ= 75  
(20) 87

3K 5 PG 10331900  
(27) 20451713

ML1 XXXXTAXPAYER NAME LINE1XXXXX  
(02)

XXXXTAXPAYER NAME LINE2XXXXX

ML2 32151 SE STEVENS RD  
(03) *3007 NE 181st AVE*

CORRETT, DRESON  
(04) 6

97019  
(05) 30

ADD SECTION 05 1 S 4 E  
(18)

MAP= 5154E A/D=2  
(21) (25)

LS1 TL 49 29.33 ACRES  
(06) *TL 49 18.35 Acres*

XLDT1X XBLK1X XXXXXXLEGAL DESCRIPTION2XXXX  
(07) (08) (09)

XLDT2X XBLK2X  
(10) (11)

LG2 XXXXXXLEGAL DESCRIPTION3XXXX  
(12)

XLDT3X XBLK3X XXXXXXLEGAL DESCRIPTION4XXXX  
(13) (14) (15)

XLDT4X XBLK4X  
(16) (17)

MSS GRAHAM, ROBERT  
(27) *Out*

DIV DIVISION 112087 XXXXXXINFORMATION NOTE3XXXXX  
(23) (29)

SIT 32151 SE STEVENS RD  
(23)

CORRETT, DR  
(24)

97019  
(25)

STA CS=P FS= AC=C NT= SC=  
(51) N (62) (63) D (64) (65)

DM= AV=858002 DV=103241 L/C=358  
(47) (51) (49) (63)

CHA 2N= MURSEC RC=644 PT=A PM= 29.33 PL=  
(19) (50) (52) A (53) 18.35 (54)

CENSUS=103.00 IO=71 YR=92  
(55) (56) (57)

IMP CC= 4 D Y3=1900 LA= 1.090 LU= 1 V4=020 CT= VS= 1.0 UC=3 AS=0 ID= 0  
(58) (59) (60) (61) (62) (63) (64) (65) (66) (67)

COMMENT  
(59)

*MPLEOL-87 10-29-87 2051-1379/EXC 11.53 AC into TL 44/Deed. 9-28-87*

*Section 8*

EXHIBIT *B* PAGE *B-1*

8500  
8471

A007

H AM3745 122487 182736 00021

REPORT NBR R042-AM37-01  
DATE RUN 12/24/87

## CHANGE ORDER

BATCH NBR=8471

PAGE 1  
ACT SYSTEM

ACCOUNT R-99405-0490

STATE ID

VOUCHER

CODE

YEAR

DEFERRAL

PINHEIRO, WINIFRED

MAILING

SECTION 05 1 S 4 E

MAP 5154E A/D 2

VOUCHER

YR/AC 87

MESSAGES

SEP 20451713

3007 NE 181ST AV

97230

TL 49 1A-35 ACRES

97-2007

DIV

DIVISION 112087

MESSAGES CONTINUED

CODE=

SIT 32151 SE STEVENS RD  
(23)CORBETT, OR  
(24)97019  
(25)STA CS=N FS= AC=D MT= SC= DM= AV=872007 DV=872007 ANNEX=  
(41) (42) (43) (44) (45) (47) (51) (49) (79)L/C=358  
(68)CHA IN=MUFSEC  
(19)RC=644  
(50)PT=A PW= 18.35  
(52) (53)PL= 18.35  
(54)CENSUS=105.00  
(55)ID=71  
(56)YA=82  
(57)IMP CC=4 D  
(58)YB=1900  
(59)LA= 1.080  
(60)

1.080

LU= 1  
(61)NH=020  
(62)CT= 35,000  
(63)NS= 1.0  
(64)UC=8  
(65)AS=0  
(66)IP= 0  
(67)

V

YR=86

CD=M

GT=04/21/86 LAND=

33,100

IMP=

35,000

V

YR=87

CD=A

DT=03/20/87 LAND=

32,950

IMP=

35,000

E

YR=

ET=

LAND=

IMP=

D

CD=FB

ACREAGE= 8.43

VAL=

1,420

D

out

CD=FB

ACREAGE= 5.00

VAL=

440

D

CD=GB

ACREAGE= 13.45

VAL=

5,880

D

CD=GE

ACREAGE= 2.00

VAL=

210

D

CD=MA

ACREAGE= 1.00

VAL=

25,000

H

YR=82

TYPE=F

TAXABLE=

4,220

L/C=358

H

YR=82

TYPE=G

TAXABLE=

7,390

L/C=358

H

YR=83

TYPE=F

TAXABLE=

3,570

L/C=358

H

YR=83

TYPE=G

TAXABLE=

6,990

L/C=358

CONTINUED

\*\*\* ROUTING\*\*\* SEQ INT DATE

DIVISION . . .

DRAFTING . . .

EXEMPTION . . .

APPRAISAL BLKT. 11/2/88

TAX CONTROL . . .

DATA ENTRY . . .

PERS. PROPERTY . . .

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EXHIBIT B PAGE B-2

8508

1807  
H AN3745 122487 182736 00022

REPORT NBR R042-AM37-01  
DATE RUN 12/24/87

CHANGE ORDER

BATCH NBR=8471

PAGE 2  
ACT SYSTEM

ACCOUNT R-99405-0490

STATE ID

VOUCHER

CODE

YEAR

DEFERRAL

OWNER  
- PIMMEIRO, WINIFRED

MAILING

ADDITION

MAP 5154E A/D 2

YR/AC 87 BCP 20451713

3007 NE 181ST AV  
PORTLAND, OREGON

97230

SECTION 05 1 S 4 E

LEGAL

TL 49 18.35 ACRES

VOUCHER

~~2007~~

MESSAGES

MESSAGES CONTINUED

DIV

DIVISION 112087

H	YR=84	TYPE=F	TAXABLE=	2,730	L/C=358
H	YR=84	TYPE=G	TAXABLE=	6,670	L/C=358
H	YR=85	TYPE=F	TAXABLE=	1,950	L/C=358
H	YR=85	TYPE=G	TAXABLE=	6,400	L/C=358
H	YR=86	TYPE=A	TAXABLE=	8,100	L/C=000
H	YR=86	TYPE=B	TAXABLE=	30,000	L/C=000
H	YR=86	TYPE=F	TAXABLE=	1,860	L/C=358
H	YR=86	TYPE=G	TAXABLE=	6,240	L/C=358
H	YR=87	TYPE=A	TAXABLE=	7,950	L/C=358
H	YR=87	TYPE=B	TAXABLE=	30,000	L/C=358
H	YR=87	TYPE=F	TAXABLE=	1,860	L/C=358
H	YR=87	TYPE=C	TAXABLE=	6,090	L/C=358
				3240	

T	YR=86	BALANCE=		T	YR=86	L/C=358	LEVIED=	2,182.61	TAXABLE=	68,100
				T	YR=86	L/C=599	LEVIED=	100.00	TAXABLE=	
T	YR=87	BALANCE=	31.33	T	YR=87	L/C=358	LEVIED=	2,350.40	TAXABLE=	67,950

COMMENT  
(69)

due 11-2-87

EXHIBIT B PAGE B-3

8508

AN3745 112087 205433 07102

REPORT NBR R042-AN37-01  
DATE RUN 11/20/87

CHANDLER

ATCH NBR 9736

PAGE 1  
ACT SYSTEM

ACCOUNT R-99403-0030  
99408-0440

VOUCHER 87-2007 CODE A13 YEAR 87

OWN XXXXXXOWNER NAME LINE1XXXXXX  
(01) **Pinheiro, Winifred**

XXXXXXOWNER NAME LINE2XXXXXX

YR ACQ=  
(20) 87

3C E 25  
(22) 20451713

ML1 XXXXTAXPAYER NAME LINE1XXXXX  
(02)

XXXXTAXPAYER NAME LINE2XXXXX

ML2 XXXXTAXPAYER ADDRESS1XXXXXX  
(03) 3007 W E 181<sup>ST</sup> AVE

XXXXTAXPAYER ADDRESS2X  
(04) 6

XXTP ZIPX  
(05) 30

ADD XXXXADDITION NAMEXXXXXX  
(18) Section 8 IS 4E

MAP  
(21) 8154E (25) 2

LG1 XXXXXLEGAL DESCRIPTIONXXXXX  
(06) TL 44 11.53 ACRES

XLDT1X XBLK1X XXXXXLEGAL DESCRIPTIONXXXXX  
(07) (08) (09)

XLDT2X XBLK2X  
(10) (11)

LG2 XXXXXLEGAL DESCRIPTIONXXXXX  
(12)

XLDT3X XBLK3X XXXXXLEGAL DESCRIPTIONXXXXX  
(13) (14) (15)

XLDT4X XBLK4X  
(16) (17)

MS XXXXXINFORMATION NOTE1XXXXX  
(27)

XXXXXXINFORMATION NOTE2XXXXX  
(28)

XXXXXXINFORMATION NOTE3XXXXX  
(29)

SIT XXXXSITUS ADDRESS1XXXXXXXXXX  
(23)

XXXXSITUS ADDRESS2XXXX  
(24)

XSITZIPX  
(25)

STA CS= FS= AC= NT= SC= DM= AV= DV= L/C=  
(41) N (42) (43) D (44) (45) (47) (51) (49) (65) 358

CHA ZN= RC= PT= PW= JO PL= CENSUS= ID= YA=  
(19) MUP SEC (50) 673 (52) A (53) 11453 (54) (55) (56) (57)

IMP CC= YB=0000 LA= O LU= O VH= CT= NS= JO JZ= AS= IP= O  
(58) (59) (60) (61) (62) (63) (64) (65) (66) (67)

COMMENT  
(69) MP LE 06-87 10-29-87 2051-1379/out of TL 49<sup>Sec 5</sup>/Parcel 2/

See

9/12/87

12-15-87

8508

3471

AM3745 122487 182736 00023

REPORT NBR R042-AM37-01  
DATE RUN 12/24/87

CHANGE ORDER

BATCH NBR=8471

PAGE 1  
ACT SYSTEM

ACCOUNT R-99408-0440

STATE ID

VOUCHER

CODE

YEAR

ADDITION

OWNER  
- PINHEIRO, MINIFRED

MAILING

SECTION 8 15.4E

MAP 8154E A/D ?

- (C) PINHEIRO, KENNETH W. & J. WINIFRED J  
- TR/AC 87 SEP 20451713

3007 NE 181ST AV  
PORTLAND, OREGON

97230

- LEGAL  
- TL 44 11.53 ACRES

VOUCHER

MESSAGES

MESSAGES CONTINUED

87-2001

DIV

DIVISION 122387

CODE=

SIT XXXXSITUS ADDRESS1XXXXXXXXX  
(23)

XXXXSITUS ADDRESS2XXXX  
(24)

XSITZIPX  
(25)

STA CS=N FS= AC=D MT= SC= UM= AV=872007 DV=872007 ANNEX=  
(41) (42) (43) (44) (45) (47) (51) (49) (79)

L/C=358  
(68)

CHA ZN=MUFSEC  
(19)

RC=673  
(50) 644

PT=A PW= 11.53 PL=  
(52) (53) (54)

CENSUS=  
(55)

ID= (56)

YA= (57)

IMP CC= (58)

YB=0000 (59)

LA= (60)

0 LU= 0 (61)

MI= 020 (62) CT= (63)

NS= 0-0 (64)

UC= (65) B (66)

IP= 0 (67)

V

YR=87 CD=D

DT

LAND= 3290

IMP= 1000

E

YR=

ET=

LAND=

IMP=

D

CD=GB ACREAGE=6.53

VAL= 2850

FE

5.00

440

YR=87

TYPE=G

TAXABLE= 2850

L/C= 358

87

F

440

358

T

YR=

BALANCE=

T

YR=

L/C=

LEVIED=

.00 TAXABLE=

COMMENT

(69) Out of TL 49 Sec 5 (99405-0490) /did 11-2-87

*** ROUTING***	SEQ	INT	DATE
DIVISION	.	.	.
DRAFTING	.	.	.
EXEMPTION	.	.	.
APPRAISAL	11/4/88	.	.
TAX CONTROL	.	.	.
DATA ENTRY	.	.	.
PERS. PROPERTY	.	.	.
	.	.	.
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	.	.	.
	.	.	.
	.	.	.

MAGE01AP PRO23-1 07/06/89  
ACCOUNT TYPE IMPS # ACD  
R-99405-0490 R 01 C

A & T CHARACTERISTICS CARD  
CHANGE DATE # OF IMPS  
1988/02/26 2

RESIDENTIAL  
STATED ID

01:24:53.7

BATCH NUMBER: 14249

PINHEIRO, KENNETH W &  
WINIFRED J  
TAXPAYER

32151 SE STEVENS RD  
CORBETT, OREGON 97019

SITUS ADDRESS  
(187) 32151 SE STEVENS RD  
(188) CORBETT, OR  
(189) 97019

IMPROVEMENT ADDRESS  
(100)

(101) STR CLASS: 4.0  
(102) STR TYPE: D  
1 ST W/BASE/ATT  
(103) ARCH STYLE: O  
OTHER

(190) APPR STATUS: K  
(110) APPR DIST: 2  
(111) NEIGH CODE: 020  
(112) MAP NBR: S154E  
(113) ZONING: MUFSEC  
(114) RATIO CODE: 644  
(115) USE CODE: B

LEVY CODE: .358  
TAX STATUS:

ADDITION NAME: SECTION 05 1 S 4 E  
LEGAL LINE LOT BLOCK  
TL 49 18.35 ACRES

GEN LAND ADJUST

YEAR	CD	DATE	LAND	IMPS	TOTAL
87	D	02/02/88	29660	34000	63660
88	A	03/16/88	29720	34000	63720
89	A	02/26/89	30900	34000	64900

PRICE	DATE	TYPE	REASON	BOOK/PAGE
84950	1989-04	C	A	2203-1827

LAND DATA	REASON	BOOK/PAGE
(001) SIZE 18.35 ACRES	(013) VIEW UTILITY	(116) CLASS 4.0
(002) ROAD TYPE D.G.P.S.	(014) VIEW SUBJECT	(117) TYPE
(003) ROAD COND A.B.	(015) UG UTIL	(118) A.D.B.C: D
(004) CUL DE SAC	(016) SEWER STORM	(119) FLOOR C.O.D: C
(005) CORNER	(017) SEWER SANIT	(120) SOFT 1008
(006) ALLEY	(018) WATER SITES	(121) BATH 80
(007) PARKWAY	(019) NBR VACANT 1	(122) KITCHEN 80
(008) TRAFFIC LEV L.M.H:	(020) NBR W/IMPS 1	(123) OTHER 80
(009) CURB	(021) OSD	
(010) SIDEWALK	(022) REV NBR	
(011) VIEW FACTOR 0		
(012) VIEW ANGLE E.G.A.P:		

LAND APPRAISER (030) DATE 041682  
(031) ID 71 (032) REV NBR

REMARKS

(900) 2 HOUSES.....  
(901) B22+40+22+40SB350.....  
(902) 87 DIV 2007 OUT TO TL 44 BLIXT 010488.....  
(903) GB 6.92 AC \$3030 GE 2.00 AC \$210 /B 8.43.....  
(904) AC \$1420 NA 1.00 AC \$25000 FOR 87.....  
(905) INC QUESTIONNAIRE SENT 080383.....  
(906) .....  
(907) .....  
(908) .....  
(909) .....

LEVEL (300) F  
CLASS (305) 4.0  
FIN SOFT (310) 880  
UNF SOFT (315)  
BATHROOM (320) 1  
PART BATH (325)  
BEDROOM (330)  
REC HALL (335)  
SER HALL (340)  
OTH HALL (345)  
DEN (350)  
LIVING (355) 1  
DINING (360) 1  
KITCHEN (365) 1  
NOOK (370)  
UTILITY (375)  
FAMILY RM (380)  
OTHER RM (385)

IMPROVEMENTS BY LEVEL

(301) A (302) 6 (303) (304)  
(306) 4.0 (307) 4.0 (308) (309)  
(311) 200 (312) (313) (314)  
(316) (317) 880 (318) (319)  
(321) (322) (323) (324)  
(326) (327) (328) (329)  
(331) 1 (332) (333) (334)  
(336) (337) (338) (339)  
(341) (342) (343) (344)  
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(376) (377) (378) (379)  
(381) (382) (383) (384)  
(386) (387) (388) (389)

FOUNDATION X  
125 CONCRETE 100  
126  
127

ROOF COVER X  
128 COMP 100  
129  
130

ROOF TYPE  
131 GABLE  
132  
133

EXTERIOR X  
134 WOOD 100  
135  
136  
137  
138

INTERIOR FLOOR  
139 FIR  
140  
141  
142  
143  
144

INTERIOR WALLS  
145 GYP WALL  
146  
147

FIREPLACE #  
148 REGULAR 1  
149  
150

PLUMBING #  
151 SINK 1  
152 TOILET 1  
153 WASH BAS 1  
154 TUB 1  
155 WAT HTR 1

FUEL TYPE  
163 OIL  
164 880

HEAT SYSTEM FNC  
165 FOR AIR P  
166  
167  
168  
169

APPLIANCE #  
170  
171  
172  
173  
174  
175  
176

REPLACEMENT COST  
TYPE ADJ AMOUNT

(500) FOUNDATION  
(501) LEVEL X F 26408  
(502) LEVEL X A 3067  
(503) LEVEL X B 6971  
(504) LEVEL X  
(505) LEVEL X  
(506) ROOF  
(507) EXTERIOR  
(508) INTERIOR  
(509) PLUMBING  
(510) HEAT/COOL  
(511) APPLIANCE  
(512) FIREPLACE X 1535  
(513) GARAGE X 6473

TOTAL IMPS 44524  
(514) YR BUILT 1900  
(515) EFF AGE 89  
(516) FUNC-E.G.A.F.P: A  
(517) ECON-E.G.A.F.P: A  
(518) COND-E.G.A.F.P: A  
(519) REMAIN GOOD X 63.00  
ADJUST RG X 10.00  
NET RG X 73.00

DEPR IMPS 32503  
MISC IMPS 1294  
TOTAL IMPS 33700  
LAND 33100

MISC IMPROVEMENTS

TYPE	QUANTITY	CLASS	RG	COST
(800) DET GARAGE	(801) 1008	(802) 4.0	(803) 20	(804) 1294
(805)	(806)	(807)	(808)	(809)
(810)	(811)	(812)	(813)	(814)
(815)	(816)	(817)	(818)	(819)
(820)	(821)	(822)	(823)	(824)
(825)	(826)	(827)	(828)	(829)
(830)	(831)	(832)	(833)	(834)
(835)	(836)	(837)	(838)	(839)
(840)	(841)	(842)	(843)	(844)
(845)	(846)	(847)	(848)	(849)
(850)	(851)	(852)	(853)	(854)
(855)	(856)	(857)	(858)	(859)

REPLACEMENT COST

GENERATED IMPS VALUE	APPRaiser IMPs VALUE	GENERATED LAND VALUE	APPRaiser LAND VALUE
(520) YR VALUE	(195) YEAR	(524) YR 89 VALUE	(027) YEAR
	(178) VALUE 3000		(022) VALUE 33100
	(179) NON TAX 3000		

IMPS APPRAISER (180) DATE  
(181) ID 71 (182) REV A

MAGE01AP PRO23-1 07/06/89  
ACCOUNT TYPE IMPS # ACD  
R-99405-0490 R 02 C

A & T CHARACTERISTICS CARD - RESIDENTIAL  
CHANGE DATE # OF IMPS  
1986/04/10 2

01:24:54.0  
BATCH NUMBER: 14250

OWNER  
PINHEIRO, KENNETH W &  
WINIFRED J  
TAXPAYER

32151 SE STEVENS RD  
CORBETT, OREGON 97019

SITUS ADDRESS  
(187) 32151 SE STEVENS RD  
(188) CORBETT, OR  
(189) 97019  
(100) IMPROVEMENT ADDRESS

(101) STR CLASS: 2.0  
(102) STR TYPE: A  
(103) ONE STORY HOUSE  
(103) ARCH STYLE: W  
BUNGALOW  
(190) APPR STATUS: K  
(110) APPR DIST: 2  
(111) NEIGH CODE: 020  
(112) MAP NBR: 5154E  
(113) ZONING: MUFSEC  
(114) RATIO CODE: 644  
(115) USE CODE: B  
LEVY CODE: 358

ADDITION NAME: SECTION 05 1 S 4 E  
LEGAL LINE LOT BLOCK  
TL 49.18.35 ACRES

LEVEL (300) F  
CLASS (305) 2.0  
FIN SQFT (310) 693  
UNF SQFT (315)  
BATHROOM (320)  
PART BATH (325) 1  
BEDROOM (330) 1  
REC HALL (335)  
SER HALL (340)  
OTH HALL (345)  
DEN (350)  
LIVING (355) 1  
DINING (360)  
KITCHEN (365) 1  
NOOK (370)  
UTILITY (375)  
FAMILY RM (380)  
OTHER RM (385)

IMPROVEMENTS BY LEVEL  
(301) (302) (303) (304)  
(306) (307) (308) (309)  
(311) (312) (313) (314)  
(316) (317) (318) (319)  
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(371) (372) (373) (374)  
(376) (377) (378) (379)  
(381) (382) (383) (384)  
(386) (387) (388) (389)

VALUATION SUMMARY  
YEAR CD DATE LAND IMPS TOTAL  
87 D 02/02/88 29660 34000 63660  
88 A 03/16/88 29720 34000 63720  
89 A 02/26/89 30900 34000 64900

SALES DATA  
PRICE DATE TYPE REASON BOOK/PAGE  
84950 1989-04 C A 2203-1827

LAND DATA  
(001) SIZE 18.35 ACRES  
(002) ROAD TYPE  
D.G.P.S: P  
(003) ROAD COND A  
A.B:  
(004) CUL DE SAC  
(005) CORNER  
(006) ALLEY  
(007) PARKWAY  
(008) TRAFFIC LEV L  
L.M.H:  
(009) CURB  
(10) SIDEWALK  
(11) VIEW FACTOR 0  
(012) VIEW ANGLE  
E.G.A.P:  
(013) VIEW UTILITY  
E.G.A.P:  
(014) VIEW SUBJECT  
C.M.V.W.I.A:  
(015) UG UTIL  
(016) SEWER STORM  
(017) SEWER SANIT  
X.P.G.S:  
(018) WATER SITES X  
(019) NBR VACANT 1  
(020) NBR W/IMPS 1  
(021) OSD  
-D.+V: 0

LAND APPRAISER (030) DATE 041682  
(031) ID 71 (032) REV NBR

GEN LAND ADJUST

200  
201  
202  
203  
204  
205  
206  
207  
208  
209

GEN IMPS ADJUST

210  
211  
212  
213  
214  
215  
216  
217  
218  
219

GARAGE  
(116) CLASS  
(117) TYPE  
A.D.B.C:  
(118) FLOOR  
C.O.D:  
(119) NBR CAR  
(120) SOFT

REMODELING EST YR  
(121) BATH  
(122) KITCHEN  
(123) OTHER

FOUNDATION X  
125 WOODPOST 100  
126  
127

ROOF COVER X  
128 COMP 100  
129  
130

ROOF TYPE  
131 GABLE  
132  
133

EXTERIOR X  
134 WOOD 100  
135  
136  
137  
138

INTERIOR FLOOR  
139 FIR  
140  
141  
142  
143  
144

INTERIOR WALLS  
145 GYP WALL  
146  
147

FIREPLACE #  
148  
149  
150

PLUMBING #  
151 SINK 1  
152 TOILET 1  
153 WASH BAS 1  
154 ST SHW 1  
155 LAUN TUB 1  
156 WAT MTR 1  
157  
158  
159  
160  
161  
162

FUEL TYPE  
163 OIL  
164 693  
165  
166  
167  
168  
169

HEAT SYSTEM FNC  
165 OTHER P  
166  
167  
168  
169

APPLIANCE #  
170  
171  
172  
173  
174  
175  
176

REPLACEMENT COST  
TYPE ADJ AMOUNT

(500) FOUNDATION -161  
(501) LEVEL X F 17161  
(502) LEVEL X  
(503) LEVEL X  
(504) LEVEL X  
(505) LEVEL X  
(506) ROOF  
(507) EXTERIOR  
(508) INTERIOR  
(509) PLUMBING -596  
(510) HEAT/COOL 290  
(511) APPLIANCE  
(512) FIREPLACE X  
(513) GARAGE X

TOTAL IMPS 16694  
(514) YR BUILT 1940  
(515) EFF AGE 49  
(516) FUNC-E.G.A.F.P: F  
(517) ECON-E.G.A.F.P: P  
(518) COND-E.G.A.F.P: P

REMAIN GOOD X 69.00  
(519) ADJUST RG X  
NET RG X 69.00

DEPR IMPS 11519  
MISC IMPS

TOTAL IMPS 11500  
LAND 33100

REMARKS  
(900) 821+33+21+33

(901)  
(902)  
(903)  
(904)  
(905)  
(906)  
(907)  
(908)  
(909)

MISC IMPROVEMENTS  
TYPE QUANTITY CLASS RG COST  
(800) (801) (802) (803)  
(804) (805) (806) (807)  
(808) (809) (810) (811)  
(812) (813) (814) (815)  
(816) (817) (818) (819)  
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(840) (841) (842) (843)  
(844) (845) (846) (847)  
(848) (849) (850) (851)  
(852) (853) (854) (855)  
(856) (857)

IMPS APPRAISER (180)  
(181) ID (182)

REPLACEMENT COST  
GENERATED IMPS VALUE  
(520) YR VALUE  
APPRAISER IMPS VALUE  
(195) YEAR 86  
(178) VALUE 5000  
(179) NON TAX  
GENERATED LAND VALUE  
(524) YR 89 VALUE  
APPRAISER LAND VALUE  
(027) YEAR 86  
(022) VALUE 33100  
(037) 8100

IMPS: 1  
LAND: 1

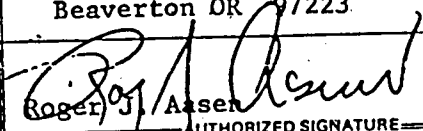


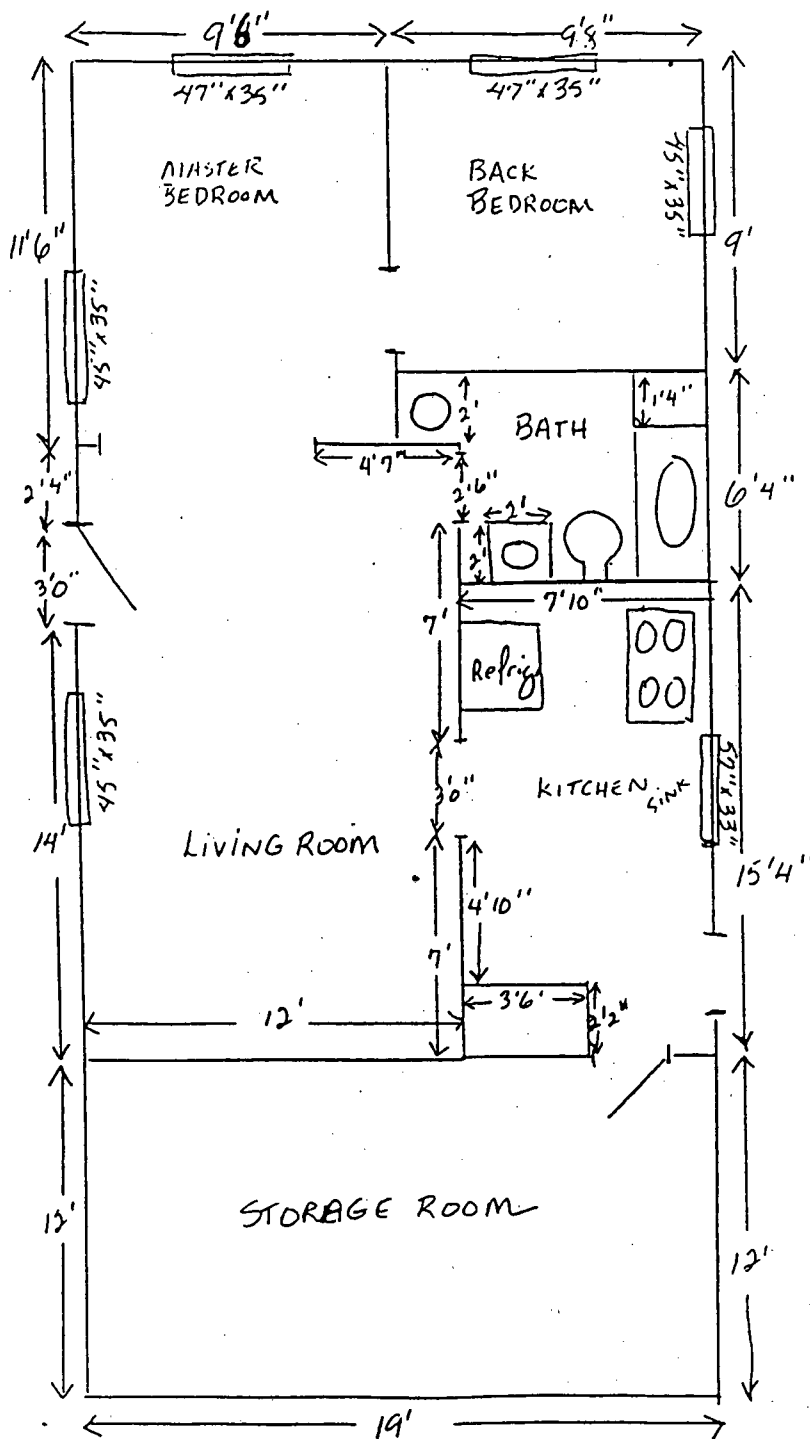


RECEIVED

SEP 24 PM 2:28

PLANNING SECTION

<input checked="" type="checkbox"/> New Hampshire Insurance Company <input type="checkbox"/> Granite State Insurance Company <input type="checkbox"/> American Fidelity Company		<input type="checkbox"/> Illinois National Insurance Company <input type="checkbox"/> American Global Insurance Company <input type="checkbox"/> New Hampshire Indemnity Co., Inc.		DRAFT NO. <b>13-73-48</b> DATE OF ISSUE <b>12-15-88</b>		54-3 114	
INSURED		CL. OFF.	CASE NO.	PREFIX	POLICY NUMBER	AMOUNT	
PROTASSY ANDRE		071	009575	DW	494-20-13	\$7451.88**	
CLAIMANT		DATE OF LOSS OR ACC.	TOTAL WEEKS PAID	TOTAL INDEMNITY	TOTAL MEDICAL	TYPE	IND. MED. STATUS F
		10-22-88				IND	P A
IN PAYMENT OF CLAIM OR ACCOUNT AS FOLLOWS:					PRODUCER		
PARTIAL ACV FIRE LOSS SETTLEMENT					18		
NOTICE TO HOLDER: VOID IF NOT PRESENTED WITHIN 90 DAYS							
UPON ACCEPTANCE PAY TO THE ORDER OF		ANDRE PROTASSY 12120 SW Boones Ferry Portland OR 97219			Leonard Adams Company PO Box AA Beaverton OR 97223		
					 Roger J. Assen AUTHORIZED SIGNATURE		
COLLECTIBLE THROUGH MERCHANTS NATIONAL BANK MANCHESTER, N.H.					137348 011400039 0101360272 00 091		



STEFAN GEROV -

32152 SE STEVENS RD  
CORBETT, ON

DATE OF LOSS: 10-22-88

RECEIVED

97 SEP 24 PM 2:29

JOHNSON COUNTY  
PLANNING SECTION

To Whom It May Concern:

In August of 1988 my wife and I purchased 19 acres in Corbett, Or. with a mailing address of 32202 SE Stevens Rd. This property is adjacent to 32152 SE Stevens which is owned by Andre Protassy. Shortly after the purchase I met Andre while there were still tenants in a house on his property. In Oct of 1988, the rental house burned down. After putting my septic system and driveway in that Fall, I started construction on my house in March of 1989 and finished in January of 1990. During the late Spring, probably in May of 1989, Andre started construction on rebuilding his property.

I remember the timing of the sequence of events very distinctly because Andre and I traded information on building problems from size of septic systems to concrete contractors. I had a slightly earlier start than Andre so he used me as a recourse on different things.

The house that Andre built took much longer than mine to build because he did all the work by himself with maybe one helper on occasion. I always remarked on the craftsmanship and care on his building. It is far better than the work one could get from an outside contractor.

Thank You:



Nicholas O'Connell  
32202 SE STEvens Rd  
Corbett, Or. 97019  
503 695-3382

RECEIVED

97 SEP 24 PH 2:29

MULTI-COUNTY  
PLANNING SECTION

## PROPOSAL and CONTRACT

Date 5-18, 19 89TO Andre Protassy12120 S.W. Boones Ferry Road  
Portland Oregon 97219

Dear Sir:

245-8440I propose to furnish all materials and perform all labor necessary to complete the following:\* install 1000 gal Concrete Septic Tank\* install 225' of DRAINFIELD with drop box\* Clean up & Back FillAll of the above work to be completed in a substantial and workmanlike manner according to standard practices for the sum of one thousand two hundred fifty Dollars (\$ 1250.00)

Payments to be made

1000.00 in advance & 250.00 on completion\_\_\_\_\_ as the work progresses  
to the value of \_\_\_\_\_ per cent ( \_\_\_\_\_ %) of all work completed. The entire  
amount of contract to be paid within \_\_\_\_\_ days after completion.

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

Respectfully submitted,

By

Randy Kramer 695-59

ACCEPTANCE

42912 E. Larch Mt Rd  
Corbett Ore 97019

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which \_\_\_\_\_ agree to pay the amount mentioned in said proposal, and according to the terms thereof.

ACCEPTED

Date 5-18, 19 89EXHIBIT E PAGE E-1

0699

ANDRE PROTASSY  
12120 SW BOONES FERRY RD.  
PORTLAND, OREGON 97219

5-18 1989

24-22 115  
1230

PAY TO THE ORDER OF Randy Lee \$ 1000.00

one thousand DOLLARS

U.S. BANK  
ONE PACIFIC SQUARE BRANCH  
P.O. BOX 4386 PORTLAND, OR 97208  
UNITED STATES NATIONAL BANK OF OREGON

19 1989

FOR 119-2

⑆123000220⑆ 115 0060 273⑈ 0699 ⑈0000100000⑈

0701

ANDRE PROTASSY  
12120 SW BOONES FERRY RD.  
PORTLAND, OREGON 97219

5-25 1989

24-22 115  
1230

PAY TO THE ORDER OF Randy Lee \$ 250.00

Two hundred fifty DOLLARS

U.S. BANK  
ONE PACIFIC SQUARE BRANCH  
P.O. BOX 4386 PORTLAND, OR 97208  
UNITED STATES NATIONAL BANK OF OREGON

FOR Andre Protassy

⑆123000220⑆ 115 0060 273⑈ 0701 ⑈0000025000⑈

FEDERAL RESERVE BANK REGULATION CC

6 MAY 89 19  
1230-00220

FEDERAL RESERVE BANK REGULATION CC

DO NOT SIGN - WRITE STAMP BELOW THIS LINE  
FOR FINANCIAL INSTITUTION USE ONLY

x  
Randy Lee  
02-1356519 1230-00220  
129

DO NOT SIGN - WRITE STAMP BELOW THIS LINE  
FOR FINANCIAL INSTITUTION USE ONLY

x  
Deposit only  
ACCT # 153-0801-2010  
Randy Lee

RECEIVED  
DEPARTMENT OF ENVIRONMENTAL SERVICES PLANNING DIVISION  
37 SEP 24 11 20 00

Gresham Office

669-2481 24 HRY Inspection No.

PLANNING SECTION

OFFICE USE ONLY

Permit No. 10542

Date Received

Date Issued

Approved by

## ELECTRICAL PERMIT APPLICATION

This form is to be completed by the permit applicant. Thoroughness will expedite the processing. Fees must accompany the application. Plans if required must accompany the application. Return all sheets. State value of all work upon request.

## CONTRACTOR INSTALLATION ONLY

Installation Address 32152 SE STEVENS

Electrical Contractor

Property Owner ANDRE PROTASSY

Contractors License No.

Builders Board Reg. No.

Signature of Supervising Electrician

## OWNER INSTALLATION ONLY

ANDRE PROTASSY

(PRINT OWNER'S NAME)

The actual installation will be made by [me] [or my] [RELATIONSHIP] on property I own described below which is not being constructed for sale, lease or rent. ANDRE PROTASSY (SIGNATURE)

Installation Address: 32152 SE STEVENS Phone No. 245-8440

Description of where work will be done when less than entire building is wired.

## COMPLETE FEE SCHEDULE BELOW

Complete this PLAN REVIEW section only if the wiring is intended to supply a connected load over 200 amps; or is a wiring system for a building over 2 stories, or greater than 10,000 sq. ft. in area, or has an occupant load exceeding 300 persons; or is for a trailer park or involved a wiring system over 600 volts. Submit 2 sets of plans with any of the above.

## PLAN REVIEW FEE SCHEDULE

Enter appropriate plan review fee below:

201-300	amperes	\$ 25.00
301-400	-	\$ 30.00
401-500	-	\$ 40.00
501-600	-	\$ 50.00
601-800	-	\$ 60.00
801-1000	-	\$ 75.00
1001-1400	-	\$ 90.00
1401-2000	-	\$ 115.00
2001-3000	-	\$ 140.00

Over 3000 amperes shall be \$140.00 plus \$25.00 for each 1000 amperes or fraction thereof over 3000.

For systems over six hundred volts, the plan check fee shall be \$100.00 plus \$.05 per KVA of transformer capacity.

## PERMIT FEE SCHEDULE

Enter appropriate amounts below

Residential Wiring (Exclusive of service)	
Residence wiring less than 1000 sq. ft.	\$ 40.00
Residence wiring less than 2000 sq. ft.	\$ 60.00
Residence wiring over 2000 sq. ft.	\$ 80.00
Electric heat installation in existing residence	\$ 30.00
Service Installations	
Temporary Construction Service	\$ 30.00
Service not over 100 amperes	\$ 40.00
Service over 100 amps but not more than 200 amps	\$ 60.00
Service over 200 amps but not more than 400 amps	\$ 80.00
Service over 400 amps but not more than 600 amps	\$ 120.00
Service over 600 amps	\$ 150.00
Service over 600 volts	\$ 300.00
Feeders	
Installations or Alterations or Relocations of Distribution Feeders:	
Not more than 100 amps	\$ 30.00
Over 100 amps but not more than 200 amps	\$ 40.00
Over 200 amps but not more than 400 amps	\$ 60.00
Over 400 amps	\$ 70.00
Feeder over 600 volts	\$ 100.00
Miscellaneous	
Each farm building other than residence	\$ 30.00
Each irrigation pump	\$ 30.00
Each electric sign or outline lighting	\$ 30.00
Each residential swimming pool	\$ 30.00
Each rebar grounding	\$ 30.00
Each alarm system	\$ 30.00
Branch Circuits	
One new circuit: Alteration or extension	\$ 30.00
Two or more new circuits: Alteration or extension	\$ 40.00

INSPECTORS USE ONLY	DATE	INSPECTOR
Temporary Service		
Rough in Wiring		
Permanent Service		
Specialty (write in)		
Final Wiring		

A. Enter total of above permit fees 300.00  
B. Enter 5% of above total 1.50  
C. Enter Plan Check Amount  
1989  
PAY SUM OF A, B, & C ABOVE 301.50

YOU ARE REQUIRED TO CALL 248-3047 BETWEEN 8:00 AM & 4:30 PM WEEKDAYS AND 248-5272 ALL OTHER TIMES FOR THE FOLLOWING INSPECTIONS: Temporary or Permanent Service—Rough in wiring—Final Wiring. Other if required.

PERMITS ARE NOT ISSUED OR IF

EXHIBIT F PAGE F-1

COMPLETED WITHIN 180 DAYS OF

# 78137

78137

1333 N.W. EASTMAN • GRESHAM, ORE. 97030

\$ 31.50

67 19 89

RECEIVED FROM

Andre Protassy

**ADDRESS**

32152 SE Stevens

Thirty One 5/100

DOLLARS

[illegible]

PAID JUN 7 1989

X		
CASH	CHECK	OTHER

BY

CITY OF GRESHAM

RECEIPT



57 SEP 24 PM 2:30

14  
MULTI-COUNTY  
PLANNING SECTION

SHIPPING ORDER NO. 37627



**Oregon Nail  
Distributors, Inc.**

735 S.E. Morrison • Portland, Oregon 97214  
1-800-876-NAIL / (503) 232-3341

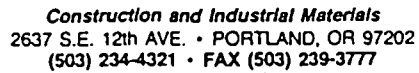
**SOLD TO**

SHIP TO

CUST. #

[illegible]

- No credit will be issued for material returned 45 days after original purchase.



DATE:

**CASH SALE**

42180

# INVOICE

[illegible]

TC5840

- NO CASH REFUND WILL BE MADE ON RETURNED MERCHANDISE  
WITHOUT PRESENTATION OF THIS SALES SLIP.

No returns on special orders, cuts or repackaged merchandise.

No credit will be issued for material returned 45 days after original purchase.



### Construction and Industrial Materials

2637 S.E. 12th AVE. • PORTLAND, OR 97202

(503) 234-4321 • FAX (503) 239-3777

24403

DATE:

**CASH SALE**



SHIPPING ORDER NO. 50308

CUST. # \_\_\_\_\_

**SOLD TO**

SHIP TO

pel CASH

[illegible]

Gresham Sand & Gravel Co.  
P.O. Box 450 Gresham, Oregon 97030  
Phone 666-5577

CODING

INVOICE

ACCT. NO.

DATE

2-11-89

NAME

ADDRESS

PHONE

DRIVER

CASH

CHECK

CHARGE

SOLD BY

DEL

CUSTOMER P.O.

JOB NO.

JOB SITE: ARRIVE

DEPART

STAND BY

☐ AM

☐ PM

☐ AM

☐ PM

TIME

TONS

DESCRIPTION

UNIT PRICE

AMOUNT

5.45	10" 1/2" 1/2" 1/2"	7.00	
1.25			
TOTAL			38.15

PLEASE NOTE!

DELIVERIES INSIDE THE CURB LINE AND ON THE LOT ARE MADE AT CUSTOMER'S RISK ONLY AND THE GRESHAM SAND AND GRAVEL CO. ACCEPTS NO RESPONSIBILITY WHATSOEVER FOR DAMAGES RESULTING FROM SUCH DELIVERIES.

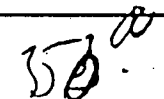
TERMS: Net 10th

A FINANCE CHARGE OF 1 1/2% (ANNUAL PERCENTAGE RATE OF 18%) WILL BE CHARGED ON ALL PAST DUE ACCOUNTS.

G 61176

ACKNOWLEDGED &  
RECEIVED BY

DELIVERY COPY



**CANBY SAND & GRAVEL CO.**  
A Division of Parker Northwest Paving Company  
Remit To: Box 269, Canby, Oregon 97013  
**Phone 266-5522**  
Not responsible for damage past property line

**TARE**  
**GROSS**

Date 3 - 16 - 89

Address \_\_\_\_\_

CASH	CHARGE	ON ACCT.	SOLD BY	DEL.	CUSTOMER P.O.
QTY. TONS/ CU. YDS.	DESCRIPTION		PRICE	AMOUNT	GROSS WT.
	1½ - 0 Crushed Rock				
	¾ - 0 Crushed Rock				
	¾ - ¾ Crushed Rock				
	Drain Rock				
	¾ - ¾ Round Rock				
	Pea Gravel				
	Concrete Sand				
	Mason Sand				
	Concrete Mix				

Rec'd by \_\_\_\_\_





530 S.E. 81st Ave. • Portland, Oregon 97215  
(503) 253-7551 • FAX# (503) 253-9532

SHIP TO: (SAME AS SOLD TO UNLESS NOTED BELOW)

C.O.D. Amount	
---------------	--

REF. NO.	CUSTOMER P.O. NO.	PERSON WHO CHGD.	JOB PHONE #	SALESMAN
				STEVE P

SUB-TOTAL				TOTAL
.00	126.56	.00	.00	126.56

**TERMS:** 1% 10th, net 11th, 1 1/2% Service Charge (18% ANNUAL PERCENTAGE RATE) after 30 days. Complaints of Shortage must be made within 24 hours. 15% restocking charge on all returns of stock items. Restocking charge on special order items may be higher. If this is a quote please examine carefully as we agree to furnish only the articles named and described herein. All agreements contingent upon strikes, accidents or other causes of delays beyond our control. Quote prices are subject to change without notice.

RECEIVED IN GOOD  
CONDITION BY \_\_\_\_\_

DATE:

9060

**CASCADE WHOLESALE**  
 9050 Portland Rd. N.E. • Brooks, OR 97305  
 393-2655

CUSTOMER'S ORDER NO.	DEPT.	DATE 11-16-90
NAME		
ADDRESS		

SOLD BY

CASH

C.O.D.

CHARGE

ON ACCT.

MOSE/RET.

PAID OUT

QUAN.		DESCRIPTION	PRICE	AMOUNT
ALL	1	2/6 x 10'		190.00
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15			
	16			
	17			
	18			

As-Is  
No Refunds

REC'D BY

REDIFORM  
 5L320/01320

KEEP THIS SLIP  
 FOR REFERENCE

9059

**CASCADE WHOLESALE**  
 9050 Portland Rd. N.E. • Brooks, OR 97305  
 393-2655

CUSTOMER'S ORDER NO.	DEPT.	DATE 11-16-90
NAME		
ADDRESS		

SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.	MOSE RETD.	PAID OUT
QUAN.		DESCRIPTION	PRICE	AMOUNT			
1	1	D.P. Window		200	00		
		TRAC in window		220	00		
	3						
		BAL. owed		80	00		
	4						
	5						
	6						
	7						
	8						
	9						
	10						
	11						
	12						
	13						
	14						
	15						
	16						
	17						
	18						

REC'D BY

REDIFORM

20/01320

KEEP THIS SLIP  
 FOR REFERENCE



530 S.E. 81st Ave. • Portland, Oregon 97215  
(503) 253-7551 • FAX# (503) 253-9532

ANGRE

C.O.D. Amount

REF. NO.	CUSTOMER P.O. NO.	PERSON WHO CHGD.		JOB PHONE #	SALESMAN
					NIKE

SUB-TOTAL				TOTAL
00	1139.52	.00	.00	1139.52

AMOUNT TENDERED: 1139.52 CHANGE:

TERMS: 1% 10th net 11th, 1% Service Charge (18% ANNUAL PERCENTAGE RATE) after 30 days. Complaints of Shortage must be made within 24 hours. 15% restocking charge on all returns of stock items. Restocking charge on special order items may be higher. If this is a quote please examine carefully as we agree to furnish only the articles named and described hereon. All agreements contingent upon strikes, accidents or other causes of delays beyond our control. Quote prices are subject to change without notice.

RECEIVED IN GOOD  
CONDITION BY \_\_\_\_\_

DATE:

Telephone:  
665-4121

# TROUTDALE SAND & GRAVEL CO.

OFFICE: 2205 N.E. 244th Ave.  
Troutdale, Oregon 97060

MAIL: P.O. Box 397

106095

DRIVER <i>1511</i>	TRUCK NO. <i>31</i>	CUSTOMER'S PHONE	PURCHASE ORDER NO. <i>0 F-5122</i>	DATE <i>9/30/91</i>
-----------------------	------------------------	------------------	---------------------------------------	------------------------

DELIVERY ADDRESS  
*32152 SE. STEVENS*

TERMS: NET UNLESS OTHERWISE  
INDICATED. A FINANCE CHARGE  
OF 1 1/4% PER MONTH, WHICH IS AN  
ANNUAL RATE OF 15%, WILL BE  
CHARGED ON PAST DUE ACCOUNTS.

CHARGE ☐ C.O.D. ☒

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*ANDRE*

*11/10/91*

CUBIC YARDS		PUMP-FOOTINGS-FORMS (FLAT-CURBS)			PRICE	AMOUNT
THIS LOAD	TOTAL	MIX DESIGN	SLUMP	% ROCK		
<i>7</i>	<i>14</i>	<i>65k</i>			<i>27.5</i>	<i>381.30</i>

% CALCIUM CHLORIDE HOT WATER

DELIVERY CHARGE: LATE SATURDAY

STANDBY TIME UNLOADING OVERTIME

*will be into p r*

*Gary  
Flam  
9/30/91*

*BATCH TIME: 7:29*

ARRIVED ON JOB	<i>7:50</i>	STARTED UNLOADING	<i>7:55</i>	COMPLETED UNLOADING	<i>8:25</i>	TOTAL	
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REC'D. BY *DAN* *BS.*

GALS. WATER ADDED ON JOBSITE AT CUSTOMER'S REQUEST

*15*

CAUTION: Freshly mixed cement, mortar, concrete, or grout may cause skin injury. Avoid contact with skin where possible and wash exposed skin areas promptly with water. If any cement mixtures get into eyes, rinse immediately and repeatedly with water and get prompt medical attention.

KEEP OUT OF REACH OF CHILDREN

MATERIAL SAFETY DATA SHEETS ARE AVAILABLE UPON REQUEST.

DELIVERIES INSIDE THE CURB LINE AND ON THE LOT ARE MADE AT CUSTOMER'S RISK ONLY AND THE TROUTDALE SAND & GRAVEL CO. ACCEPTS NO RESPONSIBILITY WHATSOEVER FOR DAMAGES RESULTING FROM SUCH DELIVERIES.

RELEASE

INVOICE DUPLICATE



## KING OF THE WOODS

530 S.E. 81st Ave. • Portland, Oregon 97215  
(503) 253-7551 • FAX# (503) 253-9532

TYPE OF TRANSACTION	STORE NAME/NUMBER
CASH SALE	WHERE THE BUILDER IS KING
	KINGSLEY LUMBER

SHIP TO: (SAME AS SOLD TO UNLESS NOTED BELOW)

TAKE

C.O.D. Amount	
---------------	--

CUST. CODE	SEQ. NO.	TIME	INV. NO.	TRANS. DATE	STR. NO.	S'MAN	WRT. BY	OPER. NO.	ORDER DATE	SHIP DATE
CASH	56727	14:37	57442	10590	1		14 50	62001		

REF. NO.	CUSTOMER P.O. NO.	PERSON WHO CHGD.	JOB PHONE #	SALESMAN
				MIKE

[illegible]

SUB-TOTAL				TOTAL
.00	267.26	.00	.00	267.26

AMOUNT TENDERED: 257.26 CHANGE:

TERMS: 1% 10th, net 11th, 1% Service Charge (18% ANNUAL PERCENTAGE RATE) after 30 days. Complaints of Shortage must be made within 24 hours. 15% restocking charge on all returns of stock items. Restocking charge on special order items may be higher. If this is a quote please examine carefully as we agree to furnish only the articles named and described hereon. All agreements contingent upon strikes, accidents or other causes of delays beyond our control. Quote prices are subject to change without notice.

RECEIVED IN GOOD  
CONDITION BY

DATE \_\_\_\_\_





PARR LUMBER - ROCKWOOD  
18408 SE STARK ST  
PORTLAND OR 97233  
PHONE: (503) 766-0131 SHIP TO

DATE SHIPPED
FILLED BY
DELIVERED BY
LICENSE PLATE NUMBER

837283

[illegible]

(1.500% per month  
(18.000% ANNUAL  
PERCENTAGE RATE) will be

NON-TAXABLE	TAXABLE SALE	TAX %	TAX	TOTAL
1,571.78	.00	.00	.00	1,571.78

## IMPORTANT

Read Terms and Conditions governing this sale on reverse side



# WACO

SCAFFOLD & EQUIPMENT CO., INC.  
3220 S.E. 19th AVE./PORTLAND, OR 97202-2396  
PORTLAND: 232-8226 VANCOUVER: 606-8219  
FAX: 232-9166

## INVOICE

PAGE 1 PAGE 1

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PROAND  
PROTASSY, ANDRE  
12120 SW BOONES FERRY RD  
PORTLAND, OR 97219

S  
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P  
  
T  
O

32152 S.E. STEVENS RD  
GARAGE  
CORBETT, OR

PROTASSY, ANDRE  
PROAND

DATE	SLSMN	ORDER NO.	ORD. DATE	SHIPPED VIA	TERMS	INVOICE NO.	INV. DATE	INV. NO.
07/15/91				W/C	NET	00024101	07/15/91	00024101
ITEM/DESCRIPTION/SERIAL NO.			QUANTITIES	UNIT	UNIT PRICE	AMOUNT		
SCAFFOLD RENTAL W/C			Ordered	1.0000	LOT	165.0000	165.00	
FROM 6-14-91 TO 7-13-91 STILL OUT			Shipped	1.0000				
DELIVERY TICKET #5852								
<h3>DUE UPON RECEIPT</h3>								
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT								
THANK YOU !!								
NON-TAXABLE	TAXABLE	SALES TAX	FREIGHT	MISC.	INVOICE TOTAL	INVOICE TOTAL		
165.00	.00	.00	.00	.00	165.00	165.00		

1456  
7-86

COMPATIBLE ENVELOPES AVAILABLE

# CUSTOMER'S COPY



PARR LUMBER - ROCKWOOD  
18608 SE STARK ST  
PORTLAND OR 97233  
PHONE: (503) 665-0131

DATE SHIPPED
FIXED BY
DELIVERED BY
LICENSE PLATE NUMBER

INVOICE NUMBER  
212340

CASH CUSTOMER  
\*\*\*\*\*

SOLD TO:

SHIP TO:

--- SAME ---

INVOICE DATE  
5/20/91

ACCOUNT NUMBER  
1-000010

OUR ORDER NUMBER  
359806

ORDER DATE	TIME	PO / ORDERED BY	HOW SOLD	SOLD BY	DATE PROMISED	PAGE
5/20/91	9:41 AM	CASH SALE		CLIFF TODD	5/20/91	1
LINE	ITEM NUMBER	DESCRIPTION	QUANTITY	UNITS	PRICE / UNITS	AMOUNT
1	9TYVEK	9' TYVEK 1755 SQ FT	1		125.00 /RL	125.00
2	2622	2X6 22' 2X6 22'	220		338.00 /MBF	74.36
		SELECT FOR EXPOSED!				
		PAID CASH - THANK YOU!!!				
			NON-TAXABLE	TAXABLE SALE	TAX %	TAX
			199.36	.00	.00	.00
					TOTAL	199.36

MATERIALS RETURNED FOR CREDIT SUBJECT TO A 15% RETURN CHARGE AND MUST BE ACCOMPANIED BY ORIGINAL INVOICE.

A LATE CHARGE of  
1.50 per month  
( 18.00 ANNUAL  
PERCENTAGE RATE) will be

IMPORTANT

X

CUSTOMER'S COPY



# Parr Lumber Company

ROCKWOOD  
18608 SE STARK ST  
PORTLAND OR 97233  
PHONE: (503) 665-0131

DATE SHIPPED
FILLED BY
DELIVERED BY
LICENSE PLATE NUMBER

INVOICE NUMBER

220835

CASH CUSTOMER

INVOICE DATE

6/28/91

\*\*\*\*\*

ACCOUNT NUMBER

1-000010

OUR ORDER NUMBER

602260

SOLD TO:

SHIP TO:

--- SAME ---

ORDER DATE	TIME	HOW ORDERED	BY	HOW SOLD	DATE PROMISED	PAGE
6/28/91	3:33 PM	CASH SALE	ROBERT TOURNAY		6/28/91	1
LINE	ITEM NUMBER	DESCRIPTION	QUANTITY	UNITS	PRICE / UNITS	AMOUNT
1	21837	FIXED ROOF BRACKET	4		6.00 /EA	24.00
		THANK YOU				

MATERIALS RETURNED FOR CREDIT SUBJECT TO A 15% RETURN CHARGE AND MUST BE ACCOMPANIED BY ORIGINAL INVOICE.

A LATE CHARGE of  
1.50% per month  
(1.50% ANNUAL  
PERCENTAGE RATE) will be

NON TAXABLE	TAXABLE SALE	TAX	TOTAL
24.00	.00	.00	24.00

IMPORTANT

Read Terms and Conditions governing this sale on reverse side.

X

# PARR LUMBER

FARR LUMBER - ROCKWOOD  
18600 SE STARK ST  
PORTLAND, OR 97233  
PHONE: (503) 665-0131

DATE SHIPPED
FILLED BY
DELIVERED BY
LICENSE PLATE NUMBER

INVOICE NUMBER  
00326781

CASH CUSTOMER

**SOLD TO:**

SHIP TO:

INVOICE DATE	17/15/92
--------------	----------

ACCOUNT NUMBER 15-  
1-00000010

OUR ORDER NUMBER  
00007594-00

ORDER DATE		TIME		ORDERED BY	HOW SOLD	DATE PROMISED		PAGE
11/15/92		9:13 AM		NONE	CASH SALE	11/15/92		001
LINE#	LOAD ED	ITEM NUMBER	DESCRIPTION		QUANTITY	UNITS	PRICE / UNITS	AMOUNT
10		25983	110Z GREY VULKEM SEALANT		3		3.50 /EA	10.50
20		729840	8" TAP L. WATERPROOFING		10		8.50 /EA	85.20
**THANK YOU!! PAID CASH**								

MATERIALS RETURNED FOR CREDIT SUBJECT TO A 15% RETURN CHARGE AND MUST BE ACCOMPANIED BY ORIGINAL INVOICE.

A LATE CHARGE of  
1.500% per month  
(18.000% ANNUAL  
PERCENTAGE RATE) will be

**IMPORTANT**

Read Terms and Conditions governing this sale on reverse side.

\_\_\_\_\_  
Your signature certifies materials on this invoice



MAIN OFFICE:  
317 S.E. GRAND AVE.  
PORTLAND, OR 97214  
503-233-4491

PLEASE...  
REFER TO THIS  
ACCOUNT NUMBER...

ACCOUNT NO.
-------------

CASH

SPECIAL  
INSTRUCTIONS:

STORE: [blank]

SALES #	CASH	CHARGE	RET.
7	✓		

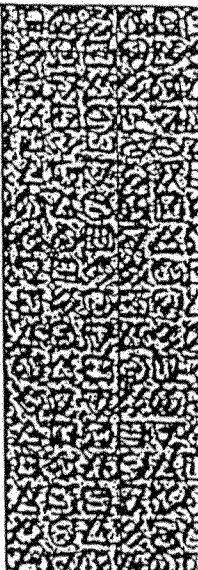
DATE
11/20/74

INVOICE NO: 22471

PAYMENT TERMS
NET 30 DAYS

PAYMENT  
METHOD:

CASH	CHECK	CARD
40.00		
PREVIOUS COLL.	CHECK #	CARD #
AMOUNT RENDERED #	CHANGE	PURCHASE ORDER NUMBER
40.00	9.27	
JOB NAME	JOB NUMBER	

PRODUCT CODE	TOTAL QTY. ORD.	PKG. QTY./SIZE	PRODUCT DESCRIPTION	LIST	PRICE	TOTAL	
1401	1	1 GALLON	WATER BASE INTERIOR WALL PAINT	24.45	14.00	14.00	
1402	1	1 GALLON	WATER BASE INTERIOR WALL PAINT	24.45	14.00	14.00	
1403	1	1 GALLON	WATER BASE INTERIOR WALL PAINT	1.40	1.00	1.00	
1404	1	1 GALLON	WATER BASE INTERIOR WALL PAINT	0.50	0.75	0.75	

Service charge on past due accounts will be highest amount allowed by law.  
No cash refunds made unless original sales slip is presented.  
30 Day limit on returnable merchandise.

TAX

SIGNATURE X: \_\_\_\_\_

PAY  
THIS AMOUNT ► TOTAL

PACKING/CUSTOMER COPY

ANDRE PROTASSY  
DBA PASSPORT PHOTOS  
12120 SW BOONES FERRY RD.  
PORTLAND, OREGON 97219

1088

24-22/1230  
BRANCH 115

PAY TO THE  
ORDER OF

8. 3 1991  
PHILIPS INDUSTRIES \$ 593.<sup>70</sup>


five hundred ninety three + 70 DOLLARS  
100

U.S. BANK  
ONE PACIFIC SQUARE BRANCH  
P.O. BOX 4388 PORTLAND, OR 97208  
UNITED STATES NATIONAL BANK OF OREGON

FOR

U.S. BA:

WINDOWS

  
60 273 1088 0000059370

# INVOICE

# WACO

SCAFFOLD & EQUIPMENT CO., INC.  
3220 S.E. 19th AVE./PORTLAND, OR 97202-2396  
PORTLAND: 232-8226 VANCOUVER: 606-8218  
FAX: 232-8186

PAGE 1 PAGE 1

SOLD TO  
PROAND  
PROTASSY, ANDRE  
12120 SW 800NES FERRY RD  
PORTLAND, OR 97219

SHIP TO  
STEVENS RD  
RESIDENCE  
TROUTDALE, OR

PROTASSY, ANDRE  
PROAND

DATE	SLSMN	ORDER NO.	ORD. DATE	SHIPPED VIA	TERMS	INVOICE NO.	INV. DATE	INV. NO.
10/30/92	DL			WILL CALL	NET	00026908	10/30/92	00026908

ITEM/DESCRIPTION/SERIAL NO.	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
SCAFFOLD RENTAL W/C	Ordered	1.0000 LOT	180.7500	180.75
FROM 9-29 TO 10-28-92 STILL OUT	Shipped	1.0000		
DELIVERY TICKET #8046				

**DUE UPON RECEIPT**

**PAID**  
9/29 - 119.15

**DUE - \$61.60**

PLEASE RETURN THIS  
PORTION WITH YOUR  
PAYMENT

THANK YOU!

NON-TAXABLE	TAXABLE	SALES TAX	FREIGHT	MISC.	INVOICE TOTAL	INVOICE TOTAL
180.75	.00	.00	.00	.00	180.75	180.75

1496  
7-86

COMPATIBLE ENVELOPES AVAILABLE

RECEIVED

SEP 24 PM 2:32

TRANSCRIPT OF PROTASSY HEARING TYPED BY THE OFFICE OF PAUL NORR,  
ATTORNEY FOR APPLICANT, FROM TAPE PROVIDED BY PLANNING STAFF:

HEARING: July 16, 1997

CASE: CU 12-96/SEC 27-96/HV 18-96

HEARINGS OFFICER: LIZ FANCHER

HO Good morning. My name is Liz Fancher. I am one of Multnomah County's Land Use Hearings Officers. Now it's 10:30 in the morning on July 16, 1997. Now is the time scheduled for hearing in request for conditional use approval for a template dwelling, also request for significant environmental concern review in the Sandy River Scenic Waterway and a request for a major variance to reduce the minimum front yard setback from 200 to 45 feet and a variance to the minimum side yard setback of 200 feet to 35 feet. The application numbers are CU 12-96/SEC 27-96/HV 18-96. The staff person who reviewed this matter is Chuck Beasley. He's seated to my left and from your point of view to the right of me. The matters that will be considered are those I've listed here today. It relates to property at 32152 S.E. Stevens Road. This particular hearing is what's called a quasi-judicial proceeding and that means that in the land use hearing the hearings officer's responsibility is to apply the law as it's written. A hearings officer has no authority to change the law and what it's necessary for the hearings officer to decide is what the facts are that relate to the application and secure all relevant testimony from all parties, to decide if there are conflicts in the evidence what are the true facts and then to apply the facts to the law and render a decision that's in compliance with the law. If you feel that the way the law is written is not fair you can certainly raise legal objections to that based on legal errors and we will consider those. But if your real basis for arguing about the law is that it needs to be changed, you need to direct those concerns to the Board of County Commissioners. At the beginning of the hearing I am required by law to explain the applicable approval criteria, the rights of the different parties to present testimony and to explain how the process works. The applicable approval criteria are listed in the staff report that was prepared by Mr. Beasley for this land use application. It looks like this and it's located in the back of the room. At this time I'll ask if any party would like me to go through and explain the approval criteria that are listed in the staff report or if they will accept the staff report in setting forth those criteria. Would anyone like me to read the



approval criteria?

?? [male - inaudible]

LF You want to go ahead and read it? Okay. The approval criteria are found in the County Code. They are listed on page 4 of the staff report. It's MCC 11-15-2052. It says \_\_\_\_\_ subject to the following conditions: the lot or lots in the tract shall meet the \_\_\_\_\_ standards of MCC Section 2062A and B and has been lawfully created prior to January 25, 1990. Additionally, MCC 11-15-2052A2 is applicable that \_\_\_\_\_ the tract shall be of sufficient size to accommodate the siting of the dwelling in accordance with the County Code Section .2074 with minimum yard of 60 feet to the center line of any adjacent county maintained road and 200 feet to all of the property lines. Variances have to be \_\_\_\_\_ under the applicable County Code. A tract shall also meet standards set out in MCC 11-15.2052A3. Those are the ones that are determined applicable. Those are listed in the report under "C" and then a little "i" and then two "i's" and that explains the template test that the county applies requiring 11 lots be in existence as of January 1, 1993, and also that five dwellings lawfully exist on January 1, 1993. Then various other rules are applied to the template test that are listed at the bottom of the page on page 5 indicating that you don't count lots within urban growth boundaries, that no other dwellings be located on the tract, that no other dwellings are allowed on any part of the tract and that provides specific regulations that would apply if and when the application is approved. The dwelling has to be located outside of big game winter habitat area, or the Oregon Department of Fish and Wildlife must certify that approval of dwellings in this area is acceptable in terms of its impact on wildlife, there has to be proof of a long-term road access permit or agreement, also there is a condition of approval in 11.15.2052A6 which requires the owner of the property to plant trees in order to demonstrate that the tract is reasonably expected to meet the Department of Forestry stocking requirements, that's a condition of approval \_\_\_\_\_ imposes condition of approval and there are consequences specified in the law for failing to meet the minimum stocking requirements which include disqualification of the property from forest tax deferral and payment of additional tax penalties. The law does not describe what happens in terms of farm deferral. Additionally, the dwelling must meet the development standards that are set forth in the County Ordinances. A

statement has to be recorded recognizing the rights of adjoining property owners to conduct forest operations. Additionally staff identified the replacement dwelling provisions of the County Code as being relevant to this matter, or at least to be considered. Whether or not that does apply is an issue in this matter. Also provision requires that the dwelling have the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements included in the County Code which involve the 200 foot setbacks. Adverse impacts on forest operations excepting farming practices on the tract must be minimized. Amount of land use \_\_\_\_\_ site the dwelling structures, access road service corridor must be minimized. Any access road or service corridor in excess of 500 feet must be necessary under standards specified in the ordinance. Risk with wildfire must be minimized. The proposed dwelling must be located on a tract within a rural fire district or the dwelling must have a residential fire protection by contract. Access for fire vehicles must be provided in accordance with state standards. Those standards are listed in the County Code, but those are also found in state law and apply to this application as well. Relating to slope and fire breaks around the property, the property cannot have a slope in excess of 40%. The dwelling must comply with Building Code requirements. It must be attached to a foundation, have a minimum square foot floor area of over 600 square feet, a fire retardant roof, spark \_\_\_\_\_ chimney. The applicant is required to provide evidence of a domestic water supply that meets the requirements of the Department of Water Resources under their administrative rules and the water source cannot come from a class 2 stream.

?? [male] Excuse me. Did you say something about fire \_\_\_\_\_ . Did I understand you right on that? There has to be a fire plug down there?

LF No. A private road accessing two or more dwelling or driveway accessing a single dwelling shall be designed, built or maintained to support vehicles of a certain weight. That's specified in the staff report. That's on page 11. You can all follow along. We're on page 12 now. The various standards are set forth here in detail relating to grades and things of that nature. Then the additional approval criteria for the SEC permit are listed starting on page 13. You'll see that there's MCC 11-15.6404 uses of SEC permit required relating to scenic waterways. On the criteria themselves for approval \_\_\_\_\_ SEC permit are

listed in 11-15.6420 and that says it applies to certain areas that are mapped by the county. This particular property is in a mapped area. The code requires that the maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a protected feature such as the river, stream or lake or floodwater storage area that's being protected. Agricultural land and forest land shall be preserved and maintained for farm and forest use. Building and structures shall be located on a lot in a manner which will balance functional considerations and \_\_\_\_\_ need to preserve or protect areas of environmental significance. Recreational needs should be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance, protection of public safety and public and private property especially from vandalism and trespass shall be provided to the maximum extent practicable. Significant fish and wildlife habitat shall be protected. Natural vegetation along the river, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to ensure scenic quality and protection from erosion \_\_\_\_\_. archeological areas must be preserved, areas of annual flooding, flood plains, water areas and wetlands shall be retained in their natural state to the maximum extent possible, areas of erosion or potential erosion shall be protected from loss by appropriate means, appropriate means are based on current best management practices and include restrictions on \_\_\_\_\_ soil disturbing activities, quality of air, water, land resources ambient noise levels in the area shall be preserved in the development and use of the area, design \_\_\_\_\_ construction materials, color, lighting of buildings, structures and \_\_\_\_\_ shall be compatible with the character and visual quality \_\_\_\_\_ significant environmental concerns. An area generally recognized as fragile and endangered plant habitat or which is valued for \_\_\_\_\_ features or which has an identified need for protection of natural vegetation shall be retained in a natural state to the maximum extent possible. Then the applicant is required to demonstrate that the applicable \_\_\_\_\_ of the comprehensive plan are satisfied by their application. That requires identification of all the provisions of the plan that are applicable. Staff then went through and identified the \_\_\_\_\_ policies that they believe are applicable and did not receive a response from the applicant on those policies for the most part or not at all. Apparently not at all.

?? [male - unidentified - inaudible]

LF Okay, well that's all right, I'm just reading what's in the staff report. That indicates there is no response, so applicant can respond to that during the hearing, but those particular policies are set forth here. They're found on page 18, 19 and 20 and include policy 13, policy 22, policy 37, policy 38 and policy 40. Criteria for approval of major variance are found at MCC 11-15 8505, page 20. It indicates that the approval authority may permit and authorize a variance only when there are practical difficulties in the application of the chapter and a major variance shall be granted only when all the following criteria are met. The criteria are listed in the staff report starting at page 21, a circumstance or condition applies to the property or to the intended use, it does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the comparative surrounding uses. A second requirement is the zoning requirement would restrict the use of \_\_\_\_\_ property to a greater degree than it restricts other properties in the vicinity or district. \_\_\_\_\_ the authorization of the variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity or district in which the property is located or adversely affect the appropriate development of adjoining property. The granting of the variance will not adversely affect the realization of the comprehensive plan nor will it establish a use which is not listed in the underlying zone. Those are the applicable criteria. If you disagree with the applicable criteria or feel there should be additional criteria considered you may raise those objections during your testimony today. Testimony that you present and evidence that you present must be directed toward the criteria that I listed to you in great detail at this point. Other criteria which you believe applies I indicated must be mentioned by you and raised at this issue. Failure to raise an issue during this hearing accompanied by statements or evidence sufficient to afford the hearings officer and the parties to this matter an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals based on that issue. Okay. At the close of the hearing there is an opportunity for all parties to request additional time to submit additional evidence to respond to any new evidence that's submitted by the applicant and I would consider any requests for additional

time to leave the record open. Generally the record must be left open for seven days. Following that time the applicant has an opportunity to submit written legal arguments, or written arguments relating to the matter before the hearings officer, they may not introduce new evidence at that time. And any new evidence that's submitted by the applicant in that final statement will not be considered by the hearings officer as evidence to support their case. And I want to be very clear about that so that the applicant understands that all evidence needs to come in before the close of the record in this matter and cannot come in in that final applicant statement. The applicant also has the right to waive the right to submit that final argument if they wish to obtain an earlier decision of the matter. Okay. Then, also at the start of the hearing I'm required to indicate if I have any bias or prejudgment related to this case, any potential or actual conflicts of interest, any ex parte contacts, or any site visits. On this matter I have not visited the site, I have not had any what are called ex parte contacts which are contacts with people who are parties to the matter that is pending before me. Also, I do not have any potential or actual conflict of interest relating to this particular matter. I do not own property in the area of this property. I do not have any investments that would in any way be affected by the outcome of this particular case and I have not reached a decision on the matter, have not prejudged it and don't have any particular bias one way or the other that would affect my ability to be fair and impartial in this matter. At this point does anyone wish to challenge my ability to hear this matter and if so raise your hand and then I'll have you come forward and put that on the record. Okay, seeing no one raised their hand I will find that there are no objections to my ability to hear the matter and I will proceed to hear and decide this matter. Okay, at this point, does anyone wish to challenge the hearing on procedural grounds, on terms of the notice or anything else and if you would, please raise your hand. Okay the gentleman in the blue. Would you come forward and state your name please?

GUS My name is Gus \_\_\_\_\_ and I'm president of Camp Angeles  
(?) Which is the adjoining property. We have 98 acres.

LF Okay. And your objection is?

GUS My objection is to a couple of things. The roadway is one of them.

LF Oh, okay. The only objections that you need to state at this point are related to the procedure [interrupted].

GUS [both talking at once]

LF Okay. Thanks. I'm sorry. Thanks. Then the final think that I'll cover is the order of the proceedings. What we do is just start with the staff report and staff indicates what their recommendations were on the case and summarizes their staff report. Then the applicant is given an opportunity to present evidence at the hearing in support of their application and people who support the applicant's position or generally are in favor of the application are asked to present testimony. After that people who wish to testify in opposition to the request filed by the applicant are given an opportunity to present evidence. Then the applicant is given the opportunity for rebuttal and, in my discretion, if I believe it's necessary to respond to new material that perhaps the applicant didn't mention in the first place and they bring that in in rebuttal, then I may allow the opponents also to have an opportunity to rebut that evidence. Then after the testimony is done, we'll decide whether or not there'll be an additional period of receiving evidence after the hearing in writing and people can raise the request for that and then the record will close or the date for closing the record will be established and we'll also make a determination about what the applicant wishes to do with the comments that they have a right to submit, the legal arguments, and then after that then staff will present their final staff comments on the matter and then at the end of that I generally indicate to the parties any of the issues that I think might be addressed in their written comments that follow close of the hearing today, if there is going to be additional comments. If the record is closed I'll generally give folks an idea of what I'm thinking about the case so they are not surprised when they receive my written decision. Okay. Staff report, Mr. Beasley.

CB First, I'd like to introduce a couple of exhibits into the record that came in after the record was \_\_\_\_\_ show a short video and then review the conclusions and I also have a correction to the record that I want to make. I'll do that before the video. The first exhibit that I want to add to the record is the affidavit of posting property for this hearing, that's Exhibit E-1. The second item is a \_\_\_\_\_ letter from a Frank \_\_\_\_\_ in support of the issue of the old dwelling, there was a dwelling in the past. I'm entering that as Exhibit E-2.

\_\_\_\_\_ photocopies of those two before we leave.

LF Okay.

CB The correction to the record is regarding the variance \_\_\_\_\_ the front yard setback. There are a couple of typos in the staff report. On the first page of the staff report it says that the front yard setback reduction is from 200 feet to 45 feet and it should say 60 feet, so the reduction is from 200 feet to 60 feet. That's reflected correctly in the summary conclusion on page 2 of the staff report. I find that there is another error and it's a different number of feet in the staff report on page 41 of the findings. In that first paragraph under the applicant's statements he's got it as 50 feet and my understanding is that Exhibit A3, which is the latest site plan that was submitted May 2, my understanding is that Mr. Protassy's indicating that the setback from the property line is 60 feet on that plan. So, that's the only. And as go through the video I don't know if it will help to look at Exhibit A3 or not.

LF \_\_\_\_\_ do you want to get the light? That one's okay.  
Yeah, leave that one on.

CB Okay. This is a picture of the property looking west along the easement road and this is the field to the south and then this would be east property line. There's a line of poplars along here, the Sandy River Canyon is down in here. Then we're looking again down the easement road to the property to the north. This is apparently managed as a pasture and agriculture at this time. This is the house and development adjacent to the north. Camp Angelos is down over the hill here. This is the easement road of the subject property here. Here's another picture of the house and we're looking toward the west side and this is the area where the edge of the Sandy River Canyon starts and this is a fairly steep slope according to the applicant about 60%. It shows primarily deciduous trees in that area. There are some small conifer in there. It looks like it was harvested years ago and never actually reforested with conifer. And this is the Sandy River down below. \_\_\_\_\_ this is April, so it's changed now. You can't see it. This is the south portion of the house, swinging around from the west toward the south. Generally the site is pretty flat until you get to the edge of the trees, the edge of the bluff and \_\_\_\_\_ it drops off.

LF So, what's the orientation of the property? Like, as

opposed to the map, what side are you looking on  
\_\_\_\_\_?

CB You're looking down this side. The trees are on the west and south.

LF Okay.

CB \_\_\_\_\_ the river down below.

?? [male - unidentified] The ice storm tore it up pretty good.

CB Yeah. Okay. This is the vineyard. There is four or five rows of grapes there. And this is swinging back toward the east where there's a little bit of a rise and the there's \_\_\_\_\_ it's pretty flat actually, and then rises up to the northeast corner. This is the adjacent dwelling on the east side. Beautiful day. Good day for field work. And then again, this is the northeast corner and the dwelling on the east. That's pretty much it.

?? [male - unidentified] You have tough duty.

CB What I want to is not take up a lot of time, but just quickly go through the conclusions for each of the three applications. Template dwelling and the SEC and variance. The summary conclusions on page 2 of the staff report. The detail conclusions for the template dwelling the conditional use are on page 12 and 13.

?? [male - unidentified; may be GUS] Where are you now?

CB Page 12 of the staff report. The first conclusion the staff makes is that the existing structure doesn't qualify as a replacement dwelling under the rules primarily because the dwelling that is replaced doesn't exist and needed to exist. That issue I think is resolved. Primarily the other....

LF Pardon me. How is it resolved?

CB Primarily because there's no record. I mean it's clear by the record that the original dwelling was destroyed in 1987 or 1988 and there was no evaluation of replacement issues \_\_\_\_\_ circumstances around replacement at that time \_\_\_\_\_.

LF Okay. And was a permit required at that time?



CB Yes.

?? [male - unidentified] I'm sorry. When you say it's not resolved, does that mean that the conclusion was made that this \_\_\_\_\_.

CB I'm saying the issue of whether this application could be considered as a replacement dwelling \_\_\_\_\_ replacement dwelling provisions of the code is resolved by the fact \_\_\_\_\_ because the dwelling that is replaced does not exist and that's a primary finding that has to be made for replacement dwelling application to be considered.

?? [male - unidentified] Question. If I ....

LF You need to hold your questions until you testify and we have you on the record. Okay. So Mr. Beasley needs to finish his staff report and then other issues can be raised by participants when you're testifying. And that's necessary so that we can keep a good record of what we're doing here.

CB Okay. The -- generally, most of the other template dwelling criteria \_\_\_\_\_ are met. The main criteria that we think has not been shown to be met is 12074A1 which relates to protection of forest management activities on adjacent land. There isn't any analysis in the applicant's submittal that demonstrates why a 35 foot setback between dwellings and adjacent forest land to the west is adequate to protect forest management activities on that adjacent parcel to the west. Nothing in the SEC ordinance precludes forest management from occurring on that property \_\_\_\_\_ forest zone. The -- you know, if the applicant can provide evidence that the scenic waterways administrative rules preclude forest management on \_\_\_\_\_ properties, then perhaps a finding could be made that forest management \_\_\_\_\_ occur and that the 35 foot setback is adequate to protect forest lands, but it's not on the record. And the other standard that isn't met is the development standards of .2074B primarily because there isn't a building permit for the existing structure. Regarding the SEC permit, the conclusions under that section are on pages 20 -- uh, regarding the comprehensive plan policies, staff's recommendation is that there is enough evidence in the record to make a finding that they're satisfied. We aren't arguing -- staff isn't arguing that those are not satisfied and I may have missed some information that Mr. Protassy submitted, but it wasn't in the one piece that I reviewed

for this. But, regarding two of the criteria that staff feels haven't been demonstrated to be met in the SEC zone, 16420A is the criterion that asks that the maximum amount of open space for vegetation is provided between the resource, in this case the Sandy River Gorge Scenic Area, and the development. And there's no demonstration that that's happened when you look at the exhibit on \_\_3, if the house was moved further to the east then the distance would be increased. There's some limited visibility of the house from the gorge, it's not hugely visible so I don't think the impacts are great \_\_\_\_\_, still the finding requires the maximum distance and there is no evidence in the record that says it couldn't have been constructed further to the east. And then the second criterion was the staff felt wasn't met with the application was .6420C. This application asks for an evaluation of the balancing the functionality of the utility of the building site with the impacts that that building has on the scenic resources and the response didn't really take this issue up. And again, I think that unless we consider the cost of moving an existing structure that was constructed without a permit and staff is assuming that's its not \_\_\_\_\_ to do that, then we have to consider this as a new house. The \_\_\_\_\_ conclusion that we would give to is that some improvement could be made by moving it to the east and absent any other evidence we couldn't find that the criterion was met. If the case can be made that we can consider the existing house -- notwithstanding that it was built without a permit -- the value associated with that and the cost associated with moving it the staff would conclude that that criterion would be met because the cost would outweigh the judgment call. The staff would conclude the cost would outweigh the benefit. Okay, in regarding the conclusions on the variance, those are on pages 22 and 23. In general, the variance is the hardest part of this application to justify in staff's opinion because we're working from a situation where a house has been constructed on the site that doesn't comply with the code that we have to apply after the fact. And because there aren't any obvious physical limitations in the property that limit its location to where it is. Under the first criterion the justification that's provided is that other existing dwellings do not meet the setback requirement and therefore that's a hardship, but there isn't any demonstration that there's a practical difficulty in the land or its condition that limits the dwelling to the location proposed. It appears from a close reading of the variance criteria that the ordinance would allow consideration of physical improvements, but staff is making

a presumption that we would only include improvements that legally exist and that -- uh, \_\_\_\_\_ interpret that criterion. So we feel that it doesn't meet that criterion. In the second variance criterion, we feel it hasn't been met because there's no comparison made between the limitations \_\_\_\_\_ to the placement of the use, which is the dwelling, rather than its location in the contrast to placement of other dwellings in the area. \_\_\_\_\_ the setbacks of the commercial forestry zone don't appear to preclude placement of the dwelling in a reasonable location on this property. So, that's all.

LF Okay. Can you hold on a moment?

TAPE 1 - SIDE 2

LF All right. So at this point it's the applicant's opportunity to make a presentation.

?? [male unidentified - inaudible]

LF Yes. If you wish to present evidence at this time you do need to come forward here. Take a seat here, indicate your name and address for the record, please.

AP My name is Andre Protassy. I live at 12120 SW Boones Ferry Road and I am the owner of this property. You have to excuse my language. I am a foreigner as you hear and at the time I started this whole stuff I didn't speak very well English. I don't how well I speak now if you understand me, but I'll try my best.

LF You're very understandable.

AP Okay. I purchased this property in ninety-seven, 24th of November.

?? [male - unidentified] Eighty-seven.

AP Eighty-seven, I'm sorry. And I purchased land and house which a year approximately after I purchased burned down by the negligence of some tenant I had there. \_\_\_\_\_ the fire department. I have some documentation here from the insurance company which was disputed by this office. I've

been told that no house was existing there. That's why I have some witnesses here. The previous owner is here, et cetera. Now he is indicating the first point that today it's not possible to replace the house because no house was there, as far as I understood, or no legal house was there. The house was built way before building permit was necessary. \_\_\_\_\_ before 1960. I have some people who support this statement, as a matter of fact the previous owner is here. And when the house burned down I came to this office and talked to Mr. Bob Hall and probably it's my fault because I didn't understand how that's supposed to work. I was supposed to get a permit. I just started to rebuild the house. Actually was burnt almost completely down and I \_\_\_\_\_ to put the house on exactly the same spot where the old house was and existed for 30-40 years, I don't know how long. And I did that ...

LF When was that done?

AP I started in '89 with the foundation and the rest of it. You have to consider that I did everything that you saw in the picture of the house with my two hands with occasional help. So it took me longer than a contractor is going to do it.

LF So, when were you done with it?

AP About '92 -- I'm not completely done, but '92.

LF Okay.

AP And so then I came ...

LF And did you not apply for a building permit at that time?

AP No, I didn't.

LF Okay. No building permit.

AP I have the verbally agreeing to go ahead and rebuild the house is enough and I did not very much about it \_\_\_\_\_, so I started. If I knew that I wouldn't put the house there because I personally don't like this \_\_\_\_\_ but I did it in order not to \_\_\_\_\_ 200 feet to the east which is going to be in some kind of ditch where the water from \_\_\_\_\_ property comes through and where it will cost me enormous amount of money to fill the ditch with dirt and if I \_\_\_\_\_ this way, then the house is going to be

three-quarter of the year in the water. Excavation ...

LF Okay. At this point \_\_\_\_\_ where on the property this ditch is that you're referring to. Is it this? Is this it in the middle?

AP Yes, that is -- I measured it from the property line 200 feet and from the property line on the north 200 feet. That comes exactly in the middle where the water comes from above. Somewhere in this statements here it is indicated that there is no culvert. Here's a big culvert which takes the water from the above property and goes all the way through my property.

LF Okay. So how much of an area is there like at this side to place the dwelling and still be within the setback?

AP Actually, not at all because that whole place is -- when it starts to rain, and we get lots of rain here, almost the whole property is wet all the time. As a matter of fact when we had the strong rains here the entire property here was full of water. It was like a swamp. So that gives me the answer why the people before me and \_\_\_\_\_ put the house there. Because that is probably the safest place. And that was for many years nothing happened to it. No erosion or \_\_\_\_\_. Otherwise I would put the house somewhere here that I have a view, et cetera, and \_\_\_\_\_ spent almost \$100,000. So that is about the history of the house and why it is there. The second thing \_\_\_\_\_, I've been hundreds of times down there in the river and I was yesterday over there all day. There are some pictures here. \_\_\_\_\_ whether on one end of my property or the other end of my property you \_\_\_\_\_ see the house, period. \_\_\_\_\_ everything to make sure that it's not visible even further up the river from the other side of the river I went all the way to the top of the other side and took pictures from there and that is probably 700-800 feet above the ground. You cannot even see the house from there. \_\_\_\_\_ I have the pictures here and I have them when there are not the leaves there and you can see through you cannot see down there anything else and I went on the roof of the house in all directions and you cannot see anything down there. \_\_\_\_\_ the entire roof \_\_\_\_\_ That is from the river up. The house is sitting here. Right here. This tree on the top is right in the middle of my garden. Also from all directions from the east, west and south and that is from the top. That is the property here.

You \_\_\_\_\_ see my neighbor's property, you \_\_\_\_\_ see the neighbor to the north property, but you don't see the house here. That is about -- that's my estimation, 800 feet, at least, high. Down there is the river. So, if I cannot see it from there and I cannot see it I guess from the river. That is also the house here. That is the ditch here. And the .....

LF Okay. At this point just for the record I need to -- if we're going to consider this evidence -- I need to put it into the record and give it an \_\_\_\_\_. So, what I need to do is have you put all those photos together and give those to me and I'll label them.

CB How many do you have there?

LF I'll count them. We'll just put them all in one exhibit number. Okay, exhibit 3 -- E-3. And I'll stick this on this photo that's the exhibit taken -- the photograph across the river and then \_\_\_\_\_ can label the rest of them, or I'll do it later so as not to take up everyone's time. [counting] There appears to be thirty photos. Okay, so I accept these photographs and they are marked Exhibit E3 if others wish to see them. I think I'll place them on this table over here so that any of the other parties can look at them. Okay.

AP I don't know if I forgot something about SEC[?], but I go to variance. I been told in this office that I have to pretend that no house there. And I try my best. I pretend \_\_\_\_\_ I close my eyes and when I open them the house is there. Okay. It is a fact it is a build there. I try my best. I put all my money into it and I thought I didn't violate any zoning. I'm not an expert. I'm not a professional. I did violate probably the building laws and I try not to do and the house is built after the code and \_\_\_\_\_ ...

LF Who checked it for the composite code?

AP Builders I invited over there to advise me so ...

LF Okay. But not a county official?

AP Not the county.

LF Okay.

AP I cannot do that according to the staff report here. Anyways, the house is there. I wish it's not there, that I can put it somewhere else, but I can't and if I could, like I said before, \_\_\_\_\_ in an area that's going to be under the water most of the year. Or if \_\_\_\_\_, then I have to spend probably \$100,000 which I estimated just to move the house. \_\_\_\_\_ been existing forever also before the house, before this house, base electricity, base plumbing, base septic tank which also was existing before \_\_\_\_\_ with a bigger one \_\_\_\_\_ permit.

LF Okay. And when were those permits issued?

AP Couple years ago. Eighty-five [sic ?].

LF Was there an existing septic system on the property before it burned down. I assumed there would be.

AP Yes.

LF Okay.

AP Exactly in the same spot. This is bigger because the house is a little bigger.

LF Okay.

AP So, if I have to move the house \_\_\_\_\_, but I estimate to move the house which I would -- my good faith I was willing to do something about it -- \$30,000. \_\_\_\_\_ that is to move the house. The foundation is going to cost me at least \$10,000 to \$15,000. \_\_\_\_\_ cost approximately \$10,000 five years ago or more, six years ago. If I have to \_\_\_\_\_ supposed to be according to the laws here I have to build a new driveway, 200 foot driveway, which is going to cost me again \$30,000 to \$40,000. Then electricity ...

LF Can you tell me why it would be \_\_\_\_\_ cost for a driveway?

AP That's what they told me. They asked me -- I have a place I \_\_\_\_\_ under water now \_\_\_\_\_, they asked me for \$30,000 to replace the walls and the floor only. So ...

LF Is this just a plain asphalt driveway? On the property.

AP Well, in order to put the driveway \_\_\_\_\_ you have to put probably 200 feet \_\_\_\_\_ yards of dirt to raise the \_\_\_\_\_ property and be able to be above the water line which is created through the culvert and -- from the land which comes from above my property.

LF Okay. So that's included in this \$30,000 to \$40,000 cost? \_\_\_\_\_?

AP No, that is extra \_\_\_\_\_.

LF Oh. Okay.

AP And I took the lowest estimate from different people.

LF Okay.

AP That \_\_\_\_\_ cost me. Besides I understood that was much bigger ditch wherever \_\_\_\_\_ to put the property

\_\_\_\_\_ foundation on a \_\_\_\_\_ and on top of everything a long time ago this whole part has been washed down from a big storm \_\_\_\_\_ and they put a lot of garbage in there, like refrigerators and old cars. So maybe five or six or \_\_\_\_\_ feet under the place there are different things which after they rust completely they're going to create the whole place to fall down -- to sink. So I thought that is not a safe place to put a house. But it's like I said from the beginning. The house is there. I did it in good faith. I spent lots of money, lots of time. I've been working 15 sometimes 18 hours a day to create that and I was happy because I love the nature, \_\_\_\_\_ out there and all kinds of wild animals and I love the place and I'll do anything \_\_\_\_\_ against the nature, against the scenic area, et cetera, I just want to live in peace there.

LF Okay. Great. Thank you very much. Would anyone else like to testify in support of the applicant's position?

AP \_\_\_\_\_ I have a contract here which says \_\_\_\_\_ a farm before \_\_\_\_\_ a purchase contract and also there was a house before there ...

LF Okay. Do you want to submit that as an exhibit. I'll accept that as evidence into the record.



CB I believe that's in Exhibit A.

LF Oh, it is?

AP That's right. Thank you.

LF Okay. Next person. Yes, come forward and give your name and address for the record, please.

KP My name is Ken Penaro, Sr. I live at 36250 Yokum Loop and I used to live on that property and then later on I inherited it. I have a picture and some answers if I may, because I'm one of the persons that told Andre, and I would do it with anybody, to where he should build his home after the fire. There was also a man that worked for me. There was also a volunteer fire department man for the City of Corbett, or the town however you want to word it. And I was called to come down and see the damage late at night and the man that was suggested to me was Bobby Layton, which is retired now also. He went to the place that night and also went to the place later and he said, Ken you're wasting time and money trying to rebuild this house. So that's why. The other reason. I have a picture that you would probably be interested in and you also. Back in the old days ...

LF [inaudible]

KP No, I do not. You can make a copy of it. You don't want to look at it either?

LF If you are submitting something to the record you need to give us something that we ...

KP This picture is an old picture lady and I'm not going to give it up. ...

LF Okay. Then it's not evidence. We can't accept it as evidence.

KP You can't take a picture of it?

LF We could take a xerox copy and have that in the record. That will be what will be used.

KP Okay, that will be fine.

LF But \_\_\_\_\_.

KP Because it shows pictures of the house being there many moons ago. The barn that's not there now that was there. Like I said, my in-laws bought it from Valbergs and it goes back further than that.

LF Okay. I don't think that there's any question that was a house on the property. ...

KP My information before I came down here, it was told to me that there was no house existing there. That's the story I got.

LF Well, looking at the staff report I believe they concede that there was a house on the property ...

KP All right. Do you want to know why the house was built where it was built? Because I was going to build there myself on that property at one time. Are you interested in that?

LF Why there was a house there?

KP The reason why the house was built there.

LF Oh. In that location? That's fine. Yes, that would be very relevant.

KP Okay. The reason why because it was coming from Larson's property -- the gentleman back here I think owns the property next door -- water is put on his property, then it ends up on our property and when we had the Columbus Storm and right after we had the Christmas storm the water came down from everybody else -- came down and made a ravine there. I am also one of the persons that stuck a car in there -- '64 XL -- and at that days things were happening so fast you had to do something. And then there was -- being honest with you -- there was dirt brought in from Multnomah County -- they had to get rid of it anyhow -- and it was brought there and dumped. But there was nothing dirty, what do you call it ....

?? [male unidentified] Waste, solid waste?

KP Yes, sir. Nothing bad, in those days -- even in those days.

LF So the property was \_\_\_\_\_

KP That's right. So, to build a house, if you don't mind.

looking again. I was going to build the house right here at one time ...

LF Can you show me on this exhibit?

KP Same thing?

LF Yes.

KP Okay. I was going to build here at one time, if I stayed on the farm. I was going to buy this for myself at one time. And my wife and I lived over here. We lived there five or six years before I married her. And then I decided, no, why not move over here. Well any time you put four inch minus or five inch minus rock on there to build up -- so, because when the water comes you're not stopping Mother Nature, that \_\_\_\_\_ would have been another dam. Seriously. Besides the fence line, which is now his property, the water has to go somewhere, so if it didn't come through it would go over into the Sandy River that way. That meant laying more culverts here. But the water is going to go into this property whether you like it or not or anybody. This area where my wife lived and then my grandma and grandpa lived there for awhile was -- you can see how much land it used to be back in the old days, it's not that way now. That was about the best \_\_\_\_\_ and no water came down. If the water did come there it would be coming down the road and then maybe go over to the driveway. So I decided I didn't want to go through all that jazz, so I did not build or buy \_\_\_\_\_ we ended up inheriting it. But that's why ...

LF Okay. And this photo that shows this house here, this white house, is that the residence that existed prior to the current home?

KP Yes, ma'am. That's correct.

LF And do you know when this photo was taken, approximately?

KP No, ma'am, I do not. I wish I could answer. I've looked all over, is there a date on it? We have other pictures besides this ...

?? [male unidentified] It's got a 012 in the upper, left-hand corner.

LF Okay. So this is Exhibit E-4, I believe, is that right?

Okay.

KP And I think this gentleman here would agree with me that there was an old barn there at one time \_\_\_\_\_ date. Would you care for that.

LF Well [both talking at once].

KP Yeah. It's going back, way back, even before these gentlemen got involved with their land down below. But there was a house there and that was the reason why the house was built there years ago. Because the people knew about those things back in those days even. Now, what else would you like to ask me? Anything?

LF That will do it. Thanks.

KP You're quite welcome.

LF The next person who would like to speak in favor of the application?

O'C My name is \_\_\_\_\_ O'Connell. I live at 32202 Stevens, which is right next to Andre. [inaudible]

?? [male unidentified] To the east, uphill?

O'C Yes. Uphill

LF Okay.

O'C I'm a little confused over this myself. What I would like to recommend is that the record not be closed. I don't have a language barrier, I don't think, that Andre has to contend with ....

LF Well, the record will be kept open if any one requests it. I will keep the record open.

O'C Well, I'd certainly like to request it. What I would like to ask a question, I guess to begin with. We've gone over this record and there's a lot of things that Mr. Beasley has objected to. Is there any system that allows us to get together and try to appease the things that you see wrong with them before it goes on record and the decision made? Is there any process to do something like this? Once the record is closed, it's kind of closed. There's a couple Catch 22's here about the building permit. If he would get

a building permit it would satisfy a lot of your concerns. However, he can't get a building permit without a major variance, so we're in kind of a quandary here. Is there a system that would allow us to keep the record open and have some more communication with Andre to allow us to meet your specific objections?

CB The record in this proceeding can be kept open for another seven days to submit additional information. Another alternative would be theoretically for the applicant to ask for a continuance of the hearing and waive the 120 day decision rule to allow him more time to respond to the issues that are raised in the staff report. The way the process has gone up until now is a substantial amount of effort has gone into encouraging Mr. Protassy to provide more information. But at some point in time we need to continue on with the decision. So that's kind of where we are now. So I guess the answer is conditionally yes.

O'C Good. It's hard for me to understand as a layman to understand specifically what it is you're objecting to and if or if not it can be corrected.

?? [someone speaking in background - inaudible - unidentified]

LF Okay. Do have any evidence to put in the record other than ....

O'C Evidence, no. Some comments about the drainage portion.

LF Okay.

O'C I talked to Andre -- incidentally, he did a beautiful job in building that house, the craftsmanship he used in the structure, I mean it's, every line is straight, every line is perfect, he really took a lot of time and effort to put into it. To destroy that would certainly be a shame. There is a couple things. Do we agree that you cannot see it from the river? We don't agree on that?

CB I wouldn't agree that it would be shielded from the river for all months of the year. While I was out there the trees were leafing out and I could see the riverbed and small portions of the river, but that was -- and that's a function, in my mind, the type of trees that exist on that slope. Predominantly deciduous. But I don't feel that in the context of all of these three decisions, the conditional use, the SEC and the variance, that that's an issue of

primary concern.

O'C Okay. I can vouch you can't see it from the river. I've been down there several times and I had to go through the same stuff when I built my house. As far as the location criteria, I'm going to refer back to a section of your own record. MCC11.15.6420, page 14. Letter c. "A building structure \_\_\_\_\_ shall be located on a lot in a manner which will balance the functional considerations and costs with the need to preserve and protect area of environmental significance." From the farming standpoint of view and I think \_\_\_\_\_ is said about the same thing, the drainage. I can expand a little bit on that drainage if you had a property plat, do you have one?

LF \_\_\_\_\_ maps.

O'C Yes, the map will do. Let me expand a little bit ....

LF This is a little clearer. This is actually better.

O'C Okay. Well, this is the \_\_\_\_\_. I was hoping for a larger overview, because my property is over here and what happens is that

LF \_\_\_\_\_ [paper shuffling]

O'C Yes. Okay. He's right here, I'm here. I had to build my house here for exactly the same reason why this was the best location because of the drainage. Incidentally, I'm well within the 60 foot requirements also and the 200 foot here I was able to do mostly for my drainage field and septic system. All the drainage, this is the dairy farm here -- very sloped -- this all slopes from \_\_\_\_\_ Northway Road -- \_\_\_\_\_ starts sloping and everything drains into the river. When the water comes down here it runs down Christensen, across the dairy field at a diagonal direction like this. There is a culvert that diverts the water over to my property on the corner of my property, so I have an open spring right about here and I have another spring here as well as all this water, drainage water, coming into my property, so in effect I have a little rise here and a little rise here so the water all flows down and drains in this type of environment down to the river, so that I can guarantee you that at least half of my open property and probably more than that of Andre's is under water basically for a good four months of the year. You can go down and sink up to your knees in water and mud. Now, in order for

me to build my house in any other place here, it would require a special septic system, as well as foundation. Trying to get a driveway into a wet area like that is pretty tough too. When Andre and I were talking when he was working on his house, he said he didn't want to build here. It was my understanding also that the existing foundation that we were required to do that, if there was an existing foundation we thought you were required to build on that existing foundation. So there was a little interpretation there. He told me that he really didn't want to build on this particular spot, but he felt he was supposed to do it. So, because of the water drainage it's impractical. Another thing from the farming standpoint. This is one thing I considered, too. Andre, besides the grapes, he and I both raise hay and have it cut and sell it during the course of the year for our farming activities. If this house were any other place. If you take it 200 feet here, 200 feet here, it would basically from a farming standpoint ruin the field and take all the existing hay field that we have out. It would probably cut the production of that field in half. So, from a functional standpoint and I think that's I believe going back to the -- well whatever variance I referred to, I think that would have a lot to do with the location of the house and impact [coughing] \_\_\_\_\_ your decision where the house should be built also.

LF Good.

O'C And I guess that's about it. Like I say, there's a lot of things about this that I don't understand, that I would like to understand better to give more significant testimony. Particularly the questions asking about -- where was it -- the existing house when I was asking questions earlier. Oh, template dwelling conclusion. I don't understand that at all. The scenic waterways precluding forest management. I had to go through -- that's page 13. I had to go through about the same thing with the state and I agreed to the state, basically it's a greenbelt type area which would -- we can't log there for one, we're prohibited by the state to take any timber from that. I would certainly think that would preclude forest management and it's considered a greenbelt type area. So, although it's listed as forest, it certainly can't be harvested or managed in any way because of the regulations for the scenic waterway. So I hope that would preclude any forest management application.

CB You wouldn't have a copy of that \_\_\_\_\_ regulations \_\_\_\_\_.

O'C I'm sorry, I don't. Most of what I based mine on was telephone conversations with people from the state. They did give me written approval for my building permit which should be on record here in this office.

LF Okay, just for your information. That approval is not part of the record in this matter and if you wish it to be a part of the record you need to get a copy of it and submit it into evidence during the seven-day comment period and then we'll consider it.

O'C Okay. I don't have the record actually, it's in ....

LF Okay. And I think more compelling evidence would be evidence from the state agency that makes a similar statement, like a letter or something, if you can get that. Okay? Thank you.

O'C You're welcome.

LF Anyone else wish to speak in favor. Okay. Time for opponents.

GF My name is Gus Fryeria. I am president of the Camp Angeles 98.6 track of land that is joining Andre's property.

LF Okay. Can you show me where it is on this map just so I can get my view.

GF Right, this here. We take all this right through here across the river over here and this part of the river here. We have 20 acres here, across the river.

LF Across the river. Okay.

GF So, I'm not against Andre's property per se. But there are certain thing that I'm adamant about and these are the pictures that I took July 4 of this year. I want to say that Andre is a very good photographer, but I'm just an amateur. But we have had this property for 20 years and the Multnomah School District \_\_\_\_\_ uses our property \_\_\_\_\_ outdoor school. We have 150 kids every day that are there for 18 weeks of the year.

LF How many weeks.

GF Eighteen. Nine weeks in the spring, nine weeks in the fall. And then we have retreats there. If I told you the trouble



we had to go through to get approval for the \_\_\_\_\_ that we have down there I'd take too much time. But it's just through different things and I'm not holding grudges, but what goes around comes around. All our comments is that from everybody that comes there says "what an eyesore, that property is." Now, when your man here took the pictures he did a good job, but they didn't show the things that we're concerned about. The cars that are parked on the easement, the junk that's on the easement. We have a 30 foot easement of \_\_\_\_\_ lumber ....

LF Thirty foot \_\_\_\_\_ okay.

GF Thirty foot. We are the ones that maintain it and I don't understand where he gets the idea on page 12 that he maintains the road.

LF Okay.

GF I don't understand that. But there -- this property was owned by Bob Graham and Bob Graham owned both those properties and where Andre built his house it's a hell of an improvement over what was there before because it was a drug house and they had fecal contamination all over the house. They'd taken axes and busted the walls and used the bathtub for a toilet and everything like that and it was a godsend that something happened to it because nobody could possibly remodel that and live in it. So, it's an act of God that they caught on fire. Here is his property, right here.

LF Okay.

GF There's the house. Here's our easement that comes from here, comes down here and we go in. Now, we have -- instead of going straight like this, we have a variance here that was on the deed and this barn that he lived in, the house he lived in, is right in the middle of our property line. So there's nothing we can do about it, but it's just the idea that if one thing gets away, what good are our rules? I mean rules are rules. I mean if we're going to make exceptions for everything. But I ...

LF So, this barn issue. Where ...

GF It's on this property here.

LF Oh, I see.

GF This was all one piece of property.

LF Oh. Oh, I see. So it was the prior owner ...

GF Yes. The prior owners did this.

LF Okay. I see.

GF Okay. What I did because I can't talk too good, I wrote this letter and if you want to read it to these people I'd appreciate it.

LF Okay. The American Hellenic Educational Center is the property owner to the north and west of the property in question owned by Andre Protassy located at 32152 SE Stevens Road, Corbett, Oregon in Multnomah County and operate Camp Angelos, a youth camp, \_\_\_\_\_ property used by many groups in the greater Portland and Vancouver area. We have two concerns. We request that Mr. Protassy not be allowed to store any vehicles or large equipment in the front of the existing dwelling. This would not exclude the normal parking of vehicles that are used on a day to day basis. This will greatly improve the appearance of the entrance to our property. Secondly we request that the rain drains from the existing dwelling be rerouted so that they do not \_\_\_\_\_ onto our property. We have enough trouble with the natural water runoff in this area and need to keep any additional water from draining onto our property. If our request will be carefully considered we register no complaints and have no reservations to the variance being granted. Thank you for your considerations of our request in this matter. Okay?

GF Well, that's ....

LF I'll make this Exhibit \_\_\_\_ [coughing] 5.

GF If you want another copy of that I can give it to you.

LF This is fine. I think Mr. Beasley will make me an extra copy.

GF You don't need this one, because this doesn't pertain to this case at all.

LF Okay. All right. Thank you. Then I won't rely on that as evidence?

GF Oh, no, I don't care. That's something that has happened and we've gone through the hassle. But you can see what we have is an investment down there and we have people that come down there.

LF Okay, this will be E-6. Okay. Thank you.

CB \_\_\_\_\_ [coughing] \_\_\_\_\_ E-7 then?

LF And those will be \_\_\_\_\_.

GF And then, here. This was taken in 1995, an aerial view which shows it beautiful. Here's the ...

LF Okay. Are you going to read it to me? Okay.

GF This is right up to date, well '95, except for the '96 washout that we had.

LF Okay.

GF But, here's where the easement starts. We have 30 feet \_\_\_\_\_ . We have walnut trees that are on the south side. They are inside the 30 foot easement. When we wanted to fix the road we were opposed. He wanted \$5,000 a walnut tree.

LF Who was that?

GF Andre.

LF Oh. Okay. I'll put this on here.

GF So, in the meantime I think three of them died, but the other ones are hanging over and when trucks come in they're banging them.

LF Okay.

GF And, right here, right there the water comes down here and goes \_\_\_\_\_ a culvert underneath. It goes into this swale there and that there is full of trash from prior years. It's all grown over now. And where this -- where our road comes down here. Give me that E-6, I'll show you. When all this water comes down from here it goes right in front of his house and there's this little culvert here that's not enough to take care of it. Okay. \_\_\_\_\_ wants to fix that because it was on the original property

that was owned by Graham. This one big ...

?? [male unidentified (Andre?)] Excuse me.

LF No, it's not your turn. He needs to be able to testify, then you can ....

GF Here's where the opening is right like that. And this water comes down like that and there's a culvert here, but then the water comes down here and washed our road away.

LF Okay. To your property?

GF Yes.

LF Okay.

GF Now, if he would fix that culvert like it was before, then the water wouldn't come into his house.

LF Okay.

GF Because that water when it comes it really goes and especially now that they're cutting the hay and they clear the land and the water just gushes down with a \_\_\_\_\_.

LF So, the house you're referring to is the existing house or the location that would be required by the county?

GF No, no. That's his existing house right there. That's for the existing house. I don't know how he would ever build a house 200 feet back.

LF Okay. You think it's not feasible?

GF No, it's not feasible at all, no way. Because you would see it from the water and they already left one house across the river that you can see from the water. They let that go through.

LF Oh, you'd see a house 200 feet down from the water?

GF \_\_\_\_\_ another house over here that you can see from the river. Brand new house. Built maybe 4 or 5 years ago.

LF So, you're in favor of the house being left in this location as opposed to moving \_\_\_\_\_ ...

GF Oh, yes. I have no objection whatever to the house there. I just want to automobiles and the trucks and the boats moved into the back of the house, that's all we're asking. And the -- you see, when we mow we mow that easement and we can't mow it because he's got garbage on the easement in front of his house. Do you follow me where the driveway is.

LF Okay.

GF All these pictures were taken July 4 ...

LF I need to explain one thing about my authority to decide this case which is that I'm limited to the things that I read at the beginning of the hearing and so only to the extent that parking vehicles in front of the house has anything to do with the approval criteria that's all I can do. So, I cannot deal with that issue except to the extent it's tied to one of these criteria listed here and the only one I can think of is the access and then I'll look at that and see whether I can tie it to that or not ...

GF Yes, because we have a 30 foot -- and I dispute him saying that he maintains it. He does not maintain it.

LF Okay. So, I will look at that only to the extent that I have authority under that particular regulation do I have any ability to even talk about the cars. I don't want to disappoint you but ...

GF It's an eyesore, that's all.

LF Yes, I understand, I agree. I think it's ....

GF \_\_\_\_\_ when you got a fence right there and from the fence to the house is only 30 feet, and you've got big trucks there and boats and things like that and a car that you can't mow, it's not right.

LF And you might want to talk to the county staff about whether that violates any of the county ordinances. I wouldn't be -- I'm not dealing with it today.

GF \_\_\_\_\_ in '73 \_\_\_\_\_ I've had a heart attack, I've got cancer \_\_\_\_\_ I just want peace and quiet, that's all. I mean, we were there in '77 and run a nice clean operation, we've got over \$2 million invested in it now. Everyone of us that are on the board, not one of us receives any money. We're \_\_\_\_\_ I've been president

for 20 years and I've seen this thing grow from nothing and it's a dream that we want to do something for the community and we are, so that's ....

LF All right. Thank you very much. Okay, anyone else wish to testify in opposition.

AP \_\_\_\_\_

LF You get rebuttal.

AP Okay, but maybe \_\_\_\_\_ call me in a little bit?

LF Yes, certainly. Okay. At this point \_\_\_\_\_ rebuttal by the applicant and by anyone else in support. And I'll ask that you keep it to short time because the time for this hearing is up right now. So, if you can keep it to five minutes, I'd appreciate it.

AP \_\_\_\_\_ all these vehicles are inside behind the fence and they are not within the 30 feet. \_\_\_\_\_ over here which was dumped by somebody else, it's not mine. Even was dumped by somebody else. I took it away. It's no longer there, \_\_\_\_\_ is outside the fence and Gus said that I don't maintain the road. That's not true. I've said this year I've maintained the road, cut the trees as much as I could and clean everything out. Now, a culvert it's clean, it's clear \_\_\_\_\_ and the water goes, but it's not big enough to take the whole water from the side because the person who \_\_\_\_\_ the property on the north covered the ditch that's supposed to be on both sides of the road and now the water goes \_\_\_\_\_ there are lots of holes and that is some kind of mistake they did. They put the ditch on the side that would go \_\_\_\_\_ put the culvert underneath \_\_\_\_\_ where his property is go all the way down \_\_\_\_\_ solve the problem. On this side \_\_\_\_\_. So, the reason I have a little bit \_\_\_\_\_ this particular problem here with the car, I had a very bad accident on January 5. I tried to clear some trees above my gate, \_\_\_\_\_ walnut branches \_\_\_\_\_ and I fell from 30 feet on my face. I was two days unconscious. I was in the hospital and I had to stay in bed for almost three months. That's why I didn't take care of that. Before that I don't know if he remembers or not I've taken care of everything. \_\_\_\_\_ farm vehicles over there. I don't know. If you want me to put the behind \_\_\_\_\_ my pleasure. But

I have only two hands and I try to do my best and I am \_\_\_\_\_ to be declared for disabled because of this hit on my head. My skull was \_\_\_\_\_ inside and I have to go to another procedure, surgery. They have to \_\_\_\_\_ my skull, et cetera. So, I try to do my best and about the pipes going down the -- the water comes from the house. They didn't create for the last seven or eight years any erosion and I don't think \_\_\_\_\_ the clean water from the garden goes into their property is going to create any erosion to make some slides and et cetera. But if that is his problem I am willing to \_\_\_\_\_ to my problem \_\_\_\_\_ cause me to put some more pipe in, another probably 200 feet \_\_\_\_\_. He didn't object to the house being there. That's true what he says that what was before with the house is a story I don't know. They know because they live longer there. \_\_\_\_\_ his property was first a religion camp \_\_\_\_\_ 30, 40, 50 years ago there was a roofing company as far as I know and now there is a camp over there which has, I don't know how many, log cabins and a big lodge and they're a little bit closer to the river than me, but I don't object. They are good friends of mine. I even received a key from the camp from Mr. Gus to go down there .....

GF I changed the lock yesterday.

AP Did you really?

GF Oh, no, no [laughter].

AP I don't want to oppose anybody else \_\_\_\_\_ of the trees, they are not on Gus's property. That's why ask a few days ago, what is the definition of easement?

GF [inaudible]

AP \_\_\_\_\_ but you don't own the property. If I have a tree on an easement, you cannot cut it because you have an easement. As long as it doesn't bother you going through it \_\_\_\_\_. Anyway, ...

LF Okay, I'm not going to settle that dispute.

AP Oh, that's fine. But the trees are not in the 30 foot easement. They are just above. And you know that to widen the road, to commercialize it more they have to cut the tree. And I said, I bought this property because of the

nature, because of the walnut trees, because I'm farming and I want to keep them there. They are 30, 40 year's old trees and \_\_\_\_\_ that you cut my trees.

?? [male, unidentified, inaudible]

LF Excuse me, at this point I think I've heard enough on this issue and if you ...

AP So that's the reason that I don't mind that he widen his road as long as the trees are there. For some strange reason three of my trees died and I smelled diesel oil out there. Okay, that's all I have to say.

LF Okay, thank you. Okay, any other people wish to testify in rebuttal?

KP Please.

LF Come forward and please state your name again.

KP Ken Penaro, Sr. Do you have to know where I live again?

LF No.

KP Okay. Now, one of the reasons why -- and still not against him -- one of the reasons why I didn't get to stay there is because of the traffic, because of the water situation. To say that this gentleman and that gentleman ....

LF Okay. I ask that you confine your comments to things that relate to the approval criteria.

KP I'm answering a question that he made.

LF Well, yes. A lot of the stuff is way outside. Like a lot of his comments are not relevant at all.

KP Okay. \_\_\_\_\_ it's not being paved \_\_\_\_\_ with the easement ...

LF Okay. If you want to just address the maintenance issue that may be relevant. Maintaining the road.

KP Okay, I'll comment that the property now is owned by two different people. At one time it was owned by my in-laws and then by me. We paid taxes on that easement, even though they were allowed to cut through. There's Valbergs, there's



a Girl Scout camp was down there at one time, and then the first one that I know of was a religious man and I think the building is still down there yet. Is it still down there, Gus? That building is gone? The one where the man sold prayers. That was the original owner as far as I know. And that's ...

LF Would you hold on a moment?

BEGIN TAPE 2, SIDE 1

KP I'm not against his statement, but I'm against his statement when he says Andre does not hold up his end. I figure both these two gentlemen that's here right now, plus that lady from Las Vegas that owns the other side, they're still paying their taxes and if you don't pay your taxes you get in trouble, right? So somewhere along the line somebody is paying for that road. If they want to come along and fix it up better to get their equipment down or whatever, I figure that's their business.

LF Okay. Thank you.

KP May I look at these pictures?

LF Yes.

KP Oh, may I answer the question -- do I have to go back on record again?

LF You can continue, you're still on the record.

KP About the dope addicts. If you people know anything about the law, which ....

LF Um, how is that relevant to the approval criteria?

KP \_\_\_\_\_ okay about the dope when the remark was made?

LF I don't really care about that.

KP Okay. It was taken care of ...

LF Okay, that's fine. Thanks.

KP Thank you.

LF No problem. Okay. Thank you.

AP \_\_\_\_\_, if I may.

LF Your rebuttal time is over, Mr. Protassy.

AP \_\_\_\_\_.

LF You can submit additional comments in writing during the comment period. There will be a seven day comment period. So that's the end, okay. We're done. Anyone else who has not already spoken in rebuttal, would you wish ....

O'C I'd just like to ask a question.

LF Okay, come forward and state your name again for the record.

O'C Mr. O'Connell, again. I just have a quick question. You indicated that you could tell us at the end of the hearing how you perceived the hearing.

LF That's correct.

O'C Could you give us that perspective now?

LF I'll do that after we're all done with the staff report and after we decide what we're going to do about procedures. Okay?

O'C Okay. In that case, my request to keep it open is still on the table?

LF Yes. So, no other people who testified in favor remain to provide rebuttal comments, therefore I will close testimony for now. Any other comments can be submitted in the one week period. I will leave the record open for one week following the close of this hearing. After that the applicant will have an opportunity to submit written comments about the new evidence, unless you wish to waive that. Do you wish to have the additional week? \_\_\_\_\_  
Mr. Protassy. Would you like the additional week?

AP Actually, \_\_\_\_\_ a question, then I can tell you if I want a week or not. Just one question.

LF Okay. Why don't you talk to Gus here. Ask him a question off the record here.

- AP [Gus & AP talk and are away from microphone - inaudible - something about cutting down trees]
- LF I will consider all those comments since they were picked up on the record here. Okay, so at this point I just need to know from the applicant whether or not you want the additional seven days beyond the seven day ...
- AP I should probably \_\_\_\_\_.
- LF Okay. So we'll do seven days from today, which would be Wednesday, the 23rd -- July 23 at 4:30 pm all comments need to be received by the county. So if you put it in the mail and it doesn't get here by then, that doesn't work. So you can drop things off in person here, you can mail them and just verify they are received that last day, send it by fax is also acceptable so long as you confirm it's received by the county by that time. Then the seven day period after that through the 30th of July, the applicant will be able to submit a written argument in support of his position and may not submit any new evidence during that time period and then after that time I will render a decision. So that takes up to July 30th, that'll be at 4:30 pm, also -- must be received by the county by that time. Okay, at this point Mr. Beasley can make his staff comments.
- CB I ask for a point of verification on holding the record open \_\_\_\_\_ the rebuttal. Does the second week period apply if no evidence in opposition comes in during the seven days?
- LF The second period is to provide the applicant with the opportunity guaranteed to him by ORS 197.763(6)(e) which indicates that he can have the final written arguments to be submitted at least seven days after the record is closed to all other parties for final written arguments in support of the application, and so that's to provide him with that opportunity and no new evidence is admissible in that time. So, if there's no new evidence, nothing else comes in he still gets that opportunity.
- ?? [several people] [CB] If nothing else came in?
- LF He will not know that, so the date for opportunity for additional comments and evidence to come in is the 23rd and there is a seven day period following that time. It would be impossible for him to know there will not be additional evidence, so.

?? [male - inaudible]

LF Okay. Yes. I understand. Okay. Where are we on the 120 day clock? \_\_\_\_\_ can see that.

?? [male] we're on 66.

LF Sixty-six, okay. On this case I'll probably begin writing it at the close of evidence and then just consider the written legal arguments in response to those and get the decision out almost immediately after that, because of the time clock. Okay. Additional comments?

CB Just a couple of points. Regarding the septic tank issue -- or the septic system construction issue and also to the permit. The only thing I'm relying on that the applicant needs to obtain a septic system construction permit at this time if the letter from Phil Crawford service provider response that \_\_\_\_\_ feasibility soil has been done, but that he needs a permit for the septic system. Not that's Steve \_\_\_\_\_, City of Portland on April 5, 1996. So if a septic system construction inspection and permit has been issued \_\_\_\_\_ since that time, then you should probably submit that. Otherwise, I would say that \_\_\_\_\_ another permit that hasn't been obtained.

LF Okay.

CB You heard a lot of information about the drainage on the property. I think that if there's sufficient evidence to show that the dwelling can't be located elsewhere on the property -- and, of course you'll use your judgment on that, then some of the problems in the -- certainly in the SEC and the variance can be resolved. When staff was out there is wasn't obvious that there was a drainage problem because it was April and whether those can be mitigated in reasonable ways, is your call based on the evidence you have. I want to talk about the scenic waterways issue relative to timber management. I did speak with J \_\_\_\_\_ Houk(?), Parks and Recreation before the hearing to talk to her about the issue of whether the Scenic Waterways Act regulates timber harvest and the answer that she provided me was the administrative rules for the Sandy River do not contain specific criteria for forest management operations that are administered in other Oregon Forest Practices Act \_\_\_\_\_ findings indicate her to the Oregon Forest Practices rules for timber harvest. She did say that the scenic rivers for

Oregon Parks and Recreation does have authority to review harvest management plans and \_\_\_\_\_ limitations to where harvest can occur and to what extent it can occur. So whether that constitutes that adjacent property can't be used for forest use is where that evidence would be \_\_\_\_\_.

LF Okay.

CB Do you need any more information on the existing dwelling issue? Pre-existing dwelling issue?

LF No. It was in existence, right? I think the record's pretty clear on that thing.

CB Okay. The only other thing I wanted to respond to was the farm management criteria in 2074A1. That's on page 8 of the staff report. Subsection 2 that talks about whether the dwelling location would have adverse impact on forest operations and accepted farming practices on the tract, that those will be minimized. The findings in the staff report indicate the location of the dwelling up in the corner of the property the way it is is probably the best location for the dwelling in terms of farm management of the parcel. The question is under the criteria above, whether it is the best location to minimize conflicts with forest management on adjacent parcels. Those are two very different analyses. And clearly I think the 200 foot setback requirements in this case would put the dwelling in an area that's more or less in the middle of the field and doesn't fit very well with farm management. Nonetheless those are the ordinance criteria and the process for changing those is the variance process that we're working with. I'd also like to mention that a minor variance where a 150 foot setback could be approved is available and I don't know if that \_\_\_\_\_ necessary \_\_\_\_\_ applied or would add substantial benefits in this case. That's it.

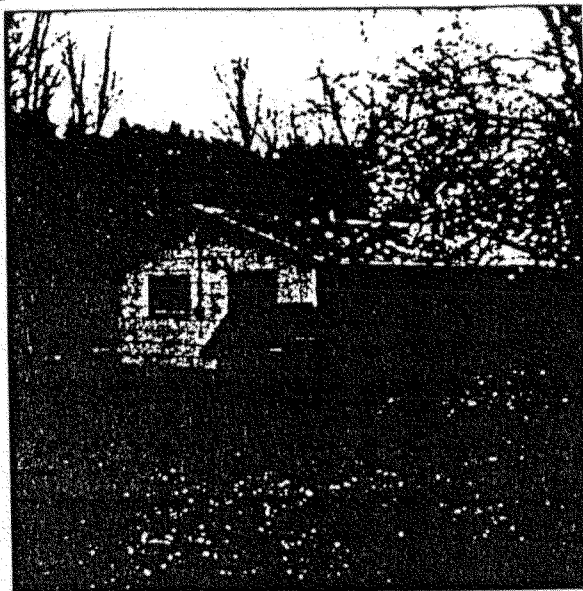
LF Okay. Thanks. Okay. At this point it's my opportunity to make comments relating to the application and I'll do this just to help people in figuring out their comments. I heard a lot of evidence that I believe at this point is irrelevant to the issues that I'm going to be able to decide here about what's been going on in this area that disputes between the neighbors about their easement and things of that nature. There is one criteria that relates to the easement and I will look at that and will consider the evidence as it relates to that criterion, but I do not have any authority

whatsoever to resolve the disputes about use of the easement. That's totally outside of what I have authority to do in this case, except to the extent authorized, as I said, and I'm not absolutely positive that -- there is just some vague language about use of the property coming -- the driveway, or having proper access, so that's as far as we'll be able to go on that issue, so you will know. I agree with Mr. Beasley that the main issue that I haven't heard that much about and still am interested in hearing evidence on is the siting of the home having the least impact on nearby or adjoining forest or agricultural lands that satisfies minimum yard and setback requirements of the ordinance. Obviously you're asking for a variance from the minimum yard and setback requirements, but at the very least you need to indicate that \_\_\_\_\_ prove that the least impact on the nearby forest activities of the camp. [speaker - unidentified - maybe AP] And that's why you \_\_\_\_\_ my question. That's fine, but that this location itself has to have the least impact of any location on your property that's legal to place the home on. So you need to compare that to the lawful dwelling site versus the location where it is now. And if there's no change, for instance, you can say \_\_\_\_\_ have the least impact because it's all the same impact, you know, so therefore it's the least. Something of that nature. But we need evidence on that particular point comparing it to the legal location. And then I also agree with Mr. Beasley that there now is evidence in the record relating to the variance criteria that indicates that this location where the home is is perhaps the only reasonable location for a dwelling given the drainage pattern on the property and that that could support a change in the county's position in this matter. And I'm going to look through the criteria carefully and consider that evidence in that way, but it appears that the drainage is sufficient justification to approve a variance on the location of the home. But I do need to have more evidence related to the forestry impacts. Okay? At this point then the hearing is closed. Thank you.

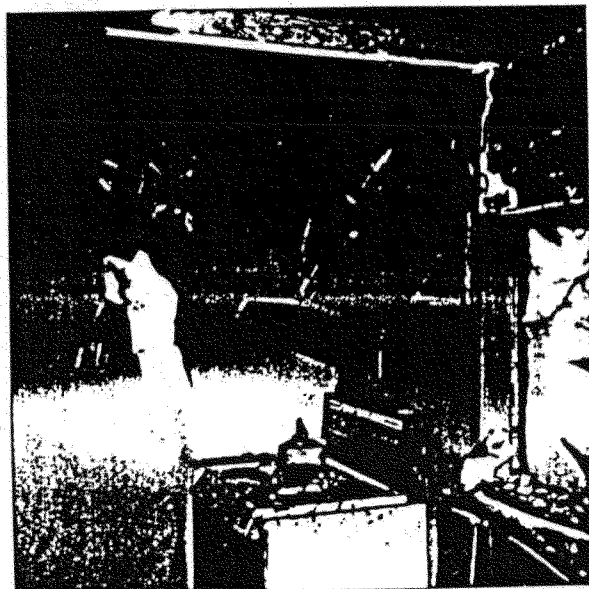
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91 SEP 24 PM 2:33

MULTNOMAH COUNTY  
PLANNING SECTION



Previously Existing House  
prior to fire of October, 1987



Kitchen of Previously Existing  
House After fire of October, 1987

FILED  
SEP 24 PM 2:33  
CLATSOP COUNTY  
CLATSOP SECTION

Sept 17, 1997

Paul Norr  
1020 SW Taylor  
Portland, Or

Dear Mr. Norr,

This is to summarize my findings from a hydrologic study which I made, at your request, for the property of Andre Protassy, 32152 SE Stevens, which is located in the NE corner of Sect 8, T 1S, R 4E. The property is bounded on the south and west by the Sandy River. My sources for information and basic data included the Soil Survey of Multnomah County, Oregon which was prepared by the US Department of Agriculture; NOAA Atlas 2, prepared by the National Weather Service and Urban Hydrology for Small Watersheds, prepared by the Natural Resource Conservation Service. The US Geological Survey Washougal quadrangle map was used to determine topographic information..

From the Soil Survey it was determined that the soil on the property is classified as the Mershon Series. This soil is a silt loam having moderately slow permeability and when cultivated excessively, forms a tillage pan, which impedes percolation. A perched water table at depths of 3 to 5 feet. during the period of Mar-Nov. is characteristic of this soil.

The land owner said that he gets a great deal of runoff from the areas to the north and east of his property during the winter months. From the topographic map, it was determined that approximately 52 acres could contribute runoff to the property.

Estimates were made of average annual runoff and peak rates of runoff from individual storms. Average annual precipitation is estimated to be in the range of 60 to 70 inches based upon measured precipitation in the general vicinity and the characteristics of the soil and vegetation. Storm precipitation has been analyzed for all Weather Service precipitation gages in Oregon and the results, which are a series of maps, provide a basis for determining the storm amounts for a 24 hour period. These amounts range from 3.25 inches for an event expected every other year to 6.25 inches expected once in a 100 years.

The volume of runoff from an annual precipitation of 60-70 inches is expected to be a minimum of 36 inches and may be as great as 45 inches, based upon measured runoff from streams in the general vicinity. Expressed as acre feet, each acre of land will generate 3 to 3.75 acre feet of runoff, principally during the winter season of Nov. through March. Since there are 52 acres that drain on to the property, this amounts to a volume of water ranging from 156 to 195 acre feet which must pass through the property as either surface or subsurface flow. This computation does not include the on-site runoff from the property. Typically in Oregon the first storms of the season result in principally subsurface flow, however as the wet season progresses and the soil becomes saturated, water will tend to pond and be very near the surface.

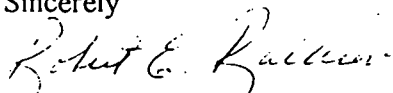


The analysis of peak rates of runoff expected from storm precipitation, which is usually rainfall, resulted in estimated flows ranging from 4 to 20 + cubic feet per second ( cfs) for a range of frequencies. These flows are sufficiently large that they can cause damage to roadways and homes that have unprotected crawlspaces and basements. The vast majority of winter storms are relatively small with resultant small flows but often of long duration. A rough estimate of average flow can be made by considering the 5 month period when most of the runoff occurs, which is approximately 150 days, and assuming that a high percentage of the runoff will occur during that period. A conservative estimate of runoff is 150 acre feet or an average of 1 acre ft/day. A conversion rule of thumb is that 1 cubic foot/second flowing for a 12 hour period is equal to 1 acre foot. We of course don't know in advance either the sequence or magnitude of future years precipitation, but we can expect that there may be an almost continuous combination of surface and subsurface flow of some magnitude on to the property, during the period of Nov. through March.

An onsite visit to the area indicated that there has been an effort to limit the number of locations where runoff is permitted to flow over the steep escarpment that leads to the Sandy River. This is certainly understandable as water flowing continuously over this extremely steep area, could very easily develop a gully , which could be a serious hazard to the property. There is a noticeable dike along the edge of the escarpment both on the Protassy property and the property to the east, which appears to cause some ponding along the southern edge of the farmable property. Without more detailed topographic information, it is difficult to estimate either the extent or the depth of this ponding, however it is an indicator that excess water on the property is a long standing problem. Virtually all of the runoff from the property and runoff that comes from outside the property is channeled into 2 locations where it flows down the face of the escarpment into the Sandy River.

You have been provided with excerpts from several of the references used in this study and with detailed computations, If there is anything further that you need, please advise.

Sincerely



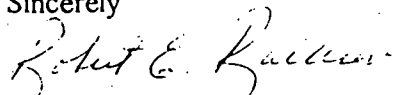
Robert E Rallison P.E.  
Hydraulic Engineer

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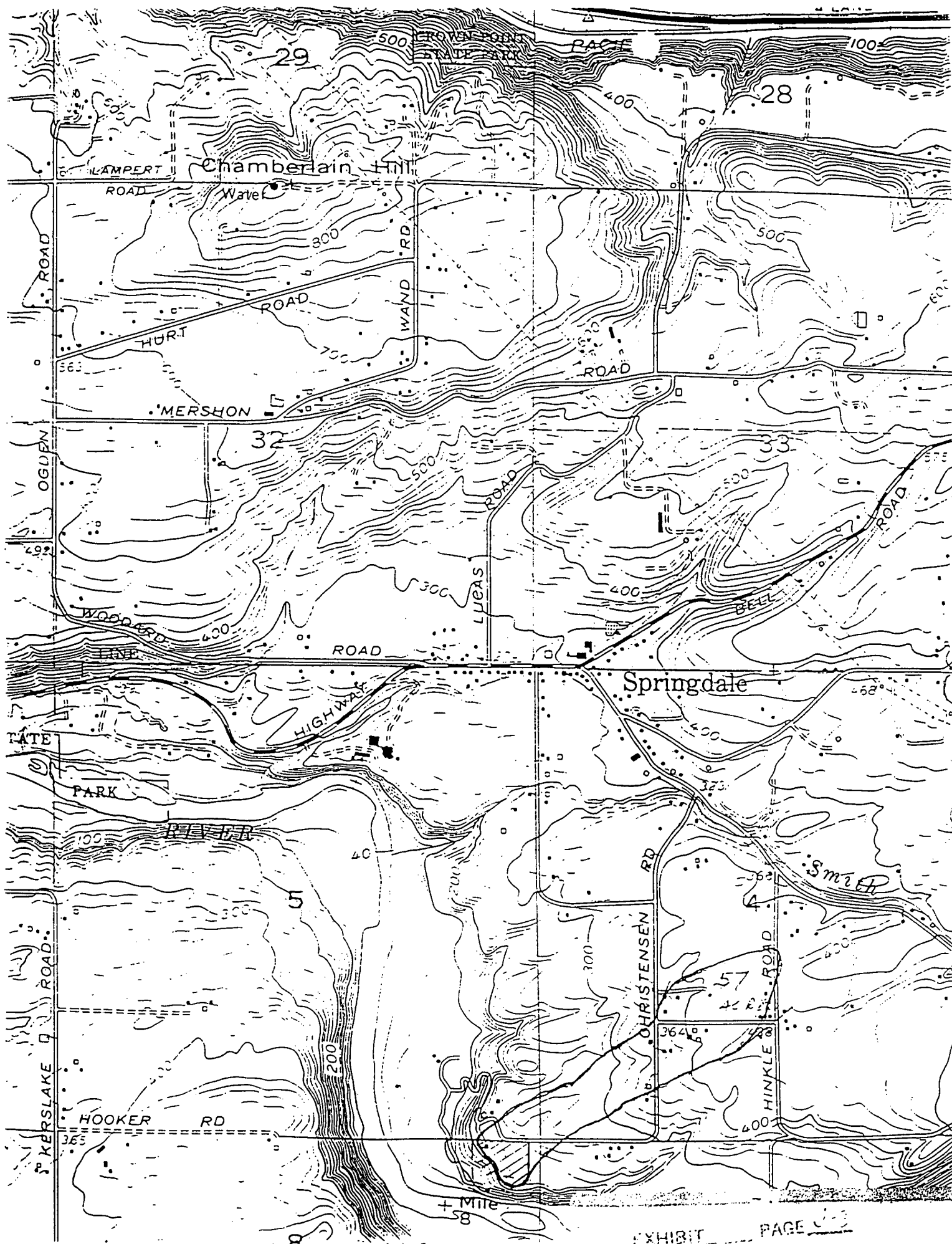
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Sincerely



Robert E Rallison P.E.  
Hydraulic Engineer



## GRAI .CAL PEAK DISCHARGE METHOD

Version 2.00

Project : Andre-Sandy River  
 County : Multnomah  
 Subtitle:

State: Or

User: RER  
 Checked: \_\_\_\_\_

Date: 09-14-97  
 Date: \_\_\_\_\_

Data: Drainage Area : 57 Acres  
 Runoff Curve Number : 69  
 Time of Concentration: 1.00 Hours  
 Rainfall Type : IA  
 Pond and Swamp Area : NONE

Storm Number	1	2	3	4	5	6	7
Frequency (yrs)	2	5	10	25	50	100	1
24-Hr Rainfall (in)	3.25	3.8	4.25	5.00	5.75	6.25	2.0
Ia/P Ratio	0.28	0.24	0.21	0.18	0.16	0.14	0.45
Runoff (in)	0.81	1.14	1.43	1.96	2.52	2.91	0.22
Unit Peak Discharge (cfs/acre/in)	0.095	0.114	0.125	0.138	0.147	0.152	0.071
Pond and Swamp Factor 0.0% Ponds Used	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Peak Discharge (cfs)	4	7	10	15	21	25	1

ANNUALLY THIS AREA IS ESTIMATED TO GET 60-70" OF  
 PRECIPITATION. RUNOFF FROM THIS AMOUNT OF RAINFALL  
 WILL BE IN THE RANGE OF 36 TO 45 INCHES

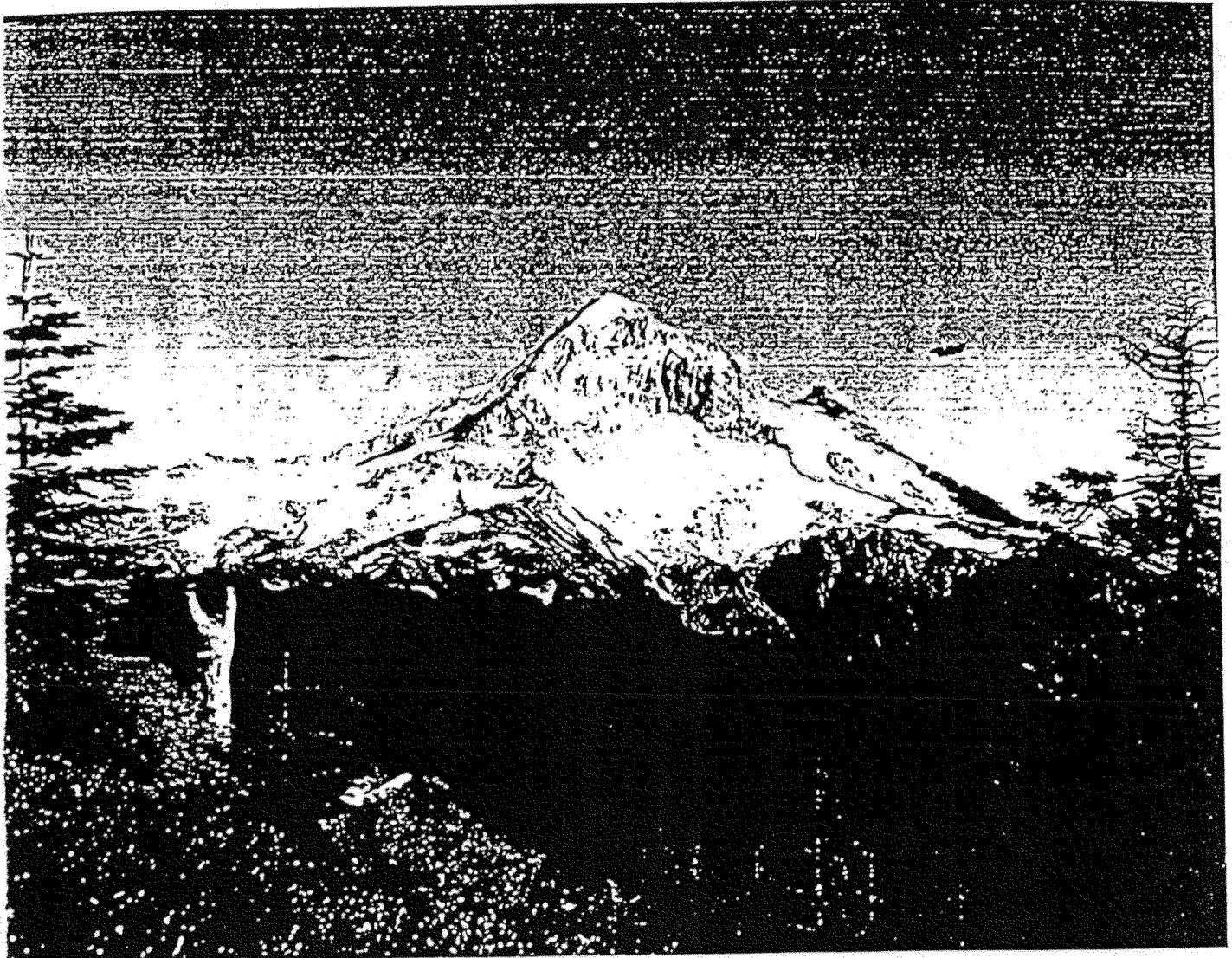
IF WE SPECULATE THAT ALL OR MOST OF THIS RUNOFF  
 FROM 57 ACRES COMES THROUGH THE PROPERTY THIS AMOUNTS  
 TO 170 - 213 ACRE FEET. THIS IS CERTAINLY ENOUGH TO MAKE  
 A SIGNIFICANT PONDING OF WATER IF THE OUTLETS INTO THE  
 SANDY ARE RESTRICTED BY DIKES OR THE NATURAL TOPOGRAPHY.

United States  
Department of  
Agriculture

Soil  
Conservation  
Service

in Cooperation with  
United States Department  
of Agriculture  
Forest Service  
and  
Oregon Agricultural  
Experiment Station

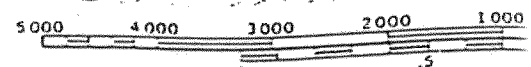
# Soil Survey of Multnomah County, Oregon



(Joins sheet 15)



(Joins sheet 29)



# SOIL LEGEND

## SYMBOL

## NAME

## SYMBOL

## NAME

1A Aloha silt loam, 0 to 3 percent slopes  
 1B Aloha silt loam, 3 to 8 percent slopes  
 2A Aloha-Urban land complex, 0 to 3 percent slopes  
 3D Aschoff cobbly loam, 5 to 30 percent slopes\*  
 3E Aschoff cobbly loam, 30 to 60 percent slopes\*  
 3F Aschoff cobbly loam, 60 to 80 percent slopes\*  
 4F Aschoff-Rock outcrop-Wahkeena association, very steep\*  
 5B Bull Run silt loam, 3 to 8 percent slopes  
 5C Bull Run silt loam, 8 to 15 percent slopes  
 5D Bull Run silt loam, 15 to 30 percent slopes  
 5E Bull Run silt loam, 30 to 60 percent slopes  
 5F Bull Run silt loam, 60 to 80 percent slopes  
 6C Burlington fine sandy loam, 0 to 8 percent slopes  
 7B Burlington fine sandy loam, 8 to 15 percent slopes  
 7C Cascade silt loam, 3 to 8 percent slopes  
 7D Cascade silt loam, 8 to 15 percent slopes  
 7E Cascade silt loam, 15 to 30 percent slopes  
 7F Cascade silt loam, 30 to 60 percent slopes  
 8B Cascade-Urban land complex, 0 to 8 percent slopes  
 8C Cascade-Urban land complex, 8 to 15 percent slopes  
 8D Cascade-Urban land complex, 15 to 30 percent slopes  
 9B Cazadero silty clay loam, 0 to 8 percent slopes  
 9C Cazadero silty clay loam, 8 to 15 percent slopes  
 9D Cazadero silty clay loam, 15 to 30 percent slopes  
 9E Cazadero silty clay loam, 30 to 60 percent slopes  
 10B Cornelius silt loam, 3 to 8 percent slopes  
 10C Cornelius silt loam, 8 to 15 percent slopes  
 10D Cornelius silt loam, 15 to 30 percent slopes  
 11B Cornelius-Urban land complex, 3 to 8 percent slopes  
 11C Cornelius-Urban land complex, 8 to 15 percent slopes  
 12 Cryofibrists, nearly level\*  
 13 Dabney loamy sand  
 14C Delena silt loam, 3 to 12 percent slopes  
 15 Faloma silt loam  
 16 Faloma silt loam, protected  
 17C Goble silt loam, 3 to 15 percent slopes  
 17D Goble silt loam, 15 to 30 percent slopes  
 17E Goble silt loam, 30 to 60 percent slopes  
 18C Goble-Urban land complex, 3 to 15 percent slopes  
 18D Goble-Urban land complex, 15 to 30 percent slopes  
 19E Haploxerolls, steep\*  
 20C Haplumbrepts, moderately steep\*  
 20F Haplumbrepts, very steep\*  
 21B Helvetia silt loam, 3 to 8 percent slopes  
 22D Kinzel-Divers-Goodlow association, moderately steep\*  
 22E Kinzel-Divers-Goodlow association, steep\*  
 23F Kinzel-Lastance-Rubble land association, very steep\*  
 24D Lastance stony fine sandy loam, 5 to 30 percent slopes\*  
 24E Lastance stony fine sandy loam, 30 to 60 percent slopes\*  
 25A Latourell loam, 0 to 3 percent slopes  
 25B Latourell loam, 3 to 8 percent slopes  
 25C Latourell loam, 8 to 15 percent slopes  
 25D Latourell loam, 15 to 30 percent slopes  
 26A Latourell-Urban land complex, 0 to 3 percent slopes  
 26B Latourell-Urban land complex, 3 to 8 percent slopes  
 27B Mereshon silt loam, 0 to 8 percent slopes  
 27C Mereshon silt loam, 8 to 15 percent slopes  
 27D Mereshon silt loam, 15 to 30 percent slopes

28 Moag silty clay loam, protected  
 29A Multnomah silt loam, 0 to 3 percent slopes  
 29B Multnomah silt loam, 3 to 8 percent slopes  
 29C Multnomah silt loam, 8 to 15 percent slopes  
 29D Multnomah silt loam, 15 to 30 percent slopes  
 29E Multnomah silt loam, 30 to 60 percent slopes  
 30A Multnomah-Urban land complex, 0 to 3 percent slopes  
 30B Multnomah-Urban land complex, 3 to 8 percent slopes  
 31 Pilchuck sand  
 32 Pilchuck sand, protected  
 33A Pilchuck-Urban land complex, 0 to 3 percent slopes  
 34A Powell silt loam, 0 to 3 percent slopes  
 34B Powell silt loam, 3 to 8 percent slopes  
 34C Powell silt loam, 8 to 15 percent slopes  
 34D Powell silt loam, 15 to 30 percent slopes  
 35A Powell-Urban land complex, 0 to 3 percent slopes  
 36A Quafeno loam, 0 to 3 percent slopes  
 36B Quafeno loam, 3 to 8 percent slopes  
 36C Quafeno loam, 8 to 15 percent slopes  
 37A Quatama loam, 0 to 3 percent slopes  
 37B Quatama loam, 3 to 8 percent slopes  
 37C Quatama loam, 8 to 15 percent slopes  
 37D Quatama loam, 15 to 30 percent slopes  
 38A Quatama-Urban land complex, 0 to 3 percent slopes  
 39 Rafton silt loam  
 40 Rafton silt loam, protected  
 41 Riverwash  
 42F Rock outcrop-Rubble land complex, very steep\*  
 43C Saum silt loam, 8 to 15 percent slopes  
 43E Saum silt loam, 30 to 60 percent slopes  
 44 Sauvie silt loam  
 45 Sauvie silt loam, protected  
 46 Sauvie silty clay loam, protected  
 47A Sauvie-Rafton-Urban land complex, 0 to 3 percent slopes  
 48 Sifton gravelly loam, occasionally flooded  
 49D Talapus-Lastance association, moderately steep\*  
 49E Talapus-Lastance association, steep\*  
 50A Urban land, 0 to 3 percent slopes  
 50C Urban land, 3 to 15 percent slopes  
 51A Urban land-Latourell complex, 0 to 3 percent slopes  
 51B Urban land-Latourell complex, 3 to 8 percent slopes  
 51C Urban land-Latourell complex, 8 to 15 percent slopes  
 51D Urban land-Latourell complex, 15 to 30 percent slopes  
 52A Urban land-Multnomah complex, 0 to 3 percent slopes  
 52B Urban land-Multnomah complex, 3 to 8 percent slopes  
 52C Urban land-Multnomah complex, 8 to 15 percent slopes  
 53A Urban land-Quafeno complex, 0 to 3 percent slopes  
 53B Urban land-Quafeno complex, 3 to 8 percent slopes  
 53C Urban land-Quafeno complex, 8 to 15 percent slopes  
 54B Urban land-Quatama complex, 3 to 8 percent slopes  
 54C Urban land-Quatama complex, 8 to 15 percent slopes  
 55 Wapato silt loam  
 56E Wauld very gravelly loam, 30 to 70 percent slopes\*  
 57 Wollett silt loam  
 58D Zygoré gravelly loam, 5 to 30 percent slopes\*  
 58E Zygoré gravelly loam, 30 to 60 percent slopes\*  
 59F Zygoré-Rock outcrop complex, 60 to 90 percent slopes\*

\*Broadly defined units

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prevent runoff.  
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and vegetables  
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mourning dove.  
few black-tailed  
m, squirrels, rab-  
brows, jays, crows,  
blackbirds, larks.  
The potential for  
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slopes of 15 to 30  
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precipitation is 40  
temperature is 52  
period is 165 to

x are areas of Latourell  
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raturum is dark yellow  
ndy loam to a depth

lex are areas of  
These soils have

covered by as much as 30 inches of fill material, or as much as 40 inches of the original profile has been removed by cutting or grading. The fill material is generally from adjacent areas of Latourell soils that have been cut or graded.

About 40 percent of this complex is Urban land. The areas are largely covered by concrete, asphalt, buildings, or other impervious surfaces that so obscure or alter the soils that their identification is not feasible.

Included with this complex in mapping are areas of Multnomah, Powell, and Burlington soils and more steeply sloping Latourell soils. The included soils make up as much as 10 percent of this map unit.

In areas where the soils are relatively undisturbed, permeability is moderate and available water capacity is 8 to 12 inches. In areas dominated by cuts, fills, and Urban land, permeability and available water capacity are variable. Runoff is slow, and the hazard of erosion is slight.

Areas of this complex that have not been disturbed include yards and openland around and between buildings. There are no major limitations for urban uses. Irrigation during summer is desirable for lawn grasses, shrubs, vines, vegetables, and most shade and ornamental trees. Plants that tolerate droughty conditions should be selected if irrigation is not provided.

This map unit is not assigned to a capability subclass.

**26B—Latourell-Urban land complex, 3 to 8 percent slopes.** This complex consists of well drained Latourell

In most areas of this complex the soils have been cut, filled, or otherwise disturbed. This complex is on broad terraces that have long, convex slopes.

are generally irregular in shape and 20 to 100

in size. Latourell soils and Urban land are in such a pattern or so small in area that to separate

in mapping was not practical. Elevation is 50 to 60 feet. The average annual precipitation is 40 to 60

the average annual air temperature is 52 to 54 F, and the frost-free period is 165 to 210 days.

20 percent of this complex are areas of Latourell soils that are relatively undisturbed. Typically, the surface

layer is dark brown and brown loam about 16 inches thick. The subsoil is dark yellowish brown loam

8 inches thick. The substratum is dark yellowish loam and very gravelly sandy loam to a depth of 30

percent of this complex are areas of Latourell soils that have been disturbed. These soils have been

by as much as 30 inches of fill material, or as much as 40 inches of the original profile has been removed by cutting or grading. The fill material is generally

from adjacent areas of Latourell soils that have been cut or graded.

About 40 percent of this complex is Urban land. The areas are largely covered by concrete, asphalt, buildings, or other impervious surfaces that so obscure or alter the

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Areas of this complex that have not been disturbed include yards and openland around and between buildings. There are no major limitations for urban uses. Some uses are restricted by slopes of 3 to 8 percent. Irrigation during summer is desirable for lawn grasses, shrubs, vines, vegetables, and most shade and ornamental trees. Plants that tolerate droughty conditions should be selected if irrigation is not provided.

This map unit is not assigned to a capability subclass.

**27B—Mershon silt loam, 0 to 8 percent slopes.** This moderately well drained soil is on broad, rolling ridgetops. This soil formed in loess and medium textured old alluvium. Elevation is 450 to 1,300 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 50 to 52 degrees F, and the frost-free period is 165 to 200 days.

Typically, the surface layer is very dark grayish brown silt loam about 15 inches thick. The subsoil is brown and dark brown silt loam about 41 inches thick. The substratum is dark brown loam to a depth of 60 inches or more.

Included with this soil in mapping are areas of Cazadero soils; Haplumbrepts, moderately steep; more steeply sloping Mershon soils; soils that have more than 35 percent coarse fragments; and soils that are similar to this Mershon soil and are well drained. The included soils make up as much as 10 percent of this map unit.

Permeability is moderately slow. Effective rooting depth is more than 60 inches. Available water capacity is 11 to 13 inches. Water-supplying capacity is 22 to 24 inches. Runoff is slow, and the hazard of erosion is slight. A water table is at a depth of 3 to 5 feet from November through April.

This soil is used for farming, urban development, timber production, and wildlife habitat.

This soil is well suited to farming. The major crops are hay and pasture. Other crops are berries and vegetables. Returning all crop residue to the soil and including grasses, legumes, or grass-legume mixtures in the cropping system help maintain fertility and tilth. If the soil is to be left bare during winter, it should be fertilized and planted to a cover crop in fall. A cloddy condition helps protect the soil from erosion during rainy periods.

Excessive cultivation can result in formation of a tillage pan in this soil. Subsoiling is required to break up this pan and is more successful if used when the soil is dry than when wet. Tile drainage systems are installed across the slope to intercept ground water. Sprinkler



irrigation can be used to increase crop production in dry periods in summer. Water needs to be applied slowly to prevent runoff. Grasses respond to nitrogen. Legumes respond to phosphorus, sulfur, boron, and lime. Berries respond to nitrogen, phosphorus, potassium, and sulfur and in places, to boron.

The vegetation in areas not cultivated is Douglas-fir, red alder, bigleaf maple, vine maple, willow, brackenfern, common snowberry, roses, western hazel, blue elderberry, creambush oceanspray, trailing blackberry, and western redcedar.

This soil is suited to Douglas-fir. The site index for Douglas-fir on this soil ranges from 120 to 135. Based on a site index of 130, this soil is capable of producing about 8,600 feet from a fully stocked stand of 70-year old trees, or 42,600 board feet (international rule, one-fourth inch kerf) of merchantable timber from a fully stocked stand of 80-year old trees.

Trees on this soil are subject to damage by ice breakage and wind blasting (fig. 11). Brushy species, including vine maple, willow, western hazel, common snowberry, bigleaf maple, and red alder restrict natural regeneration of Douglas-fir. When the soil is wet, the use of some conventional logging methods is limited. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills. All-season roads on this soil need a heavy base of rock.

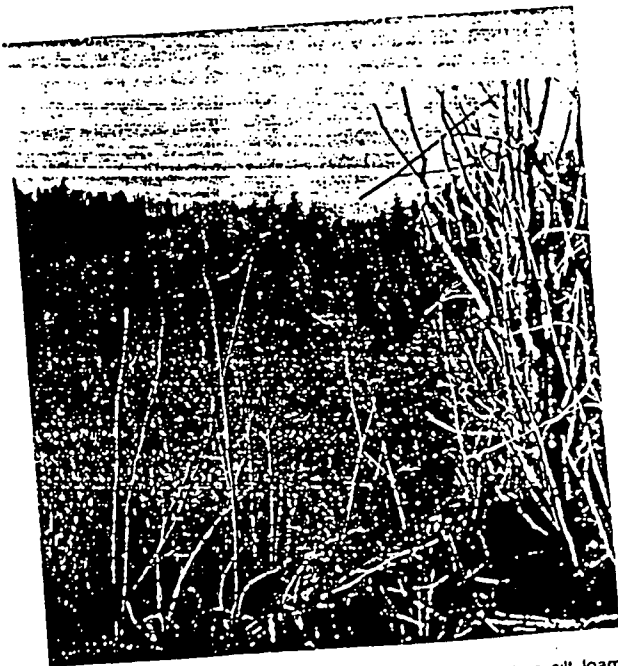


Figure 11.—Windblast damage to Douglas-fir on Mershon silt loam, 0 to 8 percent slopes.

A wide variety of grasses, forbs, fruits, and vegetables along with many shrubs and trees grow on this soil. This variety of plants furnishes food and cover for wildlife. Common wildlife species are black-tailed deer, foxes, skunks, raccoon, opossum, rabbits, squirrels, and mice. Birdlife includes ring-necked pheasant, California quail, mountain quail, ruffed grouse, hawks, owls, vultures, jays, crows, woodpeckers, flycatchers, blackbirds, larks, starlings, and many kinds of small birds. The potential for wildlife habitat is good. Planting desirable vegetation and protecting existing vegetation improve the habitat.

The main limitations for urban development are a seasonal high water table and low strength. Dwellings and roads can be designed to offset these limitations if sewers are provided. Septic tank absorption fields in places do not function properly during rainy periods because of wetness and the moderately slow permeability. Irrigation during summer is desirable for best results with lawn grasses, shrubs, vines, vegetables, and shade and ornamental trees. To establish plants in areas in which the surface layer has been removed and the subsoil has been exposed is difficult. Mulching and fertilizing these areas help establish plants. Plants that tolerate droughty conditions should be selected if irrigation is not provided. This soil is in capability subclass IIIe.

27C—Mershon silt loam, 8 to 15 percent slopes. This moderately well drained soil is on broad, rolling ridgetops. This soil formed in loess and medium textured old alluvium. Elevation is 450 to 1,300 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 50 to 52 degrees F, and the frost free period is 165 to 200 days.

Typically, the surface layer is very dark grayish brown silt loam about 15 inches thick. The subsoil is brown and dark brown silt loam about 41 inches thick. The substratum is dark brown loam to a depth of 60 inches or more.

Included with this soil in mapping are areas of Caldero soils; Haplumbrepts, moderately steep; soils that have more than 35 percent coarse fragments; soils that are similar to this Mershon soil and are well drained; and other Mershon soils. The included soils make up much as 10 percent of this map unit.

Permeability is moderately slow. Effective root depth is more than 60 inches. Available water capacity is 11 to 13 inches. Water-supplying capacity is 22 to 24 inches. Runoff is medium, and the hazard of erosion is moderate. A water table is at a depth of 3 to 5 feet in November through April.

This soil is used for farming, urban development, timber production, and wildlife habitat.

This soil is suited to farming. The major crops are grain and pasture. Other crops are berries and vegetables. Returning all crop residue to the soil and including grasses, legumes, or grass-legume mixtures in the cropping system help maintain fertility and tilth. If the

to be left bare, planted to a grassed water aration and we A cloddy con during rainy pe

Excessive c pan in this sc pan and is mo than when we crease crop p needs to be a respond to ni boron, and lirr rus, potassium.

The vegetat red alder, bigle common snow berry, creambu western redcec

This soil is Douglas-fir on on a site inde about 8,600 cl year old trees. one-fourth inch stocked stand

Trees on this ge and wind ple, willow, ple, and re Douglas-fir. Wh tional loggic be protec and by se soil need a wide variet

with man ty of plant: Common skunks, r Birdlife ir mountain jays, crows starlings, for wild tion and

main lirr high and if sev on field because gation and oma the su

Soil name and map symbol	Hydro- logic group	Flooding			High water table			Bedrock		Potential frost action	Risk of corrosion	
		Frequency	Duration	Months	Depth	Kind	Months	Depth	Hardness		Uncoated steel	Concrete
24D, 24E----- Lastance	B	None-----	---	---	<u>Ft</u> >6.0	---	---	<u>In</u> >60	---	Moderate	High-----	High.
25A, 25B, 25C, 25D----- Latourell	B	None-----	---	---	>6.0	---	---	>60	---	---	Moderate	Moderate.
26A*, 26B*: Latourell----- Urban land.	B	None-----	---	---	>6.0	---	---	>60	---	---	Moderate	Moderate.
27B, 27C, 27D----- Mershon	B	None-----	---	---	3.0-5.0	Perched	Nov-Mar	>60	---	---	High-----	Moderate.
28**----- Moag	D	Protected---	---	---	+2-1.0	Apparent	Dec-Apr	>60	---	---	High-----	Moderate.
29A, 29B, 29C, 29D, 29E----- Multnomah	B	None-----	---	---	>6.0	---	---	>60	---	---	High-----	Moderate.
30A*, 30B*: Multnomah----- Urban land.	B	None-----	---	---	>6.0	---	---	>60	---	---	High-----	Moderate.
31----- Pilchuck	A	Frequent---	Long-----	Nov-Apr	2.0-4.0	Apparent	Nov-Apr	>60	---	Low-----	Moderate	Moderate.
32----- Pilchuck	A	Protected---	---	---	2.0-4.0	Apparent	Nov-Apr	>60	---	Low-----	Moderate	Moderate.
33A*: Pilchuck----- Urban land.	A	Protected---	---	---	2.0-4.0	Apparent	Nov-Apr	>60	---	Low-----	Moderate	Moderate.
34A, 34B, 34C, 34D----- Powell	C	None-----	---	---	1.5-2.0	Perched	Dec-Apr	>60	---	---	Moderate	Moderate.
35A*: Powell----- Urban land.	C	None-----	---	---	1.5-2.0	Perched	Dec-Apr	>60	---	---	Moderate	Moderate.

See footnotes at end of table.

TABLE 24.--SOIL AND WATER FEATURES--Continued

High water table	Bedrock	Potential	Risk of corrosion	
			Uncoated steel	Concrete

SOIL SURVEY  
MULTNOMAH CC

EXHIBIT PAGE 5

## SOILS

FROM A SOILS MAP (FIG 2) THE SOILS ON THE PROPERTY ARE MERSHON SILT LOAM WHICH IS DESCRIBED IN DETAIL IN THE ATTACHED PAGES FROM THE SOIL SURVEY FOR MULTNOMAH COUNTY.

MERSHON SOIL HAS SLOW PERMEABILITY AND HAS A PERCHED WATER TABLE AT A DEPTH OF 3 TO 5 FT FROM NOV. THROUGH APRIL. ANNUAL PRECIPITATION IS 60-70 INCHES.

A TABLE FROM THE SOIL SURVEY SHOWING SOIL & WATER FEATURES SUGGESTS THAT MERSHON SOILS ARE USUALLY SITUATED IN LOCATIONS WHERE THEY DO NOT SHOW EFFECTS OF FLOODING. A SOIL THAT IS FREQUENTLY FLOODED WILL OVER TIME DEVELOP CHARACTERISTICS THAT ARE ASSOCIATED WITH WET LAND SOILS. MERSHON SOILS ARE NOT IN THIS CATEGORY.

ALL SOILS IDENTIFIED WITHIN THE DRAINAGE AREA INCLUDE

SOIL DESIG.	SOIL SERIES	HYDROLOGIC SOIL GROUP	% TOTAL AREA
27 B	MERSHON SILT LOAM 0-8% SLOPES	B	40
27 C	MERSHON SILT LOAM 8-15% SLOPES	B	
10 D	CORNELIUS SILT LOAM 15-39% SLOPES	C	40
10 C	CORNELIUS SILT LOAM 8-15% SLOPE	C	
10 B	CORNELIUS SILT LOAM 3-8% SLOPE	C	
34 A	POWER SILT LOAM	C	20



## SITUATION:

THE SUBJECT PROPERTY OF 11+ ACRES IS LOCATED ON THE NORTH SIDE OF THE SANDY RIVER AND IS ADJACENT TO THE RIVER. THE PROPERTY IS APPROXIMATELY 1 MILE SOUTH OF SPRINGDALE. THE LAND OWNER SAYS THAT MOST OF HIS PROPERTY IS SUBJECT TO FLOODING AND WATER STANDS ON HIS PROPERTY FOR THE ENTIRE WINTER SEASON - NOV - MARCH.

## PROBLEM:

DETERMINE THE POTENTIAL FOR FLOODING OF THE AREA BY ESTIMATING THE VOLUME & PEAK RATES OF RUNOFF THAT MAY BE EXPECTED FROM THE AREA THAT NATURALLY DRAINS ON TO THE PROPERTY.

## PROCEDURE:

THERE ARE NO MEASURED WATER DATA IN THE AREA SO A PROCEDURE DEVELOPED BY THE NATURAL RESOURCE CONSERVATION SERVICE WILL BE USED. THIS METHOD USES INFORMATION ON SOILS, LAND USE, TOPOGRAPHY AND RAINFALL AMOUNTS FOR A SPECIFIED DISTRIBUTION, DURATION & FREQUENCY TO OBTAIN A PEAK RATE OF RUNOFF.

THIS PEAK RATE CAN BE USED W/ LOCAL DETAILED TOPOGRAPHY TO ESTIMATE THE AREA ON THE PROPERTY THAT WOULD BE INUNDED AS A RESULT OF THE FLOW.

## GIVEN:

TOPOGRAPHIC INFORMATION IS AVAILABLE FROM THE U.S.G.S. 7 1/2" QUAD - WASHOUGAL. SCALE IS 1:24000 AND CONTOUR INTERVAL IS 20 FT.

SOILS INFORMATION IS AVAILABLE FROM THE SOIL SURVEY OF MULTNOMAH COUNTY. THIS REPORT WAS COMPLETED IN 1975.

RAINFALL AMOUNTS FOR 24-HR STORMS ARE AVAILABLE FROM THE NATIONAL WEATHER SERVICE - PRECIPITATION FREQUENCY ATLAS FOR OREGON

## DRAINAGE AREA

FROM THE 7 1/2" QUAD TOPOGRAPHIC MAP THE DRAINAGE AREA WAS PLANIMETERED AND FOUND TO BE APPROXIMATELY 57 ACRES. THIS COULD VARY A FEW ACRES DUE TO SOME LOCALIZED DIKES ALONG THE SANDY RIVER ESCARPMENT WHERE NATURAL DRAINAGE HAS BEEN PREVENTED FROM FLOWING OVER THE STEEP BANKS TO THE RIVER. A TOPOGRAPHIC MAP SHOWING THE PROPERTY (CROSS-HATCHED) AND THE AREA THAT DRAINS INTO IT IS FIG 1.





## CROPS

MOST OF THE AREA APPEARED TO BE IN SOME TYPE OF AGRICULTURAL CROP SUCH AS PASTURE, HAY, BLUEBERRIES. IT IS EXPECTED THAT ALL COVER DURING THE WINTER MONTHS WILL BE CLASSIFIED AS GOOD HYDROLOGIC CONDITION.

ASSUME 5% OF AREA IN ROADS, DRIVEWAYS, ROOFS, ETC

## RUNOFF CURVE NUMBER

RUNOFF CURVE IS AN EXPRESSION OF RUNOFF POTENTIAL AND USES A COMBINATION OF A TYPE OF COVER AND A HYDROLOGIC SOIL GROUP

THE FOLLOWING DATA WAS EXCERPTED FROM NCRS PUBLICATION, "URBAN HYDROLOGY FOR SMALL WATERSHEDS"

COVER	HYD SOIL GP	HYD COND.	CURVE NUMBER	% AREA	WT C.N.
PASTURE	B	GOOD	61	35	21.4
PASTURE	C	"	74	40	29.6
BRUSH/GRASS	B	GOOD	48		
BLUEBERRIES	C		65	20	13.0
ROADS/ROOFS			98	5	4.9
				100	68.9

USE 69

## PRECIPITATION

STORM RAINFALL AMOUNTS FOR 24 HR DURATION WERE OBTAINED FROM THE RAINFALL FREQUENCY ATLAS FOR OREGON.

PRECIP FREQ YRS	PRECIP AMOUNT (IN)
2	3.25
5	3.80
10	4.25
25	5.00
50	5.75
100	6.25

# TIME OF CONCENTRATION

THIS IS THE TIME THAT IT TAKES WATER TO MOVE HYDRAULICALLY FROM THE UPPER MOST POINT OF THE WATERSHED. IT INCLUDES INITIALLY SHEET FLOW, FLOW IN SMALL POORLY DEFINED CHANNELS & FINALLY FLOW IN WELL DEFINED CHANNELS IN ANY COMBINATION

THE WATERSHED UNDER STUDY HAS A LENGTH OF  $3\frac{1}{4}$  MILE OR APPROX 4000 FT

SLOPES RANGE FROM FLAT ON THE UPPER END TO STEEP & MODERATELY STEEP IN UPPER END

A FORMULA FOR SHEET FLOW IS

$$T_t = \frac{0.007(nL)^{.8}}{P_2^{.5} S^{.4}}$$

$n$  = MANNING'S "n"  
 $L$  = LENGTH FLOW  
 $P_2$  = 2YR - 24 HR PRECIP  
 $S$  = LAND SLOPE FT/FT.

$$\begin{aligned} n &= 0.15 \\ L &= 300 \\ P_2 &= 1.6 \\ S &= .015 \end{aligned}$$

$$T_t = \frac{(0.007)[0.15 \times 300]^{.8}}{(1.6)(.015)^{.4}} = \frac{(0.007)(21.)}{(1.6)(.19)} = .48 \text{ HRS}$$

SHEET FLOW

ASSUME 3000' - POORLY DEFINED FLOW

$$\begin{aligned} \text{SLOPE} &= \frac{10'}{3000} \\ &= .036 \end{aligned}$$

$$\begin{aligned} R \approx d &= 0.5 \\ n &= 0.10 \\ S &= .036 \end{aligned}$$

$$\begin{aligned} V &= \left( \frac{1.5}{.10} \right) (.5)^{.67} (.036)^{1/2} \\ &= (15)(.63)(.19) = 1.79' / \text{SEC} \\ &\text{USE } 1.8 \end{aligned}$$

$$\frac{3000}{1.8} = \frac{1667}{60} \text{ SEC} = 27 \text{ MIN} = .45 \text{ HRS}$$

ASSUME REMAINDER DISTANCE IN WELL DEFINED CHANNEL APPROX 700'

$$\frac{40}{700} = .05$$

$$\begin{aligned} R &= 1.0 \\ S &= .05 \\ n &= .08 \end{aligned}$$

$$\begin{aligned} V &= \frac{1.5}{n} R^{2/3} S^{1/2} \\ &= \left( \frac{1.5}{.08} \right) (1)^{.67} (.05)^{1/2} \\ &= (18.75)(1)(.22) = 4.1' / \text{SEC} \end{aligned}$$

$$\begin{aligned} \frac{700}{4.1} &= \frac{170}{60} = 3 \text{ MIN} = .05 \text{ HR} \\ T_c &= .48 + .45 + .05 = .98 \text{ HRS} \\ &\text{USE } 1 \text{ HR} \end{aligned}$$





MARK R. SMITH  
DAN GREEN  
JIM WICK

DARREN MAHR  
STAN BEYER

Kruse Woods One Building  
Suite 468  
5285 S.W. Meadows Road  
Lake Oswego, Oregon 97035

(503)684-4004  
FAX (503)684-4005  
e-mail:  
woodland@teleport.com

RECEIVED  
07 SEP 24 PM 2:33

September 18, 1997 CLATSOP COUNTY  
PLANNING SECTION

Mr. Paul Norr  
Attorney at Law  
1020 SW Taylor Suite 530  
Portland, Oregon 97205

Dear Mr. Norr:

Mr Andre Protassy has requested to be allowed to site a home on the extreme northwest corner of his property at 32152 SE Stevens Road near Corbett. He has asked us to provide comment about the effect of that site on his neighbors' ability to practice forestry and farming. Specifically, does the siting of this house in this location result in the least impact on his neighbors' opportunities to operate farm and forestry practices when compared to other potential sites. In my opinion it does.

I have visited the property and have viewed the neighboring properties. My opinion about these properties is based upon 28 years of practicing forestry, 9 of those as OSU Extension Agent in Clackamas County and the last 13 as a consulting forester practicing in this area. I have also been a Christmas tree farmer in the area for nearly 20 years. In that time I have worked on countless properties similar to this, both with and without houses.

With only a few exceptions, there are no material differences between properties with houses and those without. In terms of impacts on a neighbor's forest or farming practices, there is no clear effect of a house on a neighbor.

#### Forestry Activities

Forestry activities are cyclical and well known. The neighbor to the west has practiced forestry in the past and likely will again. In the most intensive forestry operation they might clear cut the property, replant with seedlings, spray brush, thin trees at a regular interval and eventually clear cut the property again. How would Mr. Protassy's house affect these actions?

Mr. Protassy has the right to expect his neighbors to remain on their properties and not to trespass upon him. That right applies regardless of whether a house is built. The neighbor must perform his forestry activities in such a manner that the trees he cuts, the machines he uses and the sprays he applies all stay on his property. The neighbor has the legal right to harvest and replant his trees and to apply chemicals, all of these things consistent with applicable laws and regulations. Not one of these laws restricts the neighbor because of a house being present or absent.

The question could be raised as to whether the neighbor to the west might not be able to log and keep his operations entirely on this property. In other words, is it physically possible for logging to occur on the property to the west without entering Mr. Protassy's property. The answer is a clear yes. The property to the west has access below the short steep slope and all logging could take place from there.

The problems in logging close to property lines will be no different for the neighbor to the west than they are for all logging near property lines. Further the problems will not be materially different regardless whether or not Mr. Protassy builds his house. The neighbor to the west will need to avoid trespassing on Mr. Protassy and the neighbor to the north. Even without Mr. Protassy's house, logging will need to be done diligently to avoid the Neighbor to the north's property, house, electrical service lines, landscaping, farm field and the paved road immediately to the north of Mr. Protassy's home site. By clustering his house with these other improvements, Mr. Protassy has certainly minimized any likelihood of increased problems as a result of the siting of his house.

#### Agricultural Activities

It is unlikely that agricultural activities will ever take place on the property to the west. The steep hillside immediately adjacent to Mr. Protassy's property is totally unsuited to agriculture as we know it. There is a possibility that agriculture could take place on the flats further to the west but that has never happened in the past and seems unlikely in the future.

Agriculture can be practiced on the property immediately to the north of Mr. Protassy. The neighbors chose to locate their house near the extreme southwest corner of their property, leaving the bulk of their fields in one block to the east of their house, much as Mr. Protassy is attempting to do. There is a small width of field south of their house that separates their landscaping from the road and Mr. Protassy's property. If Mr. Protassy's house is going to have an effect on their agricultural activities, it will have to effect this small area. Were Mr. Protassy's house located any where else on the northern half of the property, it would potentially affect the larger open field instead of the small strip. His house could be located in the center of his property and be further away, but such a location would offer the greatest potential impact to the production off his own property, due to land taken out of production for a driveway and the subsequent division of his field into small fields that are more difficult to work.

In summary, I do not believe that Mr. Protassy's location of a house creates any greater impact on neighboring activities than the same property without a house. To the extent that problems might be generated, I believe that clustering this house with another pre-existing house will minimize those problems. And finally, if building the house in the center of Mr. Protassy's property offers the least impact on neighbors, the questionable benefit of that siting is surely outweighed by the obvious negative impact such a siting has upon production from the subject property itself.

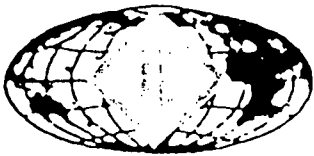
I hope that this letter is of some use in this matter. Should there be any questions about what is said here, please contact me at 684 4004.

Sincerely,



Daniel F. Green  
Vice President





# EMMERT INTERNATIONAL

DIVISION OF EMMERT INDUSTRIAL CORP.

11811 S.E. HIGHWAY 212, CLACKAMAS, OREGON 97015  
PHONE (503) 655-7191 FAX (503) 655-3933  
OREGON BB # 805 WASHINGTON BB # EMMERI '27115

September 9, 1997

Andre Profassy  
12120 SW Boones Ferry Road  
Portland, Oregon 97219

Re: Proposal for On Site Structure Relocation and New Foundation

Dear Andre:

Thank you for affording Emmert International the opportunity to provide you with a proposal for relocating your home at 32152 SE Stevens Road in Corbett, Oregon.

The following are inclusions and exclusions to the scope of work.

INCLUSIONS FOR MOVE:

- Prep Structure
- Install Beam Pocket Openings
- Install Steel Beams and Support
- Raise Structure
- Crib and Support
- Load Structure
- Move Structure to New Location on-site
- Remove Cribbing and Lower on to New Foundation
- Remove Steel Beams
- Clean Up

EXCLUSIONS FOR MOVE:

- \*Dryrot repair (T&M)
- \*Excavation of new site (T&M)
- \*Utility Disconnects/Reconnects
- \*Fence removal
- \*Hand digging, if necessary (T&M)

QUOTE: \$31,500

INCLUSIONS FOR FOUNDATION:

- 8" x 16" Footing
- 8" Thick Wall
- 18" minimum to 22" maximum wall height
- Strip Forms
- Clean Up

EXCLUSIONS FOR FOUNDATION:

- \*Post/Plating (T&M)
- \*Permits
- \*Slab work

QUOTE: \$4,550

Once again, thank you for giving us the opportunity to provide you with a proposal. If you have any questions, please do not hesitate to call. I hope to hear from you soon.

Sincerely,

  
Deanna Olivas

RECEIVED  
CLATSOP COUNTY  
PLANNING SECTION

07 SEP 24 PM 2:33

# Proposal

Page No.

of

Pages

## WATSON PLUMBING CO.

Service & Remodeling  
CCB #111855  
7935 E. Burnside  
PORTLAND, OR 97215  
(503) 256-3720

PROPOSAL SUBMITTED TO <b>ANDRE PROTASSY</b>		PHONE <b>245-5569</b>	DATE <b>09-05-97</b>
STREET <b>12120 SW Boones Ferry Rd.</b>		JOB NAME	
CITY, STATE and ZIP CODE <b>Portland, OR 97219</b>		JOB LOCATION <b>32152 SE Stephens Rd. Springdale, OR</b>	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

### JOB DESCRIPTION:

Furnish and install 1½ copper water line from north side of road to point approximately 200' south.

### BID INCLUDES:

Excavation

Backfill

Materials and Labor

Permit

### NOT INCLUDED IN BID:

Meter and or installation tapping of main line.

Mr Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Four Thousand Six Hundred Fifty Dollars \_\_\_\_\_ dollars (\$ 4,650.00 ).

Payment to be made as follows.

Due upon completion of job.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized  
Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Sig \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Sig \_\_\_\_\_

EXHIBIT \_\_\_\_\_ PAGE \_\_\_\_\_

To: The Multnomah County Board Of Commissioners

From: Nicholas and Kimberley O'Connell  
32202 SE Stevens Rd,  
Corbett, Or. 97019  
503 695-3382

Re: Andre Protassy Hearing

Dear Sirs:

We purchased our property in 1988 with one of the main reasons being that it was near the end of a dead end road. When we discovered in 1992 that the American Hellenic Association wanted to put a small village at the end of the road, we opposed the project to no avail before the Board of Commissioners. The board allowed the construction with certain limitations.

Since then it has been a long process, but being flexible on both sides, we co exist rather peacefully. There have been some occasions where we have had some questions and have tried to contact someone at the Division of Planning and Development but cannot even get them to return a phone call. Conditions imposed on zoning are nice, but it is obvious that there is no enforcement at all in Multnomah County.

One of the conditions of the 1992 decision on the Hellenic Association approval was the widening of the access road, inclusive of the access road running from Stevens Road through Mr. Protassy's property. In 1994, the neighborhood and the Hellenic Association requested a major variance to keep the existing road in its present state. From the beginning and throughout the process, **it was understood by everyone involved that the access road running from Stevens Road through Mr Protassy's property as well as the portion of the road on the Associations property was involved in the major variance request.** Somehow, inexplicably, the portion in question was not included on the final approval for the major variance. The camp run by the Hellenic Association accounts for more than 95% of the traffic using the access road. To make Mr Protassy accountable for the entire improvement after the fact is ludicrous.

Now to address the safety issue. There are no sidewalks on Stevens Road and our children as well as many other of the neighborhood children play in the road. The road is the only place for bike riding and skate boarding. We do have problems when there is a function at Camp Angelos with the amount of traffic in and out of the campground. There could be as many as 150 vehicles which have to drive into and exit the site. I am not going to go into detail because that is not the issue; safety is the issue. In the conditions of approval in the 1992 decision of approval for Camp Angelos there were many safeguards included to provide safe access such as using buses for large groups, establishing traffic monitors, etc. **However, the main**

**safeguard we have right now is the width of the existing access road.**

There is a clear line of sight down the whole portion of the access road and when there is oncoming traffic, the other traffic must stop before they can proceed. This is the **only** thing that slows traffic and gives limited protection to the 13 children living on this portion of Stevens Road. Widening the access road to 20 feet or even 16 feet is the same as putting a superhighway in front of our house. Any reasonable person can see this is courting disaster. On the slim chance there may be a case where emergency vehicles may be delayed slightly, this proposal puts our children at risk on a daily basis. Where is the safety in that?

We urge the Board to rule with intelligence and respect for the residents on Stevens Road and to allow the existing access road to remain as it is. This road has functioned with no major problems for the last 20 years. Give us a major variance and let us live in peace.

Nicholas and Kimberley O'Connell



# OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER  
*County Counsel*

SANDRA N. DUFFY  
*Chief Assistant*

1120 S.W. FIFTH AVENUE, SUITE 1530  
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STEVEN J. NEMIROW  
MATTHEW O. RYAN  
AGNES SOWLE  
JOHN S. THOMAS  
JACQUELINE A. WEBER  
*Assistants*

## MEMORANDUM

July 30, 1998

**TO:** Board of County Commissioners

**FROM:** Jeff Litwak, Assistant County Counsel *jm*

**SUBJECT:** Legal Issues Raised at the Protassy Appeal.

On July 14, 1998, the Board heard an appeal by Andre Protassy regarding a variance to a road standard. The Board continued the hearing until July 30, 1998 to allow time for Mr. Protassy and Camp Angelos to negotiate a work schedule for widening the private road at issue in the case. The Board also raised three legal questions.

**1. Does imposition of the road standard on Mr. Protassy violate Dolan?**

The U.S. Supreme Court, in Dolan v. City of Tigard, 512 U.S. 374 (1994) stated that the Fifth Amendment requires that exactions of real property from a private individual must be "roughly proportional" to the impact created by that individual.

This "rough proportionality" test has been extended by the Oregon Court of Appeals to cover requirements to construct public improvements on public property. Clark v. City of Albany, 137 Or. App. 293 (1995). In this case, the Court also noted that not all conditions of approval are subject to Dolan.

The Court of Appeals has also noted that "rough proportionality" does not require individualized mathematical equivalency. The Court rejected an argument that since a project only generated 2.6% of the traffic on a specific public street, that it should only pay for 2.6% of the improvement. Art Piculell Group v. Clackamas County, 142 Or. App. 327 (1996).

Analysis of these and other cases and the facts relating to Mr. Protassy indicate that there is no constitutional "takings" claim. Mr. Protassy must improve a private road on private property. The Courts have not held that such conditions relating solely to private property can violate the constitution. There is no "public use" as required by the

Constitution. Further, there is no constitutional requirement that Mr. Protassy only widen the road to the extent that it is precisely attributable to his use.

**2. Should the Board consider whether Mr. Protassy's dwelling is a replacement dwelling?**

At the hearing, Mr. Protassy argued that because he "commenced" construction of his dwelling within one year after it was destroyed by fire, that the dwelling was a "replacement dwelling" and that the road standard at issue does not apply to replacement dwellings.

The Board may not consider this issue in this hearing because Mr. Protassy had an opportunity to appeal the determination that his dwelling was not a replacement dwelling when his conditional use permit for the dwelling was issued in 1997. Mr. Protassy accepted the County's conclusion that the dwelling was not a replacement dwelling and may not now raise the issue.

In the event that the Board wishes to consider the issue, MCC 11.15.2049(B) provides that restoration or replacement shall be commenced within one year of the casualty. Inherent in this provision (and all others in the code) is that the construction work be done legally with all required permits. Mr. Protassy failed to obtain the required permits for construction of the dwelling. Thus, even if Mr. Protassy did begin construction within 1 year, he did so in violation of the County's rules. He cannot rely on a violation of one County rule to establish compliance with another.

**3. Is there a legal basis for the Board to "adopt" an agreement between Mr. Protassy and Camp Angelos regarding widening of the road?**

There are two ways to address an agreement between Mr. Protassy and Camp Angelos. County Counsel expresses no preference between the two options.

1. The Board can modify the Hearings Officer's decision to allow staff to issue a building permit to Mr. Protassy after he either constructs, or provides a surety that he will construct, the portion of the road which he agrees to construct under the agreement.

2. Mr. Protassy can withdraw his appeal before the Board and carry out the agreement in compliance with the Hearings Officer's decision. This would require no action by the Board in regards to the agreement. In the event that either party fails to carry out their responsibilities under the agreement, the other party could have an action under the agreement.

The Board should keep in mind that both Mr. Protassy and Camp Angelos have independent obligations to widen the road to the widths required in the issued permits. No agreement can relieve one party of the obligation to construct the road, and the County can initiate an enforcement action against both parties to ensure the road is built.



DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION

2115 SE MORRISON STREET  
PORTLAND, OREGON 97214-2865  
(503) 248-3043 FAX: (503) 248-3389

RECEIVED

JUL 22 1998

To: Multnomah County Board of Commissioners  
COUNTY COUNSEL FOR  
MULTNOMAH COUNTY, OR

From: Chuck Beasley *Chuck*

Date: July 21, 1998

Re: Response to Applicant's Testimony at the July 14, 1998 Appeal Hearing in CU 4-98 and  
HV 7-98.

---

**Camp Angelos Access Road Width Reduction**

The applicant's attorney argues that the Hearings Officer decision is inconsistent with and opposite past findings that pertain to a prior approval for reduced road width for Camp Angelos. This was a reduction to a different road width standard for an application to which the standard currently at issue did not apply. The Hearings Officer found that as a matter of law, reduction in one standard in no way constitutes a variance to another different standard (see pg. 4 and 7 of the Hearings Officer decision).

The applicant's attorney states that the County Hearings Officer gave approval in October of 1993 for Camp Angelos to use a 16 foot wide road for the entire length of the access road in DR 17-93. This is incorrect. The DR 17-93 decision was an administrative staff decision. The Hearings Officer decision which followed in 1994 (HV 12-94) only finds the reduction to 16' in the design review decision was a past occurrence (see CU 4-98 exhibit A1.K.). The Hearings Officer did not approve a road width reduction to 16.'

Review of the zoning ordinance reveals the width reduction was not allowed by the process employed at that time. MCC 11.15.7860 Minor Exceptions: Yard, Parking, Sign and Landscape Requirements, provides that the Planning Director may grant minor exceptions to several dimensional requirements including yards, off-street parking, and minimum number of spaces. However, the 20' road width standard applied to Camp Angelos is an access standard under MCC 11.15.6128 Access, not a dimensional requirement under 11.15.6130 Dimensional Standards. Further, MCC .7860 Minor Exceptions does not list access standards as subject to the Planning Director's discretion. The ordinance requires written findings and lists specific criteria which must be met for minor yard exceptions, and for dimensional standards for off-street parking spaces or the minimum number of spaces. No approval criteria are listed as applicable to exceptions to the access standard, hence, no findings were made to approve the exception.

### **Road Safety**

The applicant's attorney states that an unsafe circumstance would result if the road is required to be improved to a width greater than 16', and that this is a practical difficulty which should justify the requested variance. The nearby neighbor states that widening the road to the requested variance width of 16' will result in an unsafe circumstance. The concerns expressed by the attorney and neighbor are related primarily to traffic generated by users of Camp Angelos, and appear to have been considered in the land use decisions which relate to operations at the camp. Representatives of the Camp have already acknowledged that the camp is required to construct a 16 foot wide road.

The arguments advanced appear to maintain that the 20' standard is inherently unsafe. This is an argument against the standard itself, and as such is a policy argument not properly a part of the decision. The application before the Board is for a reduction to an established standard. The 20' road width is the standard improvement width for local access roads, is the width for this type of access road according to the Uniform Fire Code, and is the width recommended by the State of Oregon Department of Forestry for such roads (see Exhibits C4 and H1.).

### **Policy 14 Development Limitations/Drainage**

The applicant's attorney states that the County is violating Policy 14 by directing development to an area which has development limitations. Policy 14 is intended to direct development away from potentially hazardous areas or to ensure that development and the public is protected from land hazards through design/engineering techniques. This policy was not addressed in the conditional use decision which allowed the dwelling (CU 12-96), or in this case, because the elements which identify land as subject to the policy were not found to be present (exhibit A2 at page 22). Attached are copies of the Slope Hazard Map and Soil Conservation Service soils classifications for the area. The roadway area which is the subject of this application is not identified as a hazardous area on the Slope Hazard Map. In addition, the soil types in the road area are 27B Mereson silt loam with 0 to 8% slopes, and 27C Mereson silt loam with 8 to 15% slopes. These soils are described as having slight to moderate erosion potential, a water table 3 to 5 feet deep in winter, no fragipan less than 30" from the surface, and no characteristic slumping. This soil does not fit the characteristics of soils where Policy 14 applies. It is interesting to note that the area which contains the road down the side slope of the canyon to Camp Angelos is designated as a hazard area, but a road was nevertheless constructed through this area down into the canyon in compliance with the Hillside Development ordinance. This highlights that Policy 14 does not prevent development in the identified areas, but requires that development in such areas must demonstrate design and construction techniques to overcome the limitations.

The applicant's attorney claims that evidence already in record demonstrates a practical difficulty, because excavation needed to construct the 18' to 20' roadway will undermine the slope stability that presently exists (July 10, 1998 letter at page 17 and 19). Staff is uncertain what evidence by a Geotechnical Engineer is being referenced by the applicant's attorney. The only Geotechnical letter staff has found is the May 12, 1998 letter from LaVielle Geotechnical,



July 21, 1998

in the record for CU 4-98 and HV 7-98 as part of Exhibit F3. The May 18, 1998 letter from staff to the Hearings Officer (see Exhibit F-5) responds to the stormwater impacts of road widening. The Hearings Officer decision and staff findings at pages 11 and 12 also respond to these issues. Staff has received no analysis prepared by an engineer of measures needed to maintain slope stability as of the date of this writing. This is because no road design has been submitted. All roads need drainage controls.

**Destruction of Mature Trees on First 170' of Road**

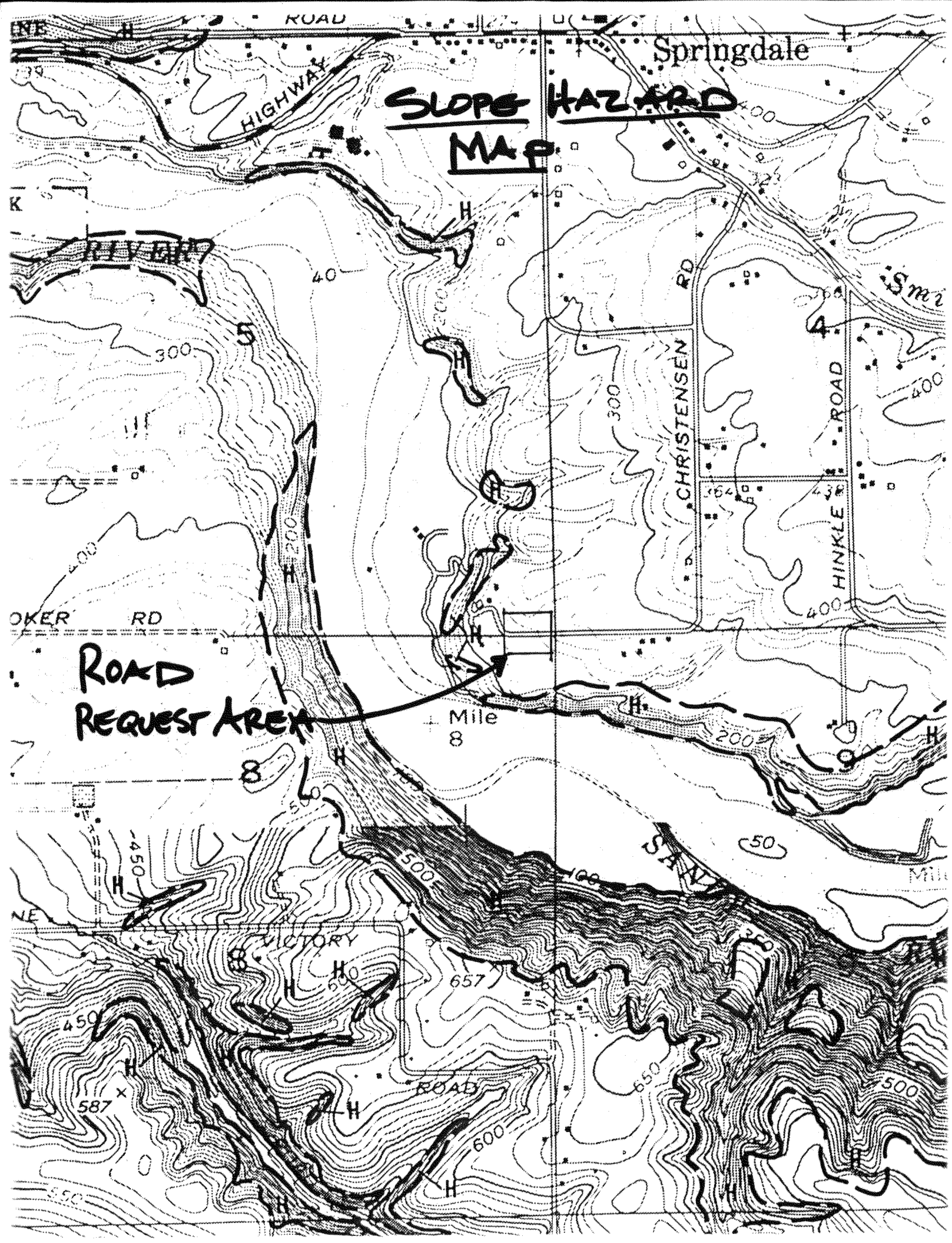
The applicant's attorney expresses alarm that staff would require the first 170' feet of roadway to be constructed to the full width because this would result in the destruction of mature Walnut trees. Staff accepted the applicant's Exhibit A5 which shows the first tree as 184' from the end of Stevens Road as accurate, and added the higher setback of 14' from the existing road to the existing tree as a buffer in order to arrive at the 170' improvement length. Now the applicant's attorney is apparently saying that the information in Exhibit A5 is inaccurate. Getting accurate and complete information has been a challenge during this application as indicated in the Hearings Officer decision and Summary.

Staff notes that acceptance of the existing mature Walnut trees as a practical difficulty which gives rise to the need for the variance is a very permissive reading of "practical difficulty." The Board could just as easily find that the trees do not constitute such a difficulty, especially in light of the Planning Commission decision in CS 4-92 which required construction of the 20' wide road notwithstanding that construction to this width could damage the trees (see condition of approval #1 of applicant's EX. H of CU 4-98 Exhibit A1).

If the Board accepts damage to the mature Walnut trees as a practical difficulty, the Hearings Officer decision could be amended, in light of the revised distance of 160' to the first mature Walnut tree, to read:

**The Board of Commissioners denies the variance request for the first approximately 160' of roadway (as measured from the terminus of Stevens Road, east of the Protassy property).**

**The Board approves the variance request for the remainder of the roadway at a width of 18 feet, except that the roadway shall be tapered from the 20 foot width to 18 feet in width to maintain a buffer of 9 feet between the road and the first mature Walnut tree, according to County specifications.**



# SLOPE HAZARD MAP

**ROAD  
REQUEST AREA**

Mile  
8

5 mi

SOILS SCS  
CLASSIFICATION FOR  
IS 4E 5

20C

10D

13

27C

ROAD REQUEST  
AREA

27B

27B

41

41

10D

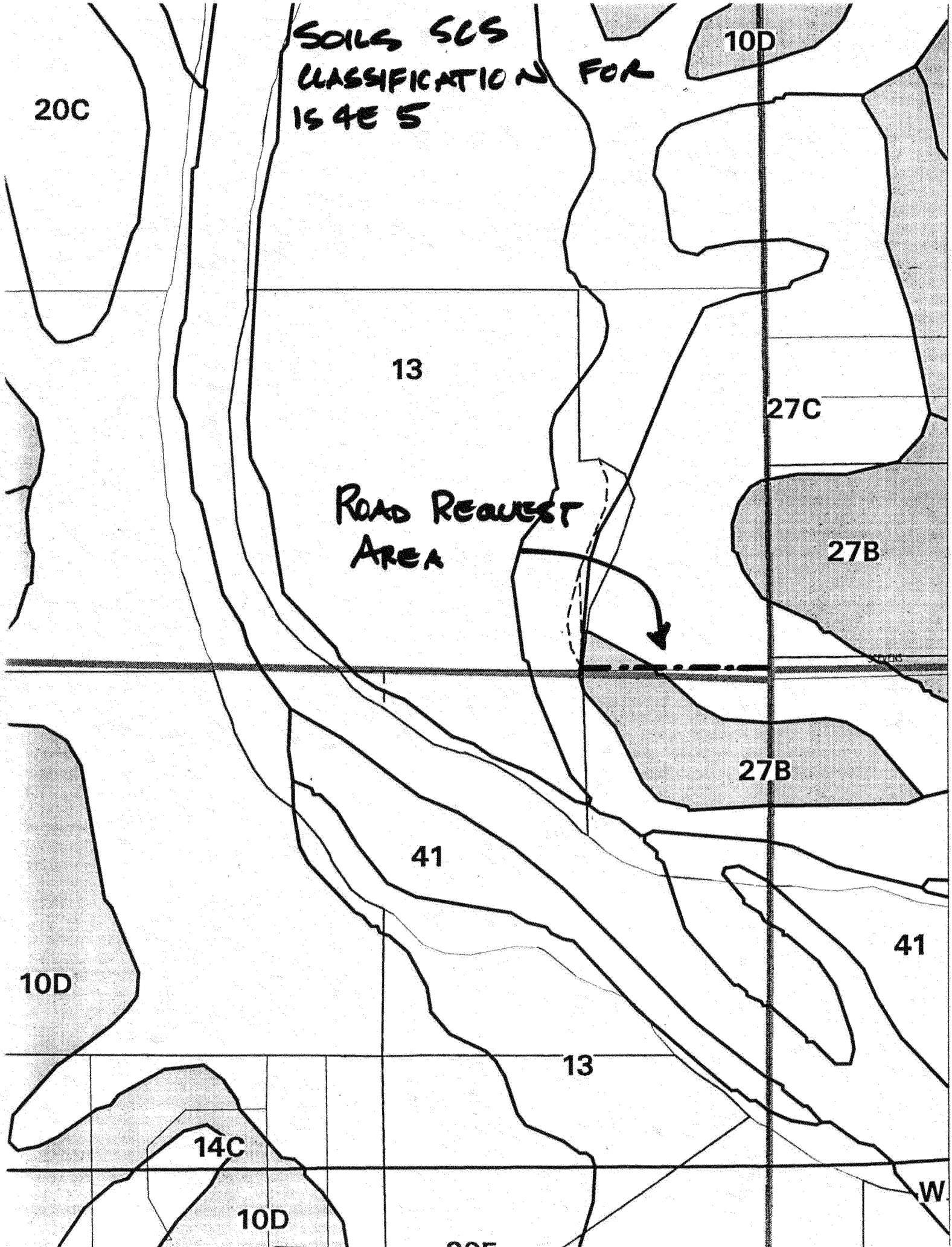
13

14C

10D

W.

20E



ed by as much as 30 inches of fill material, or as as 40 inches of the original profile has been red by cutting or grading. The fill material is generally adjacent areas of Latourell soils that have been cut ided.

out 40 percent of this complex is Urban land. The are largely covered by concrete, asphalt, buildings, her impervious surfaces that so obscure or alter the that their identification is not feasible.

uded with this complex in mapping are areas of omah, Powell, and Burlington soils and more steeping Latourell soils. The included soils make up as as 10 percent of this map unit.

areas where the soils are relatively undisturbed, eability is moderate and available water capacity is 12 inches. In areas dominated by cuts, fills, and land, permeability and available water capacity are le. Runoff is slow, and the hazard of erosion is

as of this complex that have not been disturbed le yards and openland around and between build- There are no major limitations for urban uses. Irrin during summer is desirable for lawn grasses, is, vines, vegetables, and most shade and orna- al trees. Plants that tolerate droughty conditions d be selected if irrigation is not provided.

s map unit is not assigned to a capability subclass.

### 3—Latourell-Urban land complex, 3 to 8 percent

es. This complex consists of well drained Latourell

In most areas of this complex the soils have been ed, cut, filled, or otherwise disturbed. This complex i broad terraces that have long, convex slopes. s are generally irregular in shape and 20 to 100 s in size. Latourell soils and Urban land are in such itricate pattern or so small in area that to separate

in mapping was not practical. Elevation is 50 to feet. The average annual precipitation is 40 to 60 is, the average annual air temperature is 52 to 54 es F, and the frost-free period is 165 to 210 days.

out 20 percent of this complex are areas of Latour- ils that are relatively undisturbed. Typically, the sur- layer is dark brown and brown loam about 16 s thick. The subsoil is dark yellowish brown loam t 29 inches thick. The substratum is dark yellowish n loam and very gravelly sandy loam to a depth of ches or more.

out 30 percent of this complex are areas of Latour- ils that have been disturbed. These soils have been red by as much as 30 inches of fill material, or as as 40 inches of the original profile has been red by cutting or grading. The fill material is generally adjacent areas of Latourell soils that have been cut aded.

out 40 percent of this complex is Urban land. The s are largely covered by concrete, asphalt, buildings, her impervious surfaces that so obscure or alter the that their identification is not feasible.

ed by as much as 30 inches of fill material, or as as 40 inches of the original profile has been red by cutting or grading. The fill material is generally adjacent areas of Latourell soils that have been cut ided.

out 40 percent of this complex is Urban land. The s are largely covered by concrete, asphalt, buildings, her impervious surfaces that so obscure or alter the that their identification is not feasible.

Included with this complex in mapping are areas of Multnomah, Powell, and Burlington soils and more steeply sloping Latourell soils. The included soils make up as much as 10 percent of this map unit.

In areas where the soils are relatively undisturbed, permeability is moderate and available water capacity is 8 to 12 inches. In areas dominated by cuts, fills, and Urban land, permeability and available water capacity are variable. Runoff is slow, and the hazard of erosion is slight.

Areas of this complex that have not been disturbed include yards and openland around and between buildings. There are no major limitations for urban uses. Some uses are restricted by slopes of 3 to 8 percent. Irrigation during summer is desirable for lawn grasses, shrubs, vines, vegetables, and most shade and ornamental trees. Plants that tolerate droughty conditions should be selected if irrigation is not provided.

This map unit is not assigned to a capability subclass.

**27B—Mershon silt loam, 0 to 8 percent slopes.** This moderately well drained soil is on broad, rolling ridge-tops. This soil formed in loess and medium textured old alluvium. Elevation is 450 to 1,300 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 50 to 52 degrees F, and the frost-free period is 165 to 200 days.

Typically, the surface layer is very dark grayish brown silt loam about 15 inches thick. The subsoil is brown and dark brown silt loam about 41 inches thick. The substratum is dark brown loam to a depth of 60 inches or more.

Included with this soil in mapping are areas of Cazadero soils; Haplumbrepts, moderately steep; more steeply sloping Mershon soils; soils that have more than 35 percent coarse fragments; and soils that are similar to this Mershon soil and are well drained. The included soils make up as much as 10 percent of this map unit.

Permeability is moderately slow. Effective rooting depth is more than 60 inches. Available water capacity is 11 to 13 inches. Water-supplying capacity is 22 to 24 inches. Runoff is slow, and the hazard of erosion is slight. A water table is at a depth of 3 to 5 feet from November through April.

This soil is used for farming, urban development, timber production, and wildlife habitat.

This soil is well suited to farming. The major crops are hay and pasture. Other crops are berries and vegetables. Returning all crop residue to the soil and including grasses, legumes, or grass-legume mixtures in the cropping system help maintain fertility and tilth. If the soil is to be left bare during winter, it should be fertilized and planted to a cover crop in fall. A cloddy condition helps protect the soil from erosion during rainy periods.

Excessive cultivation can result in formation of a tillage pan in this soil. Subsoiling is required to break up this pan and is more successful if used when the soil is dry than when wet. Tile drainage systems are installed across the slope to intercept ground water. Sprinkler

irrigation can be used to increase crop production in dry periods in summer. Water needs to be applied slowly to prevent runoff. Grasses respond to nitrogen. Legumes respond to phosphorus, sulfur, boron, and lime. Berries respond to nitrogen, phosphorus, potassium, and sulfur and in places, to boron.

The vegetation in areas not cultivated is Douglas-fir, red alder, bigleaf maple, vine maple, willow, brackenfern, common snowberry, roses, western hazel, blue elderberry, creambush oceanspray, trailing blackberry, and western redcedar.

This soil is suited to Douglas-fir. The site index for Douglas-fir on this soil ranges from 120 to 135. Based on a site index of 130, this soil is capable of producing about 8,600 feet from a fully stocked stand of 70-year old trees, or 42,600 board feet (international rule, one-fourth inch kerf) of merchantable timber from a fully stocked stand of 80-year old trees.

Trees on this soil are subject to damage by ice breakage and wind blasting (fig. 11). Brushy species, including vine maple, willow, western hazel, common snowberry, bigleaf maple, and red alder restrict natural regeneration of Douglas-fir. When the soil is wet, the use of some conventional logging methods is limited. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills. All-season roads on this soil need a heavy base of rock.

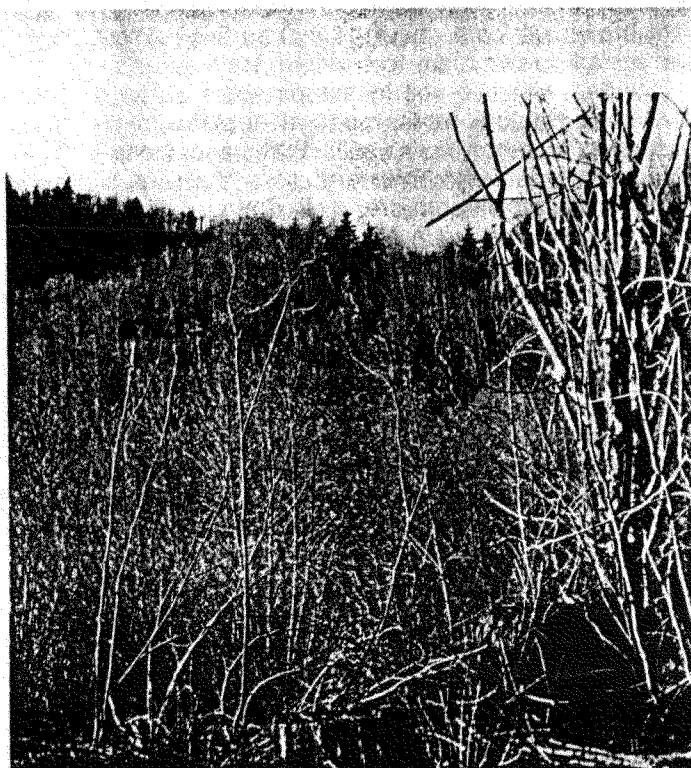


Figure 11.—Windblast damage to Douglas-fir on Mershon silt loam, 0 to 8 percent slopes.

A wide variety of grasses, forbs, fruits, and vegetables along with many shrubs and trees grow on this soil. This variety of plants furnishes food and cover for wildlife. Common wildlife species are black-tailed deer, foxes, skunks, raccoon, opossum, rabbits, squirrels, and mice. Birdlife includes ring-necked pheasant, California quail, mountain quail, ruffed grouse, hawks, owls, vultures, jays, crows, woodpeckers, flycatchers, blackbirds, larks, starlings, and many kinds of small birds. The potential for wildlife habitat is good. Planting desirable vegetation and protecting existing vegetation improve the habitat.

The main limitations for urban development are a seasonal high water table and low strength. Dwellings and roads can be designed to offset these limitations. Sewers are provided. Septic tank absorption fields in places do not function properly during rainy periods because of wetness and the moderately slow permeability. Irrigation during summer is desirable for best results with lawn grasses, shrubs, vines, vegetables, and shade ornamental trees. To establish plants in areas in which the surface layer has been removed and the subsoil has been exposed is difficult. Mulching and fertilizing these areas help establish plants. Plants that tolerate drought conditions should be selected if irrigation is not provided.

This soil is in capability subclass IIIe.

#### 27C—Mershon silt loam, 8 to 15 percent slopes

This moderately well drained soil is on broad, rolling ridgetops. This soil formed in loess and medium texture old alluvium. Elevation is 450 to 1,300 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 50 to 52 degrees F, and the frost free period is 165 to 200 days.

Typically, the surface layer is very dark grayish brown silt loam about 15 inches thick. The subsoil is brown and dark brown silt loam about 41 inches thick. The substratum is dark brown loam to a depth of 60 inches or more.

Included with this soil in mapping are areas of Cazadero soils; Haplumbrepts, moderately steep; soils that have more than 35 percent coarse fragments; soils that are similar to this Mershon soil and are well drained; and other Mershon soils. The included soils make up as much as 10 percent of this map unit.

Permeability is moderately slow. Effective rooting depth is more than 60 inches. Available water capacity is 11 to 13 inches. Water-supplying capacity is 22 to 24 inches. Runoff is medium, and the hazard of erosion is moderate. A water table is at a depth of 3 to 5 feet from November through April.

This soil is used for farming, urban development, timber production, and wildlife habitat.

This soil is suited to farming. The major crops are hay and pasture. Other crops are berries and vegetables. Returning all crop residue to the soil and including grasses, legumes, or grass-legume mixtures in the cropping system help maintain fertility and tilth. If the soil



to be left bare during winter, it should be fertilized and planted to a cover crop in fall. Cross-slope farming, grassed waterways, and limiting tillage to seedbed preparation and weed control help control runoff and erosion. A cloddy condition helps protect the soil from erosion during rainy periods.

Excessive cultivation can result in formation of a tillage pan in this soil. Subsoiling is required to break up this pan and is more successful if used when the soil is dry than when wet. Sprinkler irrigation can be used to increase crop production in dry periods in summer. Water needs to be applied slowly to prevent runoff. Grasses respond to nitrogen. Legumes need phosphorus, sulfur, boron, and lime. Berries respond to nitrogen, phosphorus, potassium, and sulfur and in places, to boron.

The vegetation in areas not cultivated is Douglas-fir, red alder, bigleaf maple, vine maple, willow, brackenfern, common snowberry, roses, western hazel, blue elderberry, creambush oceanspray, trailing blackberry, and western redcedar.

This soil is suited to Douglas-fir. The site index for Douglas-fir on this soil ranges from 120 to 135. Based on a site index of 130, this soil is capable of producing about 8,600 cubic feet from a fully stocked stand of 70-year old trees, or 42,600 board feet (international rule, one-fourth inch kerf) of merchantable timber from a fully stocked stand of 80-year old trees.

Trees on this soil are subject to damage by ice breakage and wind blasting. Brushy species, including vine maple, willow, western hazel, common snowberry, bigleaf maple, and red alder, restrict natural regeneration of Douglas-fir. When this soil is wet, the use of some conventional logging methods is limited. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills. All-season roads on this soil need a heavy base of rock.

A wide variety of grasses, forbs, fruits, and vegetables along with many shrubs and trees grow on this soil. This variety of plants furnishes good food and cover for wildlife. Common wildlife species are black-tailed deer, foxes, skunks, raccoon, opossum, rabbits, squirrels, and mice. Birdlife includes ring-necked pheasant, California quail, mountain quail, ruffed grouse, hawks, owls, vultures, jays, crows, woodpeckers, flycatchers, blackbirds, larks, starlings, and many kinds of small birds. The potential for wildlife habitat is good. Planting desirable vegetation and protecting existing vegetation improve the habitat.

The main limitations for urban development are the seasonal high water table, low strength, and slope. Dwellings and roads can be designed to offset these limitations if sewers are provided. In places, septic tank absorption fields do not function properly during rainy periods because of wetness and moderately slow permeability. Irrigation during summer is desirable for best results with lawn grasses, shrubs, vines, vegetables, and shade and ornamental trees. To establish plants in areas in which the surface layer has been removed and the

subsoil has been exposed is difficult. Mulching and fertilizing these areas help establish plants. Plants that tolerate droughty conditions should be selected if irrigation is not provided.

This soil is in capability subclass IIIe.

#### **27D—Mershon silt loam, 15 to 30 percent slopes.**

This moderately well drained soil is on broad, rolling ridgetops. This soil formed in loess and medium textured old alluvium. Elevation is 450 to 1,300 feet. The average annual precipitation is 60 to 70 inches, the average annual air temperature is 50 to 52 degrees F, and the frost-free period is 165 to 200 days.

Typically, the surface layer is very dark grayish brown silt loam about 15 inches thick. The subsoil is brown and dark brown silt loam about 41 inches thick. The substratum is dark brown loam to a depth of 60 inches or more.

Included with this soil in mapping are areas of Cazadero soils; Haplumbrepts, moderately steep; soils that have more than 35 percent coarse fragments; soils that are similar to this Mershon soil and are well drained; and other Mershon soils. The included soils make up as much as 10 percent of this map unit.

Permeability is moderately slow. Effective rooting depth is more than 60 inches. Available water capacity is 11 to 13 inches. Water-supplying capacity is 22 to 24 inches. Runoff is medium, and the hazard of erosion is high. A water table is at a depth of 3 to 5 feet from November through April.

This soil is used for timber production, urban development, farming, and wildlife habitat.

This soil is poorly suited to farming. The major crops are hay and pasture. Irrigation during summer is required for maximum production. Returning all crop residue to the soil and including grasses, legumes, or grass-legume mixtures in the cropping system help maintain fertility and tilth. If the soil is to be left bare during winter, it should be fertilized and planted to a cover crop in fall. Limiting slope length by strip cropping or terracing helps reduce sheet and rill erosion. Cross-slope farming, grassed waterways, and limiting tillage to seedbed preparation and weed control help control runoff and erosion. A cloddy condition helps protect the soil from erosion during rainy periods.

Excessive cultivation can result in formation of a tillage pan in this soil. Subsoiling is required to break up this pan and is more successful if used when the soil is dry than when wet. Sprinkler irrigation can be used to increase crop production in dry periods in summer. Water needs to be applied slowly to prevent runoff. Tile systems are installed across the slope to intercept ground water. Grass crops respond to nitrogen. Legumes respond to phosphorus, potassium, sulfur, and lime and in places, to boron.

The vegetation in areas not cultivated is Douglas-fir, red alder, bigleaf maple, vine maple, willow, brackenfern, common snowberry, western hazel, blue elderberry, cream oceanspray, trailing blackberry, roses, and western redcedar.

**William C. Cox** attorney at law

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*Land Use and Development Consultation*

July 29, 1998

SENT VIA FAX

Tom Layton, Chief  
Multnomah County RFPD #14  
PO Box 1  
Corbett, Oregon 97019

RE: Andre Protassy Residence - Emergency Access

Dear Mr. Layton:

This letter is to request your opinion on the roadway needed to access Mr. Protassy's residence at 32152 SE Stevens Road for the purposes of emergency response. It is my understanding that you are very familiar with the site and existing conditions.

This roadway has been the subject of continued review in connection with land use activities on Mr. Protassy's property and Camp Angelos, which also uses the roadway.

Mr. Protassy has a hearing before the Multnomah County Board of Commissioners on Thursday morning for the sole purpose of determining the roadway needed to ensure safe and efficient access for emergency vehicles. Your input is greatly needed to assist us in this process.

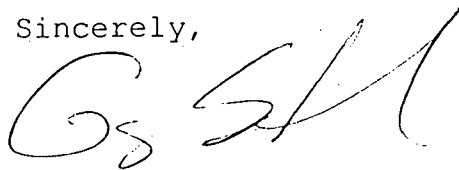
As it stands now, the Camp is required to improve the access roadway for its entire length, except a short section, to 16 feet wide. The existing roadway is approximately 12 feet wide. The County is now requiring Mr. Protassy to improve the roadway to 20 feet for the first hundred plus feet as you enter from Stevens Road, then narrow the roadway down to 18 feet up to the Protassy residence and then to 16 feet as it continues to the Camp. Please give us your opinion on this 20-18-16 configuration.

In addition, it is important that we know what you, as the emergency provider for this area, would deem sufficient to serve this site. It would be helpful if you could describe your experience with the site, its pros and cons as it exists now, and what improvements could be made on top of the 16 feet widening that the Camp is obligated to do. In other words, what, in your

professional opinion, is needed to ensure the safe and adequate use of this roadway by emergency vehicles.

I thank you for your time and effort in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'G. Shepherd', with a stylized, sweeping flourish at the end.

Gary P. Shepherd

cc: client



MULTNOMAH COUNTY  
RURAL FIRE PROTECTION

DISTRICT NO. 14

P.O. BOX 1  
CORBETT, OREGON 97019 - 0001

July 29, 1998

Gary P. Shepherd  
William C. Cox Attorney at Law  
0244 S.W. California Street  
Portland, OR 97219

RE: Andre Protassy Residence - Emergency Vehicle Access

Mr. Shepherd:

In response to your letter of July 29, 1998, regarding the roadway providing emergency vehicle access to the Protassy residence at 32152 SE Stevens Road I will address the issues that your have brought up.

I inspected the roadway on June 5, 1996 and approved the proposed access road as it was proposed. The reasons included the width, clearance both vertically and horizontally, and the visibility from Stevens Rd. to the dwelling in questions as well as the other house in the vicinity and the access gate to Camp Angelos. The existing roadway has been in place for at least 25 years that I personally know of, and the original house at this location has been there for that time also. Over the 18 years that I have been a member of this Fire Department I have had many occasions to respond to emergency calls on this roadway to Camp Angelos and this area. The existing roadway is approximately 12 feet wide, with adequate clearances as addressed by the roadway standards adopted by Multnomah County RFPD #14. I also feel that there is sufficient area for turning large equipment around due to the configuration of the driveways and houses in this area. I have done this at this location more than once so I speak from experience.

As an emergency responder I give strong consideration to access to any location in this District. As for the widening of the roadway to 16 feet to Camp Angelos, this would be a welcome improvement for emergency access, even though the existing access meets the minimum standards as adopted by the Fire District. As for the reasoning to widening the roadway from Stevens Rd. to the Camp in increments of 20-18-16 feet I am unaware of the need for this, while only widening the Camp access to 16. If the roadway to the Camp is not being required to be wider than 16 feet when it runs through switchback curves, I do not see the reason for the upper part of the road which is basically straight and with clear visibility to be wider than the part going to the Camp. I feel 16 feet throughout the length of the access road would greatly improve the access that already meets the Fire

District minimums, as we discussed in our conversations. The addition of a 20 by 40 foot turnout to be located between the Protassy driveway and Stevens Road would also be welcome in improving the access.

This roadway was inspected as noted by myself on June 5, 1996 and approved as proposed for meeting Fire District minimum standards, as well as on August 17, 1993 by my predecessor Dennis Bryson, who also gave approval, under the authorization as the Authorized Fire District Official. This was done with full knowledge of the location and with experience in responding to emergencies over this roadway over the course of many years.

If there is any further questions feel free to contact me again.

Sincerely,



Tom Layton, Chief  
Multnomah Co. RFPD #14

**LaVIELLE GEOTECHNICAL P.C.**

2313 NE Alameda  
Portland, Oregon 97212  
(503) 287-0511, FAX 282-7671

July 14, 1998

Our ref: 98-1307.018

Mr. Andre Protassy  
12120 SW Boones Ferry Road  
Portland, Oregon 97219

RE: ROADWAY CUT SLOPE  
32152 SE STEVENS ROAD  
SPRINGDALE, OREGON

Dear Mr. Protassy:

We understand that the county has required that you widen the existing roadway at your property on SE Stevens Road to a full 18 feet. Based on our evaluation of soil conditions and topography along the north side of the roadway we expect the proposed widening will create a cut vertical slope approximately 5 feet high. The soil exposed in this cut will be a medium stiff, brown clayey silt. We recommend that any vertical cut slope in this soil be protected from erosion and be supported by a structural retaining wall.

If you have any questions or require additional information, please contact us.

Sincerely,

**LaVIELLE GEOTECHNICAL, P.C.**



Craig C. LaVielle, P.E.  
Principal

MEETING DATE: JUL 30 1998  
AGENDA NO: R-10  
ESTIMATED START TIME: 11:05

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Grant Notice of Intent, School to Work Urban/Rural Opportunities Grant.

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: July 30, 1998  
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DCFS DIVISION: \_\_\_\_\_  
CONTACT: Regena Warren TELEPHONE #: ext 28134  
BLDG/ROOM #: 166/7

PERSON(S) MAKING PRESENTATION: Lorenzo Poe, Regena Warren, Judy Robison

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Notice of Intent Approval Request – Alternative Schools Pathway, School-to-Work Grant Proposal.

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: Lorenzo Poe ms

98 JUL 22 PM 2:12  
CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES



## MULTNOMAH COUNTY OREGON

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

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

**TO:** Board of County Commissioners

**FROM:** Lorenzo T. Poe, Jr., Director *Lorenzo Poe ms*

**RE:** Grant Notice of Intent

**DATE:** July 22, 1998

I. Recommendation/Action Requested: Approval of the NOI to apply for funding for School-to-Work, Urban/Rural Opportunities Grant from the U.S. Department of Labor and the U.S. Department of Education. These funds may only be applied for by the fiscal agent of EZ/EC locales.

II. Background/Analysis: This grant opportunity provides funding to Empowerment Zones/Enterprise Communities for the enhancement of school-to-work activities. The goal of this funding is to provide additional money to local partnerships in EZ/EC locales to provide services to low income youth within the EZ/EC. Coordination with the State School-to-Work office is required.

It is the intent of the Department of Community and Family Services to act as fiscal agent for the grant, contracting with the Workforce Development Board as representative of the local school-to-work partnership. The partnership is comprised of the Work Force Development Board, the Multnomah Educational Services District, Mount Hood and Portland Community Colleges, and the eight alternative schools within the EC.

Awards will range from \$150,000 to \$600,000 per year.

III. Financial Impact: Initial funding is for one year with a possibility of continuation funding up to four years. There is no requirement for County match. It is not anticipated that there will be a request for continuation funding after the project is completed.

IV. Legal Issues: None are anticipated. If any should arise during the course of the project, the Department will work with County Counsel to resolve them.

V. Controversial Issues: None

VI. Line to Current County Policies: This proposal supports County Benchmarks related to children in poverty and increasing high school completion.

VII. Citizen Participation: This proposal has been reviewed and approved by the Enterprise Community Commission (ECC).

VIII. Other Government Participation: In addition to the ECC, the narrative draft of the proposal was reviewed, and approved, by the State of Oregon School-to-Work program office. The State comments are included in the proposal.

MEETING DATE: JUL 30 1998  
AGENDA NO: R-11  
ESTIMATED START TIME: 11:10

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Grant Notice of Intent, HUD Continuum of Care Supportive Housing Program

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: July 30, 1998  
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DCFS DIVISION: \_\_\_\_\_  
CONTACT: Mary Li TELEPHONE #: ext 26787  
BLDG/ROOM #: 166/5

PERSON(S) MAKING PRESENTATION: Lorenzo Poe, Mary Li, Barbara Hershey

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Notice of Intent Approval Request - Stewart B. McKinney Act (HUD Continuum of Care Supportive Housing Program).

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: Lorenzo Poe mcs

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

CLERK OF  
COUNTY COMMISSIONERS  
98 JUL 14 PM 3:47  
MULTIOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES  
DIVISION OF COMMUNITY PROGRAMS & PARTNERSHIPS  
421 SW Sixth Avenue, Suite 500  
PORTLAND, OREGON 97204-1620  
(503) 248-3999 fax # (503) 248-3332

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

## Memorandum

**TO:** Board of County Commissioners  
**FROM:** Mary Li, Action Division Director *ML*  
**VIA:** Division of Community Programs and Partnerships  
Lorenzo Poe, Director *Lorenzo Poe mls*  
Department of Community and Family Services  
**DATE:** July 13, 1998  
**SUBJECT:** Notice of Intent to Apply for federal HUD Continuum of Care Supportive Housing Program funds for persons who are homeless

- I. **Recommendation/Action Requested:** DCFS recommends that the Board of Commissioners approve the Notice of Intent to apply for a federal grant under the Stewart B. McKinney Act. The program is funded by the U.S. Department of Housing and Urban Development (HUD). A Consolidated Application is being made to HUD, consistent with the recommendations of the Housing and Community Development Commission (HCDC). The application will consist of multiple projects, several of which, if awarded, will come to the County. The grant period is for up to three years beginning at execution of contract. The grant, if awarded, may be renewable. Attached to this memorandum is a copy of the Notification of Funding Availability and two supplements to the 1998 NOFA.
- II. **Background Analysis:** The goal of the application is to fund gaps in the continuum of care for homeless families, singles, youth, and households homeless due to domestic violence. The emphasis in the grant announcement is for each community to clearly identify an appropriate continuum of care for homeless persons and to use this funding opportunity to seek resources to fill the gaps in that continuum. The application is a consolidated application consisting of projects designed to fill those identified gaps. A new process was used this year to determine components of the application. Multnomah County and the City of Portland requested that the HCDC guide the process for identifying gaps in the network of homeless services and making recommendations for specific projects to include in the application. While Multnomah County is coordinating the application, not all of the components will have funding come through the County. Four projects are renewal applications and three new projects are proposed. Of these 7 projects, four would be awarded to Multnomah County and contracted out through existing Department non-profit providers. These four projects are a renewal of Turning Point (facility-based transitional housing and services for homeless families); a renewal of Families' Futures (scattered site transitional housing and services for homeless families); a new project, Youth Partnership (transitional housing and services for homeless youth); and another new project, Latina Domestic Violence Safe Housing. Central City Concern is requesting a renewal of Sunrise Place - transitional housing and services for homeless women and their children in recovery from substance abuse. The Youth Services Consortium is requesting renewal for HomeSafe - transitional housing and services for homeless youth. Outside In is requesting funding for capital expenses for a new transitional housing facility (Outside Inn) for homeless youth. The components of the consolidated application all reflect gaps identified through



planning processes for the various homeless populations and selected for inclusion by a committee of the HCDC.

- III. **Financial Impact:** The Consolidated Application will be for approximately \$7.5 million for supportive services, leasing of transitional housing, and partial operations costs for existing transitional housing facilities. Approximately \$5.9 million of that is for projects to be administered by Multnomah County. Administrative costs (specifically for grant accounting and reporting) are included subject to a 5% cap on funds for each project. Multnomah County would receive the 5% for the projects which it will be administering.
- IV. **Legal Issues:** None known
- V. **Controversial Issues:** The HCDC McKinney Committee ranked the proposed projects for inclusion as is required in the HUD instructions. Not all provider groups agreed with the specific order. Some addressed the HCDC with their divergent opinions. After hearing the committee report, and these objections, the HCDC endorsed the committee recommendations as presented at the July meeting.
- VI. **Link to Current County Policies:** The Housing and Community Development Commission (HCDC) is the Countywide citizen's body charged to advise the City of Portland, the City of Gresham, and Multnomah County on policy matters related to low and moderate income housing needs. Consistent with the County response to the Housing Audit, the City of Portland and Multnomah County requested the HCDC to convene a committee to guide the planning and decision making for this application. The committee action lead to the full HCDC approving the Continuum of Care and recommended projects for this Consolidated Application to HUD. The application is consistent with the current Consolidated Plan. The requests for the singles system are compatible with the Shelter Reconfiguration Plan. This also conforms to the County action assigning responsibility for the homeless singles system to the City of Portland and responsibility for the systems for homeless domestic violence, homeless families, and homeless youth to Multnomah County.
- VII. **Citizen Participation:** A committee was appointed by the Housing and Community Development Commission and was composed of representatives of elected officials from Multnomah County and the City of Portland, representatives of non-profit homeless services providers, and a representative of the business community, the faith community, the Community Action Commission, the United Way and a formerly homeless individual. A public hearing was held to solicit information about the needs of homeless populations. Public testimony was received in writing and verbally at the five meetings of the committee leading to the recommendations for this grant application.
- VIII. **Other Government Participation:** The City of Portland, Bureau of Housing and Community Development, and Multnomah County, Department of Community and Family Services, requested the Housing and Community Development Commission to coordinate the process for prioritizing needs and projects for this application for service to homeless people in Multnomah County, the City of Gresham, and the City of Portland. The HCDC appointed committee, and the City of Portland BHCD were instrumental in working with this Department to establish the funding priorities for this application.

**Estimated Filing Timeline:** Grant proposals must be received by HUD, Washington DC by the close of business on August 4, 1998.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**[Docket No. FR-4364-N-01]**

**Super Notice of Funding Availability (SuperNOFA)  
for Targeted Housing and Homeless Assistance Programs**

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Super Notice of Funding Availability (SuperNOFA) for Targeted Housing and Homeless Assistance Programs.

**SUMMARY:** This Super Notice of Funding Availability (SuperNOFA) announces the availability of approximately \$1,196,920,112 in HUD program funds covering six (6) Targeted Housing and Homeless Assistance Programs operated and managed by HUD's Office of Community Planning and Development (CPD) and HUD's Office of Housing-Federal Housing Administration (FHA). The General Section of this SuperNOFA contains the procedures and requirements applicable to all programs. The applications for funding for these programs have been consolidated into four applications. The Programs Section of this SuperNOFA contains a description of the specific programs for which funding is made available under this SuperNOFA and additional procedures and requirements that are applicable to each.

**APPLICATION DUE DATES:** The information contained in this "APPLICATION DUE DATES" section applies to all programs contained in this SuperNOFA. Completed applications must be submitted to HUD no later than the deadline established for the program for which you are seeking funding. Applications may not be sent by facsimile (FAX). See the Program Chart for specific application due dates.

**ADDRESSES AND APPLICATION SUBMISSION PROCEDURES:** Addresses. Completed applications must be submitted to the location specified in the Programs Section of this SuperNOFA. When submitting your application, please refer to the program name for which you are seeking funding.

For Applications to HUD Headquarters. Applications to be submitted to HUD Headquarters are due at: Department of Housing and Urban Development, 451 Seventh Street, SW, Room \_\_\_\_\_ (See Program Chart or Programs Section for room location), Washington DC 20410.

For Applications to HUD Field Offices. For those programs for which applications are due to the HUD Field Offices, please see the Programs Section for the exact locations for submission.

Applications Procedures. Mailed Applications. Applications will be considered timely filed if postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within ten (10) days of the application due date.

Applications Sent by Overnight/Express Mail Delivery. Applications sent by overnight delivery or express mail will be considered timely filed if received before or on the application due date, or upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than the specified application due date.

Hand Carried Applications. For applications submitted to HUD Headquarters, hand carried applications delivered before and on the application due date must be brought to the specified location and room number between the hours of 8:45 am to 5:15 pm, Eastern time. Applications hand carried on the application due date will be accepted in the South Lobby of the HUD Headquarters Building at the above address from 5:15 pm until 12:00 midnight, Eastern time. Applications due to HUD Field Office locations must

be delivered to the appropriate HUD Field Office in accordance with the instructions specified in the Programs Section of the SuperNOFA.

For applications submitted to the HUD Field Offices, hand carried applications will be accepted during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 p.m. local time. (Please see Appendix A to this SuperNOFA listing the hours of operations for the HUD Field Offices.)

**COPIES OF APPLICATIONS TO HUD OFFICES.** The Programs Section of this SuperNOFA may specify that to facilitate processing and review of your submission a copy of the application also be sent to an additional HUD location (for example, a copy to the HUD Field Office if the original application is to be submitted to HUD Headquarters, or a copy to HUD Headquarters, if the original application is to be submitted to a HUD Field Office). Please follow the requirements of the Programs Section to ensure that you submit your application to the proper location. HUD requests additional copies in order to expeditiously review your application and appreciates your assistance in providing the copies. Please note that for those applications for which copies are being submitted to the Field Offices and HUD Headquarters, timeliness of submission will be based on the time the application is received at HUD Headquarters.

**FOR APPLICATION KITS, FURTHER INFORMATION AND TECHNICAL ASSISTANCE:** The information contained in this section is applicable to all programs contained in this SuperNOFA.

**For Application Kits and SuperNOFA User Guide.** HUD is pleased to provide you with application kits and/or a guidebook to all HUD programs. When requesting an application kit, please refer to the program name of the application kit you are interested in receiving. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

Requests for application kits should be made immediately to ensure sufficient time for application preparation. We will distribute application kits as soon as they become available.

The SuperNOFA Information Center (1-800-HUD-8929) can provide you with assistance, application kits, and guidance in determining which HUD Office(s) should receive a copy of your application. Persons with hearing or speech impairments may call the Center's TTY number at 1-800-483-2209.

**Consolidated Application Submissions.** Where an applicant can apply for funding under more than one program in this SuperNOFA, the applicant need only submit one originally signed SF-424 and one set of original signatures for the other required assurances and certifications, accompanied by the matrix contained in each application kit. As long as the applicant submits one originally signed set of these documents with an application, only copies of these documents are required to be submitted with any additional application submitted by the applicant. The application should identify the program for which the original signatures for assurances and certifications is being submitted.

**For Further Information.** For answers to your questions about this SuperNOFA, you have several options. You may call the SuperNOFA Information Center at 1-800-HUD-8929, or you may contact the HUD Office or Processing Center serving your area at the telephone number listed in the application kit for the program in which you are interested. Persons with hearing or speech impairments may call the Center's TTY number at 1-800-483-2209. Information on this SuperNOFA also may be obtained through the HUD web site on the Internet at <http://www.HUD.gov>.

**For Technical Assistance.** Before the application due date, HUD staff will be available to provide general guidance and technical assistance about this SuperNOFA. Current law does not permit HUD staff to assist in preparing the application. Following selection of applicants, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award or Annual Contributions Contract (ACC) by HUD.

#### **INTRODUCTION TO THE SUPERNOFA PROCESS**

To further HUD's objective, under the direction of Secretary Andrew Cuomo, of improving customer service and providing the necessary tools for revitalizing communities and improving the lives of people within those communities, HUD will publish three SuperNOFAs in 1998, which coordinate program funding for 40 programs and cut across traditional program lines.

(1) The first is the SuperNOFA and consolidated application process for Housing and Community Development Programs, covering 19 Housing and Community Development Programs. This SuperNOFA was published in the Federal Register on March 31, 1998.

(2) The second is the SuperNOFA and consolidated application process for Economic Development and Empowerment Programs, covering 9 programs. This second SuperNOFA was published elsewhere in today's Federal Register.

(3) The third is the SuperNOFA and consolidated application process for Targeted Housing and Homeless Assistance Programs. This third SuperNOFA includes the following programs and initiatives: Housing Opportunities for Persons with AIDS; Continuum of Care Assistance, which includes the supportive Housing Program, Shelter Plus Care, and Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals; Section 202 Supportive Housing for the Elderly; and Section 811 Supportive Housing for Persons with Disabilities. Related to this SuperNOFA for HUD's Targeted Housing and Homeless Assistance Programs is HUD's NOFA for Section 8 Tenant-Based Assistance for Persons with Disabilities, published elsewhere in today's Federal Register.

All three SuperNOFAs and consolidated applications, to the greatest extent possible, given statutory, regulatory and program policy distinctions, will have one set of rules that, together, offer a "menu" of approximately 40 programs. From this menu, communities will be made aware of funding available for their jurisdictions. Nonprofits, public housing agencies, local and State governments, tribal governments and tribally designated housing entities, veterans service organizations, faith-based organizations and others will be able to identify the programs for which they are eligible for funding.

**The National Competition NOFA.** In addition to the three SuperNOFAs, HUD is publishing in today's Federal Register a single NOFA for three national competitions: the Fair Housing Initiatives Program National Competition; the Lead-Based Paint Hazard Control National Competition; and the Housing Counseling National Competition.

**Assisting Communities to Make Better Use of Available Resources.** These SuperNOFAs represent a marked departure from, and HUD believes a significant improvement over, HUD's past approach to the funding process. In the past, HUD has issued as many as 40 separate NOFAs, all with widely varying rules and application processing requirements. This individual program approach to funding, with NOFAs published at various times throughout the fiscal year, did not encourage and, at times, unintentionally impeded local efforts directed at comprehensive planning and development of comprehensive local solutions.

Additionally, the old approach seemed to require communities to respond to HUD's needs rather than HUD responding to local needs. Secretary Cuomo brings to the leadership of HUD the experience of successfully implementing a consolidated planning process in HUD's community development programs. As Assistant Secretary for Community Planning and Development, Secretary Cuomo consolidated the planning, application, and reporting requirements of several community development programs. The Consolidated Plan rule, published in 1995, established a renewed partnership among HUD, State, and local governments, public and private agencies, tribal governments, and the general citizenry by empowering field staff to work with other entities in fashioning creative solutions to community problems.

The SuperNOFA approach builds upon Consolidated Planning implemented by Secretary Cuomo in HUD's community development programs, and also reflects the Secretary's organizational changes for HUD, as described in the Secretary's management reform plan. On June 26, 1997, Secretary Cuomo released the HUD 2020 Management Reform Plan, which calls for significant consolidation of like programs to maximize efficiency and dramatically improve customer service. The plan also calls for HUD to improve customer service by adopting a principle of "menus not mandates."

By announcing the funding of these six programs in one NOFA, HUD hopes to assist communities in making better use of available resources to address their needs and the needs of those living within the communities in a holistic and effective fashion. These funds are available for eligible applicants to support individual program objectives, as well as cross-cutting and coordinated approaches to improving the overall effective use of available HUD program funds.

To date, HUD has been consolidating and simplifying the submission requirements of many of its formula grant and discretionary grant programs to offer local communities a better opportunity to shape available resources into effective and coordinated neighborhood housing and community development strategies that will help revitalize and strengthen their communities, physically, socially and economically. To complement this overall consolidation and simplification effort, HUD designed this process to increase the ability of applicants to consider and apply for funding under a wide variety of HUD programs in response to a single NOFA. Everyone interested in HUD's grant programs can benefit from having this information made available in one NOFA.

**Coordination, Flexibility, and Simplicity in the HUD Funding Process.** The SuperNOFA approach places heavy emphasis on the coordination of activities to provide (1) greater flexibility and responsiveness in meeting local housing and community development needs, and (2) greater flexibility to eligible applicants to determine what HUD program resources best fit the community's needs, as identified in local Consolidated Plans and Analysis of Impediments to Fair Housing Choice ("Analysis of Impediments" (AI)).

The SuperNOFA approach is designed to simplify the application process; promote effective and coordinated use of program funds in communities; reduce duplication in the delivery of services and economic development and empowerment programs; allow interested applicants to seek to deliver a wider, more integrated array of services; and improve the system for potential grantees to be aware of, and compete for program funds.

HUD encourages applicants to work together to coordinate and, to the maximum extent possible, join their activities to form a seamless and comprehensive program of assistance to meet identified needs in their communities, and address barriers to fair housing and equal opportunity that have been identified in the community's Consolidated Plan and Analysis of Impediments in the geographic area(s) in which they are seeking assistance.

As part of the simplification of this funding process, and to avoid duplication of effort, the SuperNOFA provides for consolidated applications for several of the programs for which funding is available under this NOFA. HUD programs that provide assistance for, or complement similar activities, for example the Continuum of Care programs have a consolidated application that reduces the administrative and paperwork burden applicants may otherwise encounter in submitting an application for each program. The Program Chart in this introductory section of the SuperNOFA identifies the programs that have been consolidated and for which a consolidated application is made available to eligible applicants.

The funding of these six programs through this SuperNOFA will not affect the ability of eligible applicants to seek HUD funding. Eligible applicants are able, as they have been in the past, to apply for funding under as few as one or as many as all programs for which they are eligible.

The specific statutory and regulatory requirements of each of the six separate programs continue to apply to each program. The SuperNOFA reflects, where necessary, the statutory requirements and differences applicable to the specific programs. Please pay careful attention to the individual program requirements that are identified for each program. Also, you will note that not all applicants are eligible to receive assistance under all six programs identified in this SuperNOFA.

The SuperNOFA contains two major sections. The General Section of the SuperNOFA contains the procedures and requirements applicable to all applications. The Programs Section of the SuperNOFA describes each program for which funding is made available in the NOFA. As in the past, each program provides a description of eligible applicants, eligible activities, factors for award, and any additional requirements or limitations that apply to the program. Please read carefully both the General Section and the Programs Section of the SuperNOFA for the program(s) to which you are applying. This will ensure that you apply for program funding for which your organization is eligible to receive funds and you fulfill all the requirements for that program(s).

#### **THE PROGRAMS OF THIS SUPERNOFA AND THE AMOUNT OF FUNDS ALLOCATED**

The six programs for which funding availability is announced in this SuperNOFA are identified in the following chart. The approximate available funds for each program are listed as expected funding levels based on appropriated funds. Should recaptured or other funds become available for any program, HUD reserves the right to increase the available program funding amounts by the amount available.

The chart also includes the application due date for each program, the OMB approval number for the information collection requirements contained in the specific program, and the Catalog of Federal Domestic Assistance (CFDA) number.

PROGRAM NAME	FUNDING AVAILABLE	DUE DATE	SUBMISSION LOCATION AND ROOM
<b>CONTINUUM OF CARE STRATEGIES FOR HOMELESS AND PERSONS WITH AIDS</b>			
<b>Continuum of Care Homeless Assistance</b>  • <b>Supportive Housing</b> CFDA No.: 14.235 • <b>Shelter Plus Care</b> CFDA No.: 14.238 • <b>Section 8 Moderate Rehabilitation Single Room Occupancy</b> CFDA No.: 14.249 OMB Approval No.: 2506-0112	\$ 700,000,000*	August 4, 1998	Headquarters, SNAPS Office, Room 7270
<b>Housing Opportunities for Persons with AIDS</b> CFDA No: 14.241 OMB Approval No.: 2506-0133	\$ 20,150,000	July 10, 1998	Headquarters, Processing and Control Unit, Room 7251
PROGRAM NAME	FUNDING AVAILABLE	DUE DATE	SUBMISSION LOCATION AND ROOM
<b>SUPPORTIVE HOUSING PROGRAMS</b>			
<b>Section 202 Supportive Housing for the Elderly</b> CFDA No.: 14.157 OMB Approval No.: 2502-0267	\$ 402,397,190	July 7, 1998	Appropriate Local HUD Multifamily Hub or Multifamily Program Center
<b>Section 811 Supportive Housing for Persons with Disabilities</b> CFDA No.: 14.181 OMB Approval No.: 2502-0462	\$ 74,372,922	July 7, 1998	Appropriate Local HUD Multifamily Hub or Multifamily Program Center
<b>Section 8 Tenant-Based Assistance for Persons with Disabilities</b>  CFDA No.: 14.855 and 14.857 OMB Approval No.: 2577-0169	\$ 88,500,000	July 7, 1998	See Additional Information on this program, published elsewhere in today's Federal Register

\* \$640,000,000 is currently available for obligation for FY 1998, and \$60,000,000 is subject to appropriations in FY 1999.

**Paperwork Reduction Act Statement.** The information collection requirements contained in this SuperNOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The preceding chart reflects the OMB approval number for each program component of this SuperNOFA. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.  
 \* \$640,000,000 is currently available for obligation for FY 1998, and \$60,000,000 is subject to appropriations in FY 1999.

#### **GENERAL SECTION OF THE SUPERNOFA**

##### **I. Authority; Purpose; Amount Allocated; Eligible Applicants and Eligible Activities.**

**(A) Authorities.** The authority for Fiscal Year 1998 funding availability under this SuperNOFA is the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1998 (Pub.L. 105-65, approved October 27, 1997) (FY 1998 HUD Appropriations Act). Where applicable, additional authority for each program in this SuperNOFA is identified in the Programs Section.

**(B) Purpose.** The purpose of this SuperNOFA is to:

(1) Make funding available through a variety of programs to empower communities and their residents, particularly the poor and disadvantaged, to develop viable communities, provide decent housing and a suitable living environment for all citizens, without discrimination in order to improve themselves both as individuals and as a community.

(2) Simplify and streamline the application process for funding under HUD programs. By making available to State and local governments, public housing agencies, tribal governments, non-profit organizations and others, the application requirements for Targeted Housing and Homeless Assistance Programs in one NOFA, HUD hopes that the result will be a less time consuming and less complicated application process. This new process also allows an applicant to submit one application for funds for several programs. Except where statutory or regulatory requirements or program policy mandate differences, the SuperNOFA strives to provide for one set of rules, standardized rating factors, and uniform and consolidated application procedures.

(3) Enhance the ability of applicants to make more effective and efficient use of housing and community development funding when addressing community needs and implementing coordinated housing and community development strategies established in local Consolidated Plans, which is the single application for HUD housing and community development and other formula funds submitted by the local or State government. Through this SuperNOFA process, applicants are encouraged to: (i) create opportunities for strategic planning and citizen participation in a comprehensive context at the local level in order to establish a full continuum of housing and services; and (ii) promote methods for developing more coordinated and effective approaches to dealing with urban, suburban, and rural problems by recognizing the interconnections among the underlying problems and ways to address them through layering of available HUD programs;

(4) Promote the ability of eligible non-profit organizations to participate in many of the programs contained in this SuperNOFA; provide an increased opportunity to assist communities in developing continuum of care strategies, and supportive housing programs; and

(5) Recognize and make better use of the expertise that each of the programs, and organizations eligible for funding under this SuperNOFA, can



contribute when developing and implementing local housing and community development plans, the Consolidated Plan, and the HUD required Analysis of Impediments to Fair Housing Choice.

(C) Amounts Allocated. The amounts allocated to specific programs in this SuperNOFA are based on appropriated funds. Should recaptured funds become available in any program, HUD reserves the right to increase the available funding amounts by the amount of funds recaptured.

(D) Eligible Applicants and Eligible Activities. The eligible applicants and eligible activities for each program are identified and described for the program in the Programs Section of the SuperNOFA.

## II. Requirements and Procedures Applicable to All Programs.

Except as may be modified in the Programs Section of this Super NOFA, or as noted within the specific provisions of this Section II, the following principles apply to all programs. Please be sure to read the program area section of the SuperNOFA for additional requirements or information.

(A) Statutory Requirements. All applicants must meet and comply with all statutory and regulatory requirements applicable to the program for which they are seeking funding in order to be awarded funds. Copies of the regulations are available from the SuperNOFA Information Center or through the Internet at the HUD web site located at <http://www.HUD.gov>. HUD may reject an application from further funding consideration if the activities or projects proposed are ineligible, or (with the exception of the Section 202 and 811 programs) HUD may eliminate the ineligible activities from funding consideration and reduce the grant amount accordingly.

(B) Threshold Requirements -- Compliance with Fair Housing and Civil Rights Laws. All applicants, with the exception of Federally recognized Indian tribes, must comply with all Fair Housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, and the Indian Civil Rights Act. If an applicant (1) has been charged with a violation of the Fair Housing Act by the Secretary; (2) is the defendant in a Fair Housing Act lawsuit filed by the Department of Justice; or (3) has received a letter of noncompliance findings under Title VI of the Civil Rights Act, section 504 of the Rehabilitation Act, or section 109 of the Housing and Community Development Act, the applicant is not eligible to apply for funding under this SuperNOFA until the applicant resolves such charge, lawsuit, or letter of findings to the satisfaction of the Department.

(C) Additional Nondiscrimination Requirements. Applicants must comply with the Americans with Disabilities Act, and Title IX of the Education Amendments Act of 1972.

(D) Affirmatively Furthering Fair Housing. Unless otherwise specified in the Programs Section of this SuperNOFA, each successful applicant will have a duty to affirmatively further fair housing. Applicants should include in their applications or work plans the specific steps that they will take to (1) address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice; (2) remedy discrimination in housing; or (3) promote fair housing rights and fair housing choice. Further, applicants have a duty to carry out the specific activities cited in their responses to the rating factors that address affirmatively furthering fair housing in the Programs Section of this SuperNOFA.

**(E) Economic Opportunities for Low and Very Low-Income Persons (Section 3).** Certain programs in this SuperNOFA require recipients of HUD assistance to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons) and the HUD regulations at 24 CFR part 135, including the reporting requirements subpart E. Section 3 provides that recipients shall ensure that training, employment and other economic opportunities, to the greatest extent feasible, be directed to (1) low and very low income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low and very low income persons. The applicability of section 3 will be noted in the Programs Section of the SuperNOFA.

**(F) Relocation.** Any person (including individuals, partnerships, corporations or associations) who moves from real property or moves personal property from real property as a direct result of a written notice to acquire or the acquisition of the real property, in whole or in part, for a HUD-assisted activity is covered by acquisition policies and procedures and the relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and the implementing governmentwide regulation at 49 CFR part 24. Any person who moves permanently from real property or moves personal property from real property as a direct result of rehabilitation or demolition for an activity undertaken with HUD assistance is covered by the relocation requirements of the URA and the governmentwide regulation.

**(G) Forms, Certifications and Assurances.** Each applicant is required to submit signed copies of the standard forms, certifications, and assurances, listed in this section, unless the program funding in the Programs Section specifies otherwise. Additionally, the Programs Section may specify additional forms, certifications, assurances or other information that may be required for a particular program in this SuperNOFA.

- (1) Standard Form for Application for Federal Assistance (SF-424);
- (2) Standard Form for Budget Information--Non-Construction Programs (SF-424A) or Standard Form for Budget Information--Construction Programs (SF-424C), as applicable;
- (3) Standard Form for Assurances--Non-Construction Programs (SF-424B) or Standard Form for Assurances--Construction Programs (SF-424D), as applicable;
- (4) Drug-Free Workplace Certification (HUD-50070);
- (5) Certification and Disclosure Form Regarding Lobbying (SF-LLL); (Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are not required to submit this certification. Tribes and TDHEs established under State law are required to submit this certification.)
- (6) Applicant/Recipient Disclosure Update Report (HUD-2880);
- (7) Certification that the applicant will comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing. CDBG recipients also must certify to compliance with section 109 of the Housing and Community Development Act. Federally recognized Indian tribes must certify that they will comply with the requirements of the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, and the Indian Civil Rights Act.

(8) **Certification required by 24 CFR 24.510.** (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required.)

(H) **OMB Circulars.** The policies, guidances, and requirements of OMB Circular No. A-87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments), OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations), 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments) may apply to the award, acceptance and use of assistance under the programs of this SuperNOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the FY 1998 HUD Appropriations Act, other Federal statutes or the provisions of this SuperNOFA. Compliance with additional OMB Circulars may be specified for a particular program in the Programs Section of the SuperNOFA. Copies of the OMB Circulars may be obtained from EOP Publications, Room 2200, New Executive Office Building, Washington, DC 10503, telephone (202) 395-7332 (this is not a toll free number).

(I) **Environmental Requirements.** For programs under this SuperNOFA that assist physical development activities or property acquisition, grantees are generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these program activities, until one of the following has occurred: (1) HUD has completed an environmental review in accordance with 24 CFR part 50; or (2) for programs subject to 24 CFR part 58, HUD has approved a grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review. Applicants should consult the Programs Section for the applicable program to determine the procedures for, timing of, and any exclusions from environmental review under a particular program.

(J) **Conflicts of Interest.** Consultants or experts assisting HUD in rating and ranking applicants for funding under this SuperNOFA are subject to 18 U.S.C. 208, the Federal criminal conflict of interest statute, and to the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, individuals who have assisted or plan to assist applicants with preparing applications for this SuperNOFA may not serve on a selection panel or as a technical advisor to HUD for this SuperNOFA. All individuals involved in rating and ranking this SuperNOFA, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. If the selection or non-selection of any applicant under this NOFA affects the individual's financial interests set forth in 18 U.S.C. 208 or involves any party with whom the individual has a covered relationship under 5 CFR 2635.502, that individual must, prior to participating in any matter regarding this NOFA, disclose this fact to the General Counsel or the Ethics Law Division.

### III. Application Selection Process.

(A) **General.** To review and rate applications, HUD may establish panels including persons not currently employed by HUD to obtain certain expertise and outside points of view, including views from other Federal agencies.

(1) **Rating.** All applications for funding in each program listed in this SuperNOFA will be evaluated and rated against the criteria in this SuperNOFA. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance, unless otherwise

specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to the project.

(2) **Ranking**. Applicants will be ranked within each program (or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care section of this SuperNOFA). Applicants will be ranked only against others that applied for the same program funding and where there are set-asides within the competition, the applicant would only compete against applicants in the same set-aside competition.

(B) **Threshold Requirements**. HUD will review each application to determine whether the application meets all of the threshold criteria described for program funding made available under this SuperNOFA. Applications that meet all of the threshold criteria will be eligible to be rated and ranked, based on the criteria described, and the total number of points to be awarded.

(C) **Factors For Award Used To Evaluate and Rate Applications**. For all of the programs for which funding is available under this SuperNOFA, the points awarded for the rating factors total 100. Where applicable, the program may provide for up to four bonus points as provided in paragraphs (1) and (2) of this Section III(C), or other bonus points as may be specified in the individual program in the Programs Section of this SuperNOFA.

(1) **Bonus Points**. The SuperNOFA provides for the award of up to two bonus points for eligible activities/projects that are proposed to be located in federally designated Empowerment Zones, Enterprise Communities, or Urban Enhanced Enterprise Communities, and/or serve the EZ/EC residents, and are certified to be consistent with the strategic plan of the EZs and ECs. The application kit contains a certification which must be completed for the applicant to be considered for EZ/EC bonus points. A listing of the federally designated EZs, Enhanced ECs are available from the SuperNOFA Information Center, or through the HUD web site on the Internet at <http://www.HUD.gov>.

(2) **Court-Ordered Consideration**. Due to an order of the U.S. District Court for the Northern District of Texas, Dallas, Division, with respect to any application by the City of Dallas, Texas, for HUD funds, HUD shall consider the extent to which the strategies or plans in an application or applications submitted by the City of Dallas for any program under this SuperNOFA will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's low income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low income housing programs have on potential participants in the programs covered by this NOFA, and identify proposed actions for remedying those vestiges. HUD may add up to 2 points to the score based on this consideration. (This Section III(C)(2) is limited to applications submitted by the City of Dallas.)

(3) **The Five Standard Rating Factors**. The factors for rating and ranking applicants are listed in this Section III(C)(2) and maximum points for each factor, are provided in the Programs Section of the SuperNOFA. Each applicant should carefully read the factors for award as described in the program area section that they are seeking funding. While HUD has established the following basic factors for award, these may have been modified or adjusted to take into account specific program needs, or statutory or regulatory limitations imposed on a program. The standard factors for award, except as modified in the program area section are:

- Factor 1: Capacity of the Applicant and Relevant Organizational Staff
- Factor 2: Need/Extent of the Problem
- Factor 3: Soundness of Approach
- Factor 4: Leveraging Resources
- Factor 5: Comprehensiveness and Coordination

The Continuum of Care Homeless Assistance Programs have only two factors that receive points: Need and Continuum of Care.

(D) Negotiation. After all applications have been rated and ranked and a selection has been made, HUD may require, depending upon the program, that all winners participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations or a selected applicant fails to provide HUD with requested information, awards will not be made. In such instances, HUD may offer an award to the next highest ranking applicant, and proceed with negotiations with the next highest ranking applicant.

(E) Adjustments to Funding. HUD reserves the right to fund less than the full amount requested in any application to ensure the fair distribution of the funds and to ensure the purposes of the programs contained in this SuperNOFA are met. HUD may choose not to fund portions of the applications that are ineligible for funding under applicable program statutory or regulatory requirements, or which do not meet the requirements of this General Section of this SuperNOFA or the requirements in the Programs Section for the specific program, and fund eligible portions of the applications.

If funds remain after funding the highest ranking applications, HUD may fund part of the next highest ranking application in a given program area. If the applicant turns down the award offer, HUD will make the same determination for the next highest ranking application. If funds remain after all selections have been made, remaining funds may be available for other competitions for each program area where there is a balance of funds.

Additionally, in the event of a HUD procedural error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of this SuperNOFA, HUD may select that applicant when sufficient funds become available.

(F) Performance and Compliance Actions of Grantees. Performance and compliance actions of grantees will be measured and addressed in accordance with applicable standards and sanctions of their respective programs.

#### IV. Application Submission Requirements.

As discussed earlier in the introductory section of this SuperNOFA, part of the simplification of this funding process is to reduce the duplication of effort involved in completing and submitting similar applications for HUD funded programs. As the Program Chart shows above, this SuperNOFA provides for consolidated applications for several of the programs for which funding is available under this SuperNOFA.

#### V. Corrections to Deficient Applications.

After the application due date, HUD may not, consistent with 24 CFR part 4, subpart B, consider unsolicited information from an applicant. HUD may contact an applicant, however, to clarify an item in the application or to correct technical deficiencies. Applicants should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of the applicant's response to any eligibility or selection criterion. Examples of curable technical deficiencies include failure to submit the proper certifications or failure to submit an application containing an original signature by an authorized official. In each case, HUD will notify the applicant in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. Applicants must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 14 calendar days of the date of receipt of

the HUD notification. If the deficiency is not corrected within this time period, HUD will reject the application as incomplete. (Note that the Sections 202 and 811 Programs, by regulation, provide for appeal of rejection of an application on technical deficiency. Please see the programs sections for these programs for additional information.)

#### **VI. Promoting Comprehensive Approaches to Housing and Community Development.**

(A) General. HUD believes the best approach for addressing community problems is through a community-based process that provides a comprehensive response to identified needs. By making HUD's Targeted Housing and Homeless Assistance Programs funding available in one NOFA, applicants may be able to relate the activities proposed for funding under this SuperNOFA to the recent and upcoming NOFAs and the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice. A complete schedule of NOFAs to be published during the fiscal year and those already published appears under the HUD Homepage on the Internet, which can be accessed at <http://www.hud.gov/nofas.html>.

(B) Linking Program Activities With AmeriCorps. Applicants are encouraged to link their proposed activities with AmeriCorps, a national service program engaging thousands of Americans on a full or part-time basis to help communities address their toughest challenges, while earning support for college, graduate school, or job training. For information about AmeriCorps, call the Corporation for National Service at (202) 606-5000.

(C) Encouraging Visitability in New Construction and Substantial Rehabilitation Activities. In addition to applicable accessible design and construction requirements, applicants are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but does not require that all features be made accessible. Visitability means at least one entrance at grade (no steps), approached by an accessible route such as a sidewalk; the entrance door and all interior passage doors are at least 2 feet 10 inches wide, allowing 32 inches of clear passage space. Allowing use of 2'10" doors is consistent with the Fair Housing Act (at least for the interior doors), and may be more acceptable than requiring the 3 foot doors that are required in fully accessible areas under the Uniform Federal Accessibility Standards for a small percentage of units. A visitable home also serves persons without disabilities, such as a mother pushing a stroller, or a person delivering a large appliance. Copies of the UFAS are available from the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Room 5230, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 755-5404 or the TTY telephone number, 1-800-877 8399 (Federal Information Relay Service).

(D) Developing Healthy Homes. HUD's Healthy Homes Initiative is one of the initiatives developed by the White House Task Force on Environmental Health Risks and Safety Risks to Children that was established under Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks"). HUD encourages the funding of activities (to the extent eligible under specific programs) that promote healthy homes, or that promote education on what is a healthy home. These activities may include, but are not limited to the following: educating homeowners or renters about the need to protect children in their home from dangers that can arise from items such as curtain cords, electrical outlets, hot water, poisons, fire, and sharp table edges, among others; incorporating child safety measures in the construction, rehabilitation or maintenance of housing, which include but are not limited to: child safety latches on cabinets, hot water protection devices, properly ventilated windows to protect from mold, window guards to protect children from falling, proper pest management to prevent cockroaches which can cause

asthma, and activities directed to control of lead-based paint hazards. The National Lead Information Hotline is 1-800-424-5323.

## **VII. Findings and Certifications.**

(A) **Environmental Impact.** This SuperNOFA provides funding under, and does not alter the environmental requirements of 24 CFR parts 582, 583, and 882, subpart H (Continuum of Care Program); part 574 (HOPWA Program); and part 891 (Section 202 Supportive Housing for the Elderly Program and Section 811 Program of Supportive Housing for Persons with Disabilities). Accordingly, under 24 CFR 50.19(c)(5), this SuperNOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Activities under this SuperNOFA are subject to the environmental review provisions that are specified in the Environmental Requirements paragraph in each program section of this SuperNOFA.

(B) **Federalism, Executive Order 12612.** The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this SuperNOFA will not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Specifically, the SuperNOFA solicits applicants to expand their role in addressing community development needs in their localities, and does not impinge upon the relationships between the Federal government and State and local governments. As a result, the SuperNOFA is not subject to review under the Order.

(C) **Prohibition Against Lobbying Activities.** Applicants for funding under this SuperNOFA are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Applicants are required to certify, using the certification found at Appendix A to 24 CFR part 87, that they will not, and have not, used appropriated funds for any prohibited lobbying activities. In addition, applicants must disclose, using Standard Form LLL, "Disclosure of Lobbying Activities," any funds, other than Federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts. Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but tribes and TDHEs established under State law are not excluded from the statute's coverage.)

(D) **Section 102 of the HUD Reform Act; Documentation and Public Access Requirements.** Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this SuperNOFA as follows:

(1) **Documentation and public access requirements.** HUD will ensure that documentation and other information regarding each application submitted pursuant to this SuperNOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of

support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15.

(2) Disclosures. HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports--both applicant disclosures and updates--will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(3) Publication of Recipients of HUD Funding. HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the Federal Register on at least a quarterly basis to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(E) Section 103 HUD Reform Act. HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708-3815. (This is not a toll-free number.) For HUD employees who have specific program questions, the employee should contact the appropriate field office counsel, or Headquarters counsel for the program to which the question pertains.

#### VIII. The FY 1998 SuperNOFA Process and Future HUD Funding Processes.

In FY 1997, Secretary Cuomo took the first step in changing HUD's funding process to better promote comprehensive, coordinated approaches to housing and community development. In FY 1997, the Department published related NOFAs on the same day or within a few days of each other. In the individual NOFAs published in FY 1997, HUD advised that additional steps on NOFA coordination may be considered for FY 1998. The three SuperNOFAs to be published for FY 1998 represent the additional step taken by HUD to improve HUD's funding process and assist communities to make better use of available resources through a coordinated approach. This new SuperNOFA process was developed based on comments received from HUD clients and the Department believes it represents a significant improvement over HUD's approach to the funding process in prior years. For FY 1999, HUD may take even further steps to enhance this process. HUD welcomes comments from applicants and other members of the public on this process, and how it may be improved in future years.

The description of program funding available under this third SuperNOFA for Targeted Housing and Homeless Assistance Programs follows.



**FUNDING AVAILABILITY FOR CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS**

**SUPPORTIVE HOUSING PROGRAM (SHP)**

**SHELTER PLUS CARE (S+C)**

**SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY  
PROGRAM FOR HOMELESS INDIVIDUALS (SRO)**

**PROGRAM DESCRIPTION:** The process of developing a Continuum of Care system to assist homeless persons is part of the community's larger effort of developing a Consolidated Plan. For a community to successfully address its often complex and interrelated problems, including homelessness, the community must marshal its varied resources--community and economic development resources, social service resources, housing and homeless assistance resources--and use them in a coordinated and effective manner. The Consolidated Plan serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them.

For this competition, approximately \$640 million is available in FY 1998, and it is anticipated that up to an additional \$60 million may be made available in FY 1999, subject to appropriations. This total of approximately \$700 million is now being competed for the Continuum of Care Homeless Assistance Programs. Any unobligated funds from previous competitions or additional funds that may become available as a result of deobligations or recaptures from previous awards may be used in addition to 1998 appropriations to fund applications submitted in response to this program section of this SuperNOFA.

The funds available under this program section of this SuperNOFA can be used under any of three programs that can assist in creating community systems for combating homelessness. The three programs are: (1) Supportive Housing; (2) Shelter Plus Care; and (3) Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings for Homeless Individuals. The chart in the Attachment to this program section of this SuperNOFA summarizes key aspects of the programs. Program descriptions are contained in the applicable regulations cited in the chart.

As in previous funding availability announcements for the Continuum of Care Homeless Assistance Programs, amounts for each of the three programs will not be specified this year. Instead, the distribution of funds among the three programs will depend on locally determined priorities and overall demand. HUD reserves the right to fund less than the full amount requested in any application to ensure the fair distribution of the funds and to ensure the purposes of these homeless programs are met.

**APPLICATION DUE DATE:** Completed applications (an original containing the original signed documentation and two copies) are due before 12:00 midnight, Eastern time, on August 4, 1998 to the addresses shown below. See the General Section of this SuperNOFA for specific procedures governing the form of application submissions (e.g., mailed applications, express mail, overnight delivery, or hand carried).

**ELECTRONIC SUBMISSION:** Applicants are highly encouraged to use a special supplement to HUD's new Community Planning Software to prepare the application. The special supplement has been programmed to produce the charts and narratives that will meet both the requirements of the homelessness sections of the Consolidated Plan and the identical requirements of the Continuum of Care application. The supplement will also produce the necessary project-specific information. If you choose to use the supplement to prepare your Continuum of Care application, you will submit the required information on 3 1/2" computer diskettes, together with a paper copy of the entire application including the signed cover sheet (SF-424), all required

certifications and other signed documentation, by the deadline. Please submit three copies of these materials, as directed in the **ADDRESSES FOR SUBMITTING APPLICATIONS** section below. The supplement may be obtained at no charge by contacting the SuperNOFA Information Center by phone or internet as specified below.

#### **ADDRESSES FOR SUBMITTING APPLICATIONS:**

**To HUD Headquarters.** The original completed application (containing the original signed documentation) must be submitted to: Special Needs Assistance Programs Office, Room 7270, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, Attention: Continuum of Care Programs.

**To the Appropriate CPD Field Office.** Two copies of the completed application must also be submitted to the Community Planning and Development Division of the appropriate HUD Field Office for the applicant's jurisdiction. Field Office copies must be received by the deadline date as well, but a determination that an application was received on time will be made solely on receipt of the application at HUD Headquarters in Washington.

When submitting your application please refer to Continuum of Care Programs, and include your name, mailing address (including zip code) and telephone number (including area code).

#### **FOR APPLICATION KITS, FURTHER INFORMATION, AND TECHNICAL ASSISTANCE:**

**Application Kits.** For a copy of the application package, please call the SuperNOFA Information Center at 1-800-HUD-8929 (voice) or 1-800-483-2209 (TTY), or contact by Internet at <http://www.HUD.gov>.

**For Further Information.** For answers to your questions, you may call the HUD Field Office serving your area, at the telephone number shown in the application kit for this program, or you may contact the Community Connections Information Center at 1-800-998-9999 (voice) or 1-800-483-2209 (TTY) or by Internet at: <http://www.comcon.org/ccprog.html>.

**Technical Assistance.** Prior to the application deadline, HUD staff will be available to provide general guidance, but not guidance in actually preparing the application. HUD field office staff will also be available to help identify organizations in your community that are involved in developing the Continuum of Care system and, in the case of renewals, to determine the HUD final year amount (e.g., leasing, supportive services and operations for SHP, and rental assistance for S+C). Following conditional selection, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of a grant agreement or Annual Contributions Contract by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of the application pertinent to the funding decision.

#### **ADDITIONAL INFORMATION:**

##### **I. Authority; Purpose; Prioritizing**

##### **(A) Authority.**

The Supportive Housing Program is authorized by title IV, subtitle C, of the Stewart B. McKinney Homeless Assistance Act (McKinney Act), 42 U.S.C. 11381. Funds made available under this program section of the SuperNOFA for the Supportive Housing Program are subject to the program regulations at 24 CFR part 583.

The Shelter Plus Care program is authorized by title IV, subtitle F, of the McKinney Act, 42 U.S.C. 11403. Funds made available under this program section of the SuperNOFA for the Shelter Plus Care program are subject to the program regulations at 24 CFR part 582.

The Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (SRO) is authorized by section 441 of the McKinney Act, 42 U.S.C. 11401. Funds made available under this NOFA for the SRO program are subject to the program regulations at 24 CFR part 882, subpart H.

**(B) Purpose: Develop Continuum of Care Systems.**

The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons move to self-sufficiency and permanent housing. A Continuum of Care system consists of four basic components:

(1) A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless;

(2) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(3) Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

(4) Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

A Continuum of Care system is developed through a community-wide or region-wide process involving nonprofit organizations (including those representing persons with disabilities), government agencies, other homeless providers, housing developers and service providers, private foundations, neighborhood groups, and homeless or formerly homeless persons. It should address the specific needs of each homeless subpopulation: the jobless, veterans, persons with serious mental illnesses, persons with substance abuse issues, persons with HIV/AIDS, persons with multiple diagnoses, victims of domestic violence, youth, and any others.

The community process used in developing a Continuum of Care system must include interested veteran service organizations, particularly veteran service organizations with specific experience in serving homeless veterans, in order to ensure that the Continuum of Care system addresses the needs of homeless veterans.

High scores under the Continuum of Care scoring criteria will be assigned to applications that demonstrate the achievement of two basic goals:

- Have maximum participation by non-profit providers of housing and services; homeless and formerly homeless persons; state and local governments and agencies; veteran service organizations; organizations representing persons with disabilities; the private sector; housing developers; foundations and other community organizations.
- Create, maintain, and build upon a community-wide inventory of housing and services for homeless families and individuals; identify the full spectrum of needs of homeless families and individuals; and coordinate efforts to obtain resources,

particularly resources sought through this program section of the SuperNOFA, to fill gaps between the current inventory and existing needs. This inventory must appropriately address all aspects of the continuum, especially permanent housing.

In deciding the geographic area to be covered by a Continuum of Care strategy, applicants should be aware that the single most important factor in receiving funding under this competition will be the strength of the Continuum of Care strategy when measured against the Continuum of Care criteria described in this SuperNOFA. In determining what jurisdictions to include in a Continuum of Care strategy area, the applicant should include only those jurisdictions that are involved in the development and implementation of the Continuum of Care strategy.

Applicants should also be aware that the more jurisdictions included in a Continuum of Care strategy area, the larger the pro rata need share that will be allocated to the strategy area (as described in Section III(A)(4) of this program section of the SuperNOFA). However, it would be a mistake to include jurisdictions that are not fully involved in the development and implementation of the Continuum of Care strategy since this would adversely affect the Continuum of Care score. Because most rural counties have extremely small pro rata need shares, they may wish to consider working with larger groups of contiguous counties to develop a region-wide or multi-county Continuum of Care strategy covering the combined service areas of these counties.

Since the basic concept of a Continuum of Care strategy is the creation of a single, coordinated, inclusive homeless assistance system for an area, the areas covered by Continuum of Care strategies should not overlap. If there are cases where the Continuum of Care strategies geographically overlap to the extent that they are essentially competing with each other, projects in the applications/Continuum of Care that receive the highest score out of the possible 60 points for Continuum of Care will be eligible for up to 40 points under Need. Projects in the competing applications/Continuum of Care with the less effective Continuum of Care strategies will be eligible for only 10 points under Need. In no case will the same geography be used more than one time in assigning Need points. The local HUD field office can help applicants determine if any of the area proposed for inclusion by one Continuum of Care system is also likely to be claimed under another Continuum of Care system in this competition.

(C) Prioritizing. Priority decisions are best made through a locally-driven process and are key to the ultimate goal of reducing homelessness. As was done in 1997, this year's application (1998) instructs that all projects proposed for funding under this program section of the SuperNOFA be listed in priority order from the highest priority to the lowest. Generally, this priority order will mean, for example, that if funds are only available to award 8 of 10 proposed projects, then funding will be awarded to the first eight projects listed. HUD expects nonprofit organizations to be given a fair role in establishing these priorities.

This priority list will be used in awarding up to 40 points per project under the "Need" scoring criteria. Higher priority projects will receive more points under Need than lower priority projects. If a complete project priority chart is not submitted for the continuum, then all projects will receive the lowest score for Need.

Project renewals. Consistent with the Continuum of Care approach, HUD funds that are needed to continue grants that will be expiring in 1999 (Supportive Housing grants, Supportive Housing Demonstration Program grants, SAFAH grants, and Shelter Plus Care grants, as described below) will only be available through the competitive process described in this program section of

the SuperNOFA.

The need for the continuation of previously funded projects must be considered in the local needs analysis process and a decision should be made locally on the priority to assign to the continuation of a project. HUD will not fund renewals out of order on the priority list. It is important that the applicant, regardless of the priority assigned to expiring projects, has fully considered how persons currently being served by those projects will continue to be served, and has addressed this issue in its gap analysis. In last year's competition, numerous renewal projects that were not assigned top priority by a locality did not receive funding. To the extent a community desires to have such projects renewed, it should give them the top priorities on the priority projects listing in the application. Since renewal projects receive no special consideration during the review, it is important that they meet minimum project eligibility, capacity, and quality standards identified in this program section of the SuperNOFA or they will be rejected. For the renewal of a Supportive Housing Program project, Supportive Housing Demonstration Program project or SAFAH project, you may request funding for one (1), two (2) or three (3) years. The amount of this request can be up to the total of HUD grant funds for leasing, operations, and supportive services approved for the final year of the expiring grant's term. For the renewal of a Shelter Plus Care project, the grant term is fixed at five (5) years as required by statute. You may request up to the amount determined by multiplying the number of units under lease at the time of application for renewal funding under this SuperNOFA by the applicable current Fair Market Rent(s) by 60 months. While full funding of existing grants may be requested, there is no guarantee that the entire amount will be awarded.

This program section of the SuperNOFA is not applicable to the renewal of funding under the SRO program. For further guidance on SRO renewals, please contact your local HUD Field Office.

Applicants eligible to apply for renewal of a grant are only those that have executed a grant agreement for the project directly with HUD. Project sponsors or subrecipients who have not signed such an agreement are not eligible to serve as applicant for renewal of these projects. The local HUD field office can provide assistance in determining eligibility to apply for project renewal. To be considered an applicant when applying as part of a consolidated application, the eligible applicant must submit an originally signed HUD Form SF-424 and the necessary certifications and assurances.

## **II. Application Requirements**

The application kit provides the application materials, including Form SF-424 and certifications, that must be used in applying for homeless assistance under this SuperNOFA. These application materials substitute for the forms, certifications, and assurances listed in Section II(G) of the General Section of the SuperNOFA.

The application requires a description of the Continuum of Care system and proposed project(s). It also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other Federal requirements, and (where applicable) that the proposed activities are consistent with the HUD-approved Consolidated Plan of the applicable State or unit of general local government, including the Analysis of Impediments to Fair Housing and the Action Plan to address these impediments. Projects funded under this SuperNOFA shall operate in a fashion that does not deprive any individual of any right protected by the Fair Housing Act (42 U.S.C. 3601-19), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) Section II(D) of the General Section of this SuperNOFA regarding Affirmatively Furthering Fair Housing does not apply to the

Continuum of Care Homeless Assistance programs.

There are three options for submitting an application under this program section of the SuperNOFA.

**One:** A "Consolidated Application" is submitted when a jurisdiction (or a consortium of jurisdictions) submits a single application encompassing a Continuum of Care strategy and containing all the projects within that strategy for which funding is being requested. Individual projects are contained within the one consolidated application. Grant funding may go to one entity which then administers all funded projects submitted in the application, or under this option, grant funding may go to all or any of the projects individually. Your application will specify the grantee for each project.

**Two:** "Associated Applications" are submitted when applicants plan and organize a single Continuum of Care strategy which is adopted by project sponsors or operators who choose to submit separate applications for projects while including the identical Continuum of Care strategy. In this case, project funding would go to each successful applicant individually and each would be responsible to HUD for administering its separate grant.

**Three:** A "Solo Application" is submitted when an applicant applies for a project exclusive of participation in any community-wide or region-wide Continuum of Care development process.

Options one and two are not substantively different and will be considered equally competitive. Applicants are advised that projects that are not a part of a Continuum of Care strategy will receive few, if any, points under the Continuum of Care rating criteria.

### III. Application Selection Process

#### (A) Review, Rating and Conditional Selection.

HUD will use the same review, rating, and conditional selection process for all three programs (S+C, SRO, and SHP). The standard factors for award identified in the General Section of this SuperNOFA have been modified in this program section as described below. Only the criteria described in this program section--Continuum of Care and Need--will be used to assign points. To review and rate applications, HUD may establish panels, including persons not currently employed by HUD, to obtain certain expertise and outside points of view, including views from other Federal agencies. Two types of reviews will be conducted. Paragraphs (1) and (2) below describe threshold reviews and paragraphs (3) and (4) describe criteria--Continuum of Care and Need--that will be used to assign points. Up to 104 points (including bonus points and points for the court-ordered consideration described in Section III(C)(1) and (2) of the General Section of the SuperNOFA) will be assigned using these criteria.

(1) Applicant and sponsor eligibility and capacity. Applicant and project sponsor capacity will be reviewed to ensure the following eligibility and capacity standards are met. If HUD determines these standards are not met, the project will be rejected from the competition.

- The applicant must be eligible to apply for the specific program;
- The applicant must demonstrate that there is sufficient knowledge and experience to carry out the project(s). With respect to each proposed project, this means that in addition to knowledge of and experience with homelessness in general, the organization carrying out the project, its employees, or its partners, must have the

necessary experience and knowledge to carry out the specific activities proposed, such as housing development, housing management, and service delivery;

- If the applicant or project sponsor is a current or past recipient of assistance under a HUD McKinney Act program or the HUD Single Family Property Disposition Homeless Program, there must be no project or construction delay, HUD finding, or outstanding audit finding of a material nature regarding the administration of HUD McKinney Act programs or the HUD Single Family Property Disposition Homeless Program; and
- The applicant and project sponsors must be in compliance with applicable civil rights laws and Executive Orders, and must meet the threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(2) Project eligibility and quality. Each project will be reviewed to determine if it meets the following eligibility and threshold quality standards. If HUD determines the following standards are not met by a specific project or activity, the project or activity will be rejected from the competition.

- The population to be served must meet the eligibility requirements of the specific program, as described in the application instructions;
- The activity(ies) for which assistance is requested must be eligible under the specific program, as described in the program regulations;
- The housing and services proposed must be appropriate to the needs of the persons to be served. HUD may find a project to be inappropriate if:
  - The type and scale of the housing or services clearly does not fit the needs of the proposed participants (e.g., housing homeless families with children in the same space as homeless individuals, or separating members of the same family, without an acceptable rationale provided);
  - Participant safety is not addressed;
  - The housing or services are clearly designed to principally meet emergency needs rather than helping participants achieve self-sufficiency;
  - Transportation and community amenities are not available and accessible; or
  - Housing accessibility for persons with disabilities is not provided as required by applicable laws;
- The project must be cost-effective in HUD's opinion, including costs associated with construction, operations, and administration, with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity;
- Supportive services only projects, and all others, must show how participants will be helped to access permanent housing and achieve self-sufficiency;

- For the Section 8 SRO program, at least 25 percent of the units to be assisted at any one site must be vacant at the time of application; and
- For those projects proposed under the SHP innovative category: Whether or not a project is considered innovative will be determined on the basis that the particular approach proposed is new to the area, is a sensible model for others, and can be replicated.

(3) Continuum of Care. Up to 60 points will be awarded as follows:

(a) Process and Strategy. Up to 30 points will be awarded based on the extent to which the application demonstrates:

- The existence of a quality and inclusive community process, including organizational structure(s), for developing and implementing a Continuum of Care strategy which includes nonprofit organizations (such as veterans service organizations, organizations representing persons with disabilities, and other groups serving homeless persons), State and local governmental agencies, other homeless providers, housing developers and service providers, private foundations, local businesses and the banking community, neighborhood groups, and homeless or formerly homeless persons, as articulated in Section I(D) of this program section of the SuperNOFA; and
- That a quality and comprehensive strategy has been developed which addresses the components of a Continuum of Care system (i.e., outreach, intake, and assessment; emergency shelter; transitional housing; permanent and permanent supportive housing) and that strategy has been designed to serve all homeless subpopulations in the community (e.g., seriously mentally ill, persons with multiple diagnoses, veterans, persons with HIV/AIDS), including those persons living in emergency shelters, supportive housing for homeless persons, or in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) Gaps and Priorities. Up to 20 points will be awarded based on the extent to which the application:

- Describes the gap analysis performed, uses reliable information and sources that are presented completely and accurately, and establishes the relative priority of homeless needs identified in the Continuum of Care strategy; and
- Proposes projects that are consistent with the priority analysis described in the Continuum of Care strategy, describes a fair project selection process, explains how gaps identified through the analysis are being addressed, and correctly completes the priority chart.

In reviewing a community's Continuum of Care and determining the points to assign, HUD will consider whether the community took its renewal needs into account in preparing its project priority list.

(c) Supplemental Resources. Up to 10 points will be awarded based on the extent to which the application demonstrates leveraging of funds requested under this program section of the SuperNOFA with other resources, including private, other public, and mainstream services and housing programs.



(d) EZ/EC bonus points. As provided for in Section III(C)(1) of the General Section of this SuperNOFA, a bonus of up to 2 points will be added to the Continuum of Care score when some proposed homeless assistance projects will be located within the boundaries and/or will principally serve the residents of a federal Empowerment Zone, Enterprise Community or Enhanced Enterprise Community (collectively "EZ/EC") if priority placement will be given by the project to homeless persons living on the streets or in shelters within the EZ/EC, or whose last known address was within the EZ/EC. In order for a Continuum of Care system to receive any of the bonus points, the applicant must specifically state how it meets the EZ/EC bonus criterion, and provide a narrative describing the extent of the linkages and coordination between proposed projects and the EZ/EC. The greater the extent of EZ/EC involvement in and coordination with the implementation strategy for the Continuum of Care system and projects, the greater the likelihood that bonus points will be awarded.

(e) Court-ordered consideration. Section III(C)(2) of the General Section is applicable to this program.

(4) Need. Up to 40 points will be awarded for need. There is a three-step approach to determining the need scores to be awarded to projects:

(a) Determining relative need: To determine the homeless assistance need of a particular jurisdiction, HUD will use nationally available data, including the following factors as used in the Emergency Shelter Grants program: data on poverty, housing overcrowding, population, age of housing, and growth lag. Applying those criteria to a particular jurisdiction provides an estimate of the relative need index for that jurisdiction compared to other jurisdictions applying for assistance under this program section of the SuperNOFA.

(b) Applying relative need: That relative need index is then applied to the total amount of funding estimated to be available under this program section of the SuperNOFA to determine a jurisdiction's pro rata need. HUD reserves the right to adjust pro rata need, if necessary, to address the issue of project renewals.

(c) Awarding need points to projects: Once the pro rata need is established, it is applied against the priority project list in the application. Starting from the highest priority project, HUD proceeds down the list to include those projects whose total funding equals that jurisdiction's pro rata need. Those priority projects which fall within that pro rata need each receive the full 40 points for need. Thereafter, HUD proceeds further down the priority project list until two (2) times the pro rata need is reached and each of those projects receive 20 points. Remaining projects each receive 10 points. If a project priority chart is not submitted for the continuum, then all projects will receive 10 points for Need.

In the case of competing applications from a single jurisdiction or service area, projects in the application that received the highest score out of the possible 60 points for Continuum of Care are eligible for up to 40 points under Need. Projects in the competing applications with lower Continuum of Care scores are eligible for only 10 points under Need.

(5) Ranking. The score for Continuum of Care will be added to the Need score in order to obtain a total score for each project. The projects will then be ranked from highest to lowest according to the total combined score.

(6) Conditional Selection and Adjustments to Funding.

(a) Conditional Selection. Whether a project is conditionally selected, as described in Section IV below, will depend on its overall ranking

compared to others, except that HUD reserves the right to select lower rated eligible projects that are part of comprehensive, coordinated, and inclusive Continuum of Care systems that would not otherwise receive funding if necessary to achieve geographic diversity.

When insufficient funds remain to fund all projects having the same total score, HUD will break ties by comparing scores received by the projects for each of the following scoring factors, in the order shown: Need, Overall Continuum of Care (COC) score, COC Process and Strategy, COC Gaps and Priorities, and COC Supplemental Resources. The final tie-breaking factor is the priority number of the competing projects on the applicable COC priority list(s).

(b) Adjustments to Funding. HUD may adjust funding of applications in accordance with the provisions of Section III(E) of the General Section of the SuperNOFA. HUD also reserves the right to ensure that a project that is applying for and eligible for selection under this competition is not awarded funds that duplicate activities.

(7) Additional selection considerations. HUD will also apply the limitations on funding described below in making conditional selections.

In accordance with section 429 of the McKinney Act, HUD will award Supportive Housing funds as follows: not less than 25 percent for projects that primarily serve homeless families with children; not less than 25 percent for projects that primarily serve homeless persons with disabilities; and not less than 10 percent for supportive services not provided in conjunction with supportive housing. After projects are rated and ranked, based on the criteria described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If not, HUD will skip higher-ranked projects in a category for which the minimum percent has been achieved in order to achieve the minimum percent for another category. If there are an insufficient number of conditionally selected projects in a category to achieve its minimum percent, the unused balance will be used for the next highest-ranked approvable Supportive Housing project.

In accordance with section 463(a) of the McKinney Act, as amended by the Housing and Community Development Act of 1992, at least 10 percent of Shelter Plus Care funds will be awarded for each of the four components of the program: Tenant-based Rental Assistance; Sponsor-based Rental Assistance; Project-based Rental Assistance; and Section 8 Moderate Rehabilitation of Single Room Occupancy Dwellings for Homeless Individuals (provided there are sufficient numbers of approvable projects to achieve these percentages). After projects are rated and ranked, based on the criteria described below, HUD will determine if the conditionally selected projects achieve these minimum percentages. If necessary, HUD will skip higher-ranked projects for a component for which the minimum percent has been achieved in order to achieve the minimum percent for another component. If there are an insufficient number of approvable projects in a component to achieve its minimum percent, the unused balance will be used for the next highest-ranked approvable Shelter Plus Care project.

In accordance with section 455(b) of the McKinney Act, no more than 10 percent of the assistance made available for Shelter Plus Care in any fiscal year may be used for programs located within any one unit of general local government. In accordance with section 441(c) of the McKinney Act, no city or urban county may have Section 8 SRO projects receiving a total of more than 10 percent of the assistance made available under this program. HUD is defining the 10 percent availability this fiscal year as \$10 million for Shelter Plus Care and \$10 million for Section 8 SRO. However, if the amount awarded under either of these two programs exceeds \$100 million, then the amount awarded to any one unit of general local government (for purposes of the Shelter Plus Care program) or city or urban county (for the purposes of the SRO program) could be up to 10 percent of the actual total amount awarded for that program.

Lastly, HUD reserves the right to reduce the amount of a grant if necessary to ensure that no more than 10 percent of assistance made available under this program section of the SuperNOFA will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one Continuum of Care. If HUD exercises a right it has reserved under this program section of the SuperNOFA, that right will be exercised uniformly across all applications received in response to this program section of the SuperNOFA.

#### IV. Funding Award Process

HUD will notify conditionally selected applicants in writing. As necessary, HUD will subsequently request them to submit additional project information, which may include documentation to show the project is financially feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for HUD to perform an environmental review, where applicable; and such other documentation as specified by HUD in writing to the applicant, that confirms or clarifies information provided in the application. SHP, SRO, S+C and S+C/SRO applicants will be notified of the deadline for submission of such information. If an applicant is unable to meet any conditions for fund award within the specified timeframe, HUD reserves the right not to award funds to the applicant, but instead to either: use them to select the next highest ranked application(s) from the original competition for which there are sufficient funds available; or add them to funds available for the next competition for the applicable program.

#### V. Program Limitations.

(A) SRO program. Applicants need to be aware of the following limitations that apply to the Section 8 SRO program:

- Under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 assisted units;
- Under 24 CFR 882.802, applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance;
- Under section 8(e)(2) of the United States Housing Act of 1937 and 24 CFR 882.802, rehabilitation must involve a minimum expenditure of \$3000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to upgrade conditions to comply with the Housing Quality Standards.
- Under section 441(e) of the McKinney Act and 24 CFR 882.805(d)(1), HUD publishes the SRO per unit rehabilitation cost limit each year to take into account changes in construction costs. This cost limitation applies to rehabilitation that is compensated for in a Housing Assistance Payments Contract. For purposes of Fiscal Year 1998 funding, the cost limitation is raised from \$16,900 to \$17,200 per unit to take into account increases in construction costs during the past 12-month period.

(B) Shelter Plus Care/Section 8 SRO Component. With regard to the SRO component of the Shelter Plus Care program, applicant States, units of general local government and Indian tribes must subcontract with a Public Housing Authority to administer the Shelter Plus Care assistance. Also with regard to this component, no single project may contain more than 100 units.

#### VI. Timeliness Standards.

Applicants are expected to initiate their approved projects promptly. If implementation difficulties occur, applicants need to be aware of the following timeliness standards:

**(A) Supportive Housing Program.**

- HUD will deobligate SHP funds if site control has not been demonstrated within one (1) year after initial notification of the grant award, as provided in 24 CFR 583.320(a), subject to the exceptions noted in that regulation.
- Except where HUD finds that delay was due to factors beyond the control of the grantee, HUD may deobligate SHP funds if the grantee does not meet the following additional timeliness standards:
  - Construction activities must begin within eighteen (18) months after initial notification of the grant award and be completed within thirty-six (36) months after that notification.
  - For activities that cannot begin until construction activities are completed, such as supportive service or operating activities that will be conducted within the building being rehabilitated or newly constructed, these activities must begin within three (3) months after the construction is completed.
  - For all activities that may proceed independent of construction activities, these activities must begin within twelve (12) months after initial notification of the grant award.

**(B) Shelter Plus Care Program Components Except SRO Component.** Except where HUD finds that delay was due to factors beyond the control of the grantee, HUD will deobligate S+C funds if the grantee does not meet the following timeliness standards:

- For Tenant-based Rental Assistance, for Sponsor-based Rental Assistance, and for Project-based Rental Assistance without rehabilitation, the rental assistance must begin within twelve (12) months of the initial announcement of the grant award.
- For Project-based Rental Assistance with rehabilitation, the rehabilitation must be completed within twelve (12) months of initial notification of the grant award.

**(C) SRO Program and SRO Component of the Shelter Plus Care Program.**

For projects carried out under the SRO program and the SRO component of the S+C program, the rehabilitation work must be completed and the Housing Assistance Payments contract executed within twelve (12) months of execution of the Annual Contributions Contract. HUD may reduce the number of units or the amount of the annual contribution commitment if, in the determination of HUD, the Public Housing Authority fails to demonstrate a good faith effort to adhere to this schedule.

**VII. Linking Supportive Housing Programs and Americorps.**

Applicants for the Supportive Housing Program are encouraged to link their proposed projects with AmeriCorps, a national service program engaging thousands of Americans on a full or part-time basis to help communities address their toughest challenges, while earning support for college, graduate school, or job training. For information about AmeriCorps SHP partnerships, call the Corporation for National Service at (202) 606-5000 extension 486.

#### VIII. Other Matters

(A) Corrections to Deficient Applications. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications (See Section V of the General Section).

(B) Environmental Requirements. All Continuum of Care assistance is subject to the National Environmental Policy Act of 1969 and related Federal environmental authorities. No Federal or non-Federal funds or assistance that limits reasonable choices or could produce a significant adverse environmental impact may be committed to a project until all required environmental reviews and notifications have been completed. Conditional selection of projects under the Continuum of Care Program is subject to the environmental review requirements under 24 CFR 582.230, 583.230, and 882.804(c), as applicable.

(C) Section 3. To the extent that any housing assistance (including rental assistance) funded through this program section of the SuperNOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968, and the implementing regulations at 24 CFR part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

**ATTACHMENT**  
**CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS**

<b>ELEMENT</b>	<b>SUPPORTIVE HOUSING</b>	<b>SHELTER PLUS CARE</b>	<b>SECTION 8 SRO</b>
<b>AUTHORIZING LEGISLATION</b>	Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act	Subtitle F of Title IV of the Stewart B. McKinney Homeless Assistance Act	Section 441 of the Stewart B. McKinney Homeless Assistance Act
<b>IMPLEMENTING REGULATIONS</b>	24 CFR part 583	24 CFR part 582	24 CFR part 882
<b>ELIGIBLE APPLICANT(S)</b>	<ul style="list-style-type: none"> <li>• States</li> <li>• Units of general local government</li> <li>• Special purpose units of government such as public housing agencies (PHAs)</li> <li>• Private nonprofit organizations</li> <li>• CMHCs that are public nonprofit organizations</li> </ul>	<ul style="list-style-type: none"> <li>• States</li> <li>• Units of general local government</li> <li>• PHAs</li> </ul>	<ul style="list-style-type: none"> <li>• PHAs</li> <li>• Private nonprofit organizations</li> </ul>
<b>ELIGIBLE COMPONENTS</b>	<ul style="list-style-type: none"> <li>• Transitional housing</li> <li>• Permanent housing for disabled persons only</li> <li>• Supportive services not in conjunction with supportive housing</li> <li>• Safe Havens</li> <li>• Innovative supportive housing</li> </ul>	<ul style="list-style-type: none"> <li>• Tenant-based</li> <li>• Sponsor-based</li> <li>• Project-based</li> <li>• SRO-based</li> </ul>	<ul style="list-style-type: none"> <li>• SRO housing</li> </ul>
<b>ELIGIBLE ACTIVITIES</b> See footnotes 1, 2, and 3	<ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs</li> <li>• Supportive services</li> </ul>	<ul style="list-style-type: none"> <li>• Rental assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Rental Assistance</li> </ul>
<b>ELIGIBLE POPULATIONS</b> See footnote 2	<ul style="list-style-type: none"> <li>• Homeless persons</li> </ul>	<ul style="list-style-type: none"> <li>• Homeless disabled individuals</li> <li>• Homeless disabled individuals and their families</li> </ul>	<ul style="list-style-type: none"> <li>• Homeless individuals</li> <li>• Section 8 eligible current occupants</li> </ul>

<b>POPULATIONS GIVEN SPECIAL CONSIDERATION</b>	<ul style="list-style-type: none"> <li>● Homeless persons with disabilities</li> <li>● Homeless families with children</li> </ul>	Homeless persons who: <ul style="list-style-type: none"> <li>● are seriously mentally ill</li> <li>● have chronic problems with alcohol and/or drugs</li> <li>● have AIDS and related diseases</li> </ul>	N/A
<b>INITIAL TERM OF ASSISTANCE</b>	3 years	5 years: TRA, SRA, and PRA if no rehab 10 years: SRO and PRA with rehab	10 years

Footnote 1: Homeless prevention activities are statutorily ineligible under these programs.

Footnote 2: Persons at risk of homelessness are statutorily ineligible for assistance under these programs.

Footnote 3: Acquisition, construction, rehabilitation, leasing, and operating costs for emergency shelters are statutorily ineligible for assistance under Shelter Plus Care and Section 8 SRO.

## **APPENDIX A TO SUPERNOFA**

### **HUD Field Office Contact Information**

Not all Field Offices listed handle all of the programs contained in the SuperNOFAs. Applicants should look to the SuperNOFAs for contact numbers for information on specific programs. Office Hour listings are local time. Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 1-800-877-8339.

#### **New England**

Connecticut State Office  
One Corporate Center, 19<sup>th</sup> Floor  
Hartford, CT 06103-3220  
860-240-4800  
Office Hours: 8:00 - 4:30 PM

Maine State Office  
99 Franklin Street  
Third Floor, Suite 302  
Bangor, ME 04401-4925  
207-945-0467  
Office Hours: 8:00 AM - 4:30 PM

Massachusetts State Office  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street, Room 375  
Boston, MA 02222-1092  
617-565-5234  
Office Hours: 8:30 AM - 5:00 PM

New Hampshire State Office  
Norris Cotton Federal Building  
275 Chestnut Street  
Manchester, NH 03101-2487  
603-666-7681  
Office Hours: 8:00 AM - 4:30 PM

Rhode Island State Office  
Sixth Floor  
10 Weybosset Street  
6<sup>th</sup> floor  
Providence, RI 02903-2808  
401-528-5230  
Office Hours: 8:00 AM - 4:30 PM

Vermont State Office  
U.S. Federal Building, Room 237  
11 Elmwood Avenue  
P.O. Box 879  
Burlington, VT 05402-0879  
802-951-6290  
Office Hours: 8:00 AM - 4:30 PM

#### **New York/New England**

Albany Area Office  
52 Corporate Circle  
Albany, NY 12203-5121  
518-464-4200  
Office Hours: 7:30 AM - 4:00 PM

Buffalo Area Office  
Lafayette Court  
465 Main Street, Fifth Floor  
Buffalo, NY 14203-1780  
716-551-5755  
Office Hours: 8:00 AM - 4:30 PM

Camden Area Office  
Hudson Building  
800 Hudson Square, Second Floor  
Camden, NJ 08102-1156  
609-757-5081  
Office Hours: 8:00 AM - 4:30 PM



New Jersey State Office  
One Newark Center  
13<sup>th</sup> Floor  
Newark, NJ 07102-5260  
973-622-7900  
Office Hours: 8:00 AM - 4:30 PM

New York State Office  
26 Federal Plaza  
New York, NY 10278-0068  
212-264-6500  
Office Hours: 8:30 AM - 5:00 PM

#### **Mid Atlantic**

Delaware State Office  
824 Market Street, Suite 850  
Wilmington, DE 19801-3016  
302-573-6300  
Office Hours: 8:00 AM - 4:30 PM

District of Columbia Office  
820 First Street, N.E., Suite 450  
Washington, DC 20002-4205  
202-275-9200  
Office Hours: 8:30 AM - 4:30 PM

Maryland State Office  
City Crescent Building  
10 South Howard Street, Fifth Floor  
Baltimore, MD 21201-2505  
410-962-2520  
Office Hours: 8:30 AM - 4:30 PM

Pennsylvania State Office  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3380  
215-656-0600  
Office Hours: 8:30 AM - 4:30 PM

Pittsburgh Area Office  
339 Sixth Avenue, Sixth Floor  
Pittsburgh, PA 15222-2515  
412-644-6428  
Office Hours: 8:30 AM - 4:30 PM

Virginia State Office  
The 3600 Centre  
3600 West Broad Street  
Richmond, VA 23230-4920  
804-278-4539  
Office Hours: 8:30 AM - 4:30 PM

West Virginia State Office  
405 Capitol Street, Suite 708  
Charleston, WV 25301-1795  
304-347-7000  
Office Hours: 8:00 AM - 4:30 PM

#### **Southeast/Caribbean**

Alabama State Office  
Beacon Ridge Tower  
600 Beacon Parkway West, Suite 300  
Birmingham, AL 35209-3144  
205-290-7617  
Office Hours: 8:00 AM - 4:30 PM

Caribbean Office  
New San Juan Office Building  
159 Carlos E. Chardon Avenue  
San Juan, PR 00918-1804  
787-766-5201  
Office Hours: 8:00 AM - 4:30 PM

Florida State Office  
Gables One Tower  
1320 South Dixie Highway  
Coral Gables, FL 33146-2926  
305-662-4500  
Office Hours: 8:30 AM - 5 PM

Georgia State Office  
Richard B. Russell Federal Building  
75 Spring Street, S.W.  
Atlanta, GA 30303-3388  
404-331-5136  
Office Hours: 8:00 AM - 4:30 PM

Jacksonville Area Office  
 Southern Bell Tower  
 301 West Bay Street, Suite 2200  
 Jacksonville, FL 32202-5121  
 904-232-2627  
 Office Hours: 8:00 AM - 4:30 PM

Kentucky State Office  
 601 West Broadway  
 P.O. Box 1044  
 Louisville, KY 40201-1044  
 502-582-5251  
 Office Hours: 8:00 AM - 4:45 PM

Knoxville Area Office  
 John J. Duncan Federal Building  
 710 Locust Street, 3<sup>rd</sup> Floor  
 Knoxville, TN 37902-2526  
 423-545-4384  
 Office Hours: 7:30 AM - 4:15 PM

Memphis Area Office  
 One Memphis Place  
 200 Jefferson Avenue, Suite 1200  
 Memphis, TN 38103-2335  
 901-544-3367  
 Office Hours: 8:00 AM - 4:30 PM

Mississippi State Office  
 Doctor A. H. McCoy Federal Building  
 100 West Capital Street, Room 910  
 Jackson, MS 39269-1096  
 601-965-4738  
 Office Hours: 8:00 AM - 4:45 PM

North Carolina State Office  
 Koger Building  
 2306 West Meadowview Road  
 Greensboro, NC 27407-3707  
 910-547-4000  
 Office Hours: 8:00 AM - 4:45 PM

Orlando Area Office  
 Langley Building  
 3751 Maguire Blvd, Suite 270  
 Orlando, FL 32803-3032  
 407-648-6441  
 Office Hours: 8:00 AM - 4:30 PM

South Carolina State Office  
 Strom Thurmond Federal Building  
 1835 Assembly Street  
 Columbia, SC 29201-2480  
 803-765-5592  
 Office Hours: 8:00 AM - 4:45 PM

Tampa Area Office  
 Timberlake Federal Building Annex  
 501 East Polk Street, Suite 700  
 Tampa, FL 33602-3945  
 813-228-2501  
 Office Hours: 8:00 AM - 4:30 PM

Tennessee State Office  
 251 Cumberland Bend Drive, Suite 200  
 Nashville, TN 37228-1803  
 615-736-5213  
 Office Hours: 8:00 AM - 4:30 PM

### Midwest

Cincinnati Area Office  
 525 Vine Street, 7<sup>th</sup> Floor  
 Cincinnati, OH 45202-3188  
 513-684-3451  
 Office Hours: 8:00 AM - 4:45 PM

Cleveland Area Office  
 Renaissance Building  
 1350 Euclid Avenue, Suite 500  
 Cleveland, OH 44115-1815  
 216-522-4065  
 Office Hours: 8:00 AM - 4:40 PM

Flint Area Office  
The Federal Building  
605 North Saginaw, Suite 200  
Flint, MI 48502-2043  
810-766-5108  
Office Hours: 8:00 AM - 4:30 PM

Grand Rapids Area Office  
Trade Center Building  
50 Louis Street, NW, 3<sup>rd</sup> Floor  
Grand Rapids, MI 49503-2648  
616-456-2100  
Office Hours: 8:00 AM - 4:30 PM

Illinois State Office  
Ralph H. Metcalfe Federal Building  
77 West Jackson Blvd  
Chicago, IL 60604-3507  
312-353-5680  
Office Hours: 8:15 AM - 4:45 PM

Indiana State Office  
151 North Delaware Street  
Indianapolis, IN 46204-2526  
317-226-6303  
Office Hours: 8:00 AM - 4:45 PM

Michigan State Office  
Patrick V. McNamara Federal Building  
477 Michigan Avenue  
Detroit, MI 48226-2592  
313-226-7900  
Office Hours: 8:00 AM - 4:30 PM

Minnesota State Office  
220 Second St., South  
Minneapolis, MN 55401-2195  
612-370-3000  
Office Hours: 8:00 AM - 4:30 PM

Ohio State Office  
200 North High Street  
Columbus, OH 43215-2499  
614-469-5737  
Office Hours: 8:00 AM - 4:45 PM

Wisconsin State Office  
Henry S. Reuss Federal Plaza  
310 West Wisconsin Avenue, Suite 1380  
Milwaukee, WI 53203-2289  
414-297-3214  
Office Hours: 8:00 AM - 4:30 PM

### Southwest

Arkansas State Office  
TCBY Tower  
425 West Capitol Avenue, Suite 900  
Little Rock, AR 72201-3488  
501-324-5931  
Office Hours: 8:00 AM - 4:30 PM

Dallas Area Office  
Maceo Smith Federal Building  
525 Griffin Street, Room 860  
Dallas, TX 75202-5007  
214-767-8359  
Office Hours: 8:00 AM - 4:30 PM

Houston Area Office  
Norfolk Tower  
2211 Norfolk, Suite 200  
Houston, TX 77098-4096  
713-313-2274  
Office Hours: 7:45 AM - 4:30 PM

Louisiana State Office  
Hale Boggs Federal Building  
501 Magazine Street, 9<sup>th</sup> Floor  
New Orleans, LA 70130-3099  
504-589-7201  
Office Hours: 8:00 AM - 4:30 PM

Lubbock Area Office  
George H. Mahon Federal Building and  
United States Courthouse  
1205 Texas Avenue  
Lubbock, TX 79401-4093  
806-472-7265  
Office Hours: 8:00 AM - 4:45 PM

**New Mexico State Office**

625 Truman Street, N.E.  
 Albuquerque, NM 87110-6472  
 505-262-6463  
 Office Hours: 7:45 AM - 4:30 PM

**Oklahoma State Office**

500 West Main Street, Suite 400  
 Oklahoma City, OK 73102  
 405-553-7401  
 Office Hours: 8:00 AM - 4:30 PM

**San Antonio Area Office**

Washington Square  
 800 Dolorosa Street  
 San Antonio, TX 78207-4563  
 210-472-6800  
 Office Hours: 8:00 AM - 4:30 PM

**Shreveport Area Office**

401 Edwards Street, Suite 1510  
 Shreveport, LA 71101-3289  
 318-676-3385  
 Office Hours: 7:45 AM - 4:30 PM

**Texas State Office**

1600 Throckmorton Street  
 P.O. Box 2905  
 Fort Worth, TX 76113-2905  
 817-978-9000  
 Office Hours: 8:00 AM - 4:30 PM

**Tulsa Area Office**

50 East 15<sup>th</sup> Street  
 Tulsa, OK 74119-4030  
 918-581-7434  
 Office Hours: 8:00 AM - 4:30 PM

**Great Plains****Iowa State Office**

Federal Building  
 210 Walnut Street, Room 239  
 Des Moines, IA 50309-2155  
 515-284-4512  
 Office Hours: 8:00 AM - 4:30 PM

**Kansas/Missouri State Office**

Gateway Tower II  
 400 State Avenue  
 Kansas City, KS 66101-2406  
 913-551-5462  
 Office Hours: 8:00 AM - 4:30 PM

**Nebraska State Office**

Executive Tower Centre  
 10909 Mill Valley Road  
 Omaha, NE 68154-3955  
 402-492-3100  
 Office Hours: 8:00 AM - 4:30 PM

**St. Louis Area Office**

Robert A. Young Federal Building  
 1222 Spruce Street, 3<sup>rd</sup> Floor  
 St. Louis, MO 63103-2836  
 314-539-6583  
 Office Hours: 8:00 AM - 4:30 PM

**Rocky Mountains****Colorado State Office**

633 - 17<sup>th</sup> Street  
 Denver, CO 80202-3607  
 303-672-5440  
 Office Hours: 8:00 AM - 4:30 PM

**Montana State Office**

Federal Office Building  
 301 South Park, Room 340  
 Drawer 10095  
 Helena, MT 59626-0095  
 406-441-1298  
 Office Hours: 8:00 AM - 4:30 PM

North Dakota State Office  
Federal Building  
P. O. Box 2483  
Fargo, ND 58108-2483  
701-239-5136  
Office Hours: 8:00 AM - 4:30 PM

South Dakota State Office  
2400 West 49<sup>th</sup> Street, Suite 1-201  
Sioux Falls, SD 57105-6558  
605-330-4223  
Office Hours: 8:00 AM - 4:30 PM

Utah State Office  
257 Tower Building  
257 East - 200 South, Suite 550  
Salt Lake City, UT 84111-2048  
801-524-3323  
Office Hours: 8:00 AM - 4:30 PM

Wyoming State Office  
Federal Office Building  
100 East B Street, Room 4229  
Casper, WY 82601-1918  
307-261-6250  
Office Hours: 8:00 AM - 4:30 PM

#### Pacific/Hawaii

Arizona State Office  
Two Arizona Center  
400 North 5<sup>th</sup> Street, Suite 1600  
Phoenix, AZ 85004  
602-379-4434  
Office Hours: 8:00 AM - 4:30 PM

California State Office  
Philip Burton Federal Building and U.S.  
Courthouse  
450 Golden Gate Avenue  
San Francisco, CA 94102-3448  
415-436-6550  
Office Hours: 8:15 AM - 4:45 PM

Fresno Area Office  
2135 Fresno Street, Suite 100  
Fresno, CA 93721-1718  
209-487-5033  
Office Hours: 8:00 AM - 4:30 PM

Hawaii State Office  
Seven Waterfront Plaza  
500 Ala Moana Boulevard, Suite 500  
Honolulu, HI 96813-4918  
808-522-8175  
Office Hours: 8:00 AM - 4:00 PM

Los Angeles Area Office  
611 West 6<sup>th</sup> Street, Suite 800  
Los Angeles, CA 90017-3127  
213-894-8000  
Office Hours: 8:00 AM - 4:30 PM

Nevada State Office  
333 North Rancho Drive, Suite 700  
Las Vegas, NV 89106-3714  
702-388-6525  
Office Hours: 8:00 AM - 4:30 PM

Reno Area Office  
1575 Delucchi Lane, Suite 114  
Reno, NV 89502-6581  
702-784-5356  
Office Hours: 8:00 AM - 4:30 PM

Sacramento Area Office  
777 - 12<sup>th</sup> Street, Suite 200  
Sacramento, CA 95814-1997  
916-498-5220  
Office Hours: 8:00 AM - 4:30 PM

San Diego Area Office  
Mission City Corporate Center  
2365 Northside Drive, Suite 300  
San Diego, CA 92108-2712  
619-557-5310  
Office Hours: 8:00 AM - 4:30 PM

Santa Ana Area Office  
3 Hutton Centre Drive, Suite 500  
Santa Ana, CA 92707-5764  
714-957-3745  
Office Hours: 8:00 AM - 4:30 PM

Tucson Area Office  
Security Pacific Bank Plaza  
33 North Stone Avenue, Suite 700  
Tucson, AZ 85701-1467  
520-670-6237  
Office Hours: 8:00 AM - 4:30 PM

**Northwest/Alaska**

Alaska State Office  
University Plaza Building  
949 East 36<sup>th</sup> Avenue, Suite 401  
Anchorage, AK 99508-4135  
907-271-4170  
Office Hours: 8:00 AM - 4:30 PM

Idaho State Office  
Plaza IV  
800 Park Boulevard, Suite 220  
Boise, ID 83712-7743  
208-334-1990  
Office Hours: 8:00 AM - 4:30 PM

Oregon State Office  
400 Southwest Sixth Avenue, Suite 700  
Portland, OR 97204-1632  
503-326-2561  
Office Hours: 8:00 AM - 4:30 PM

Spokane Area Office  
Farm Credit Bank Building  
Eighth Floor East  
West 601 First Avenue  
Spokane, WA 99204-0317  
509-353-2510  
Office Hours: 8:00 AM - 4:30 PM

Washington State Office  
Seattle Federal Office Building  
909 1<sup>st</sup> Avenue, Suite 200  
Seattle, WA 98104-1000  
206-220-5101  
Office Hours: 8:00 AM - 4:30 PM

**THE 1998 CONTINUUM OF CARE HOMELESS  
SUPERNOfA COMPETITION:**

**QUESTIONS AND ANSWERS**

**A SUPPLEMENT TO THE 1998 APPLICATION  
AND THE NOTICE OF  
FUNDING AVAILABILITY (NOFA)**

**Office of Community Planning and Development  
U S Department of Housing and Urban Development**

**1998**

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## **The 1998 Continuum of Care Homeless SuperNOFA Competition: Questions and Answers**

To assist you in preparing your 1998 Continuum of Care Homeless Assistance application, HUD developed the following Questions and Answers (Qs & As). For your convenience, Qs & As are grouped together by topic headings.

HUD Headquarters will hold satellite training conferences to answer any additional questions you may have. In addition, many HUD field offices will hold training sessions on the NOFA and the application. Please contact your local HUD field office to learn more about these training opportunities. A listing of the HUD Area and State Offices is provided as an appendix to the NOFA.

### **ELIGIBLE PERSONS TO BE SERVED**

**Q-1 Who can receive assistance from the projects proposed in an application?**

**A-1** A person must be homeless in order to receive assistance under the NOFA programs. Under the SRO program there is an exception. In addition to serving homeless persons, individuals may also be served who are eligible for Section 8 and currently reside in the units to be assisted.

A person is considered homeless only when he/she resides in one of the places described below:

- a. in places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings; or
- b. in an emergency shelter; or
- c. in transitional or supportive housing (for homeless persons who originally came from the streets or emergency shelter); or
- d. in any of the above places but is spending a short time (up to 30 consecutive days) in a hospital or other institution; or
- e. is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing; or
- f. is being discharged within a week from an institution in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and he/she lacks the resources and support networks needed to obtain housing.

The Shelter Plus Care (S+C) Program and the permanent housing component of the Supportive Housing Program (SHP) may only serve people who are homeless and have a disability. Under the safe havens component of SHP, the homeless person must have a severe mental illness.

A disability may be physical or mental, including developmental, or an emotional impairment, including an impairment due solely to alcohol or drug abuse. Persons living with HIV/AIDS are considered disabled for the purposes of these programs.

**Q-2 Can a project serve persons at-risk of becoming homeless?**

**A-2** No. By law, only those persons who are homeless (see Question #1) may be served by the programs under the NOFA. If your organization wants to serve persons "at-risk" of becoming homeless or persons who are "near homelessness" it would need to use program funding from other sources. HUD administers the Emergency Shelter Grants (ESG) program which can fund homelessness prevention activities. A variety of other programs, such as Section 8, CDBG and HOME serve low-income persons who may be at-risk of becoming homeless due to poor housing conditions, overcrowding or other reasons. Contact your local HUD field office for more information on these and other programs.

**Q-3 Can a project serve a person being discharged from a state mental health institution in a state that requires housing to be provided upon the person's release?**

**A-3** If your state has a policy requiring housing as part of a discharge plan, HUD does not consider those persons homeless since they will be placed in housing arranged by the state. Contact your state department of mental health or similar state agency for information on your state's discharge policy. If your state does not require housing as part of discharge planning, then those persons being discharged may be served as long as they will be homeless (see Question #1).

**Q-4 My community has homeless people living on the streets with a serious mental illness. Many of them are unable or unwilling to participate in housing and supportive services. What type of project can my community submit to assist those persons?**

**A-4** Your community may wish to submit a safe havens project. Classified as a component under the Supportive Housing Program, a safe haven is designed to serve hard-to-reach homeless people with mental illness who have resisted traditional services, such as mental health treatment and instead, have stayed on the streets. Safe havens are different from other types of supportive housing in that they are small in size, have no limits on residents' length of stay, and do not require the residents to participate in services. This "low demand" approach, coupled with a highly supportive environment, helps stabilize persons with mental illness, with the expectation over time that they will become more willing to engage in services.

For those residents who are ready and willing to move from a safe haven to permanent housing (or for those persons for which a direct placement from the streets, shelter or transitional housing into permanent housing is appropriate), your community may wish to apply for project funding under Shelter Plus Care or the permanent housing component of SHP.

**Q-5 Can a project serve a homeless youth after he/she becomes a ward of the state?**

**A-5** Project funding may not substitute for the assistance a state is required to provide a youth while in foster care. Project funding can, however, be used to supplement the state's assistance by providing a needed service that cannot be provided by the state.

**Q-6 Can a project serve runaways?**

**A-6** Youth who run away from home are considered homeless if they are residing in those places listed under the criteria in Question #1.

**Q-7 Can a formerly homeless person moving into permanent housing receive services under the Supportive Housing Program (SHP) for an extended period of time?**

**A-7** The person may receive supportive services for the term of the grant if he/she is living with a disability (see Question #1). If the person is not disabled, however, he/she may receive services for only up to six months after moving into permanent housing.

#### **NONPROFIT PARTICIPATION**

**Q-8 Which programs can nonprofit organizations apply for under the NOFA?**

**A-8** Private nonprofit organizations and public nonprofit community mental health organizations may apply for Supportive Housing Program funding.

A private nonprofit organization may apply for SRO program funding. However, it must subcontract with a public housing agency (PHA) for the administration of the rental assistance.

Nonprofit organizations may not apply directly for Shelter Plus Care funding. However, under the program's sponsor-based component, all eligible applicants -- States and local governments, PHA's -- must subcontract with a private nonprofit organization or a public nonprofit community mental health organization.

**Q-9 Do all nonprofit organizations have to submit documentation of their nonprofit status?**

**A-9** If a nonprofit organization is going to participate as a sponsor, not an applicant, the nonprofit does not need to submit documentation of its nonprofit status. If the nonprofit is going to be the applicant, it must submit the following documentation:

- A community mental health organization must submit documentation from an authorized official stating that the organization is a public nonprofit.

- A private nonprofit organization must submit, as part of its application, one of the following documents:

A copy of the Internal Revenue Service (IRS) ruling proving tax exempt status under Section 501(c)(3) of the 1986 IRS Code; or

Documentation indicating that the organization is a certified United Way agency; or

A certification from a designated official of the organization stating that: (1) no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; (2) the organization has a voluntary board; (3) the organization practices nondiscrimination in the provision of assistance; and (4) that the organization has a functioning accounting system operated in accordance with generally accepted accounting principles that provides for each of the following (mention each in the certification):

1. Accurate, current and complete disclosure of the financial results of each federally-sponsored project.
2. Records that identify adequately the source and application of funds for federally-sponsored activities.
3. Effective control over and accountability for all funds, property and other assets.
4. Comparison of outlays with budget amounts.
5. Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the use of the funds for program purposes.
6. Written procedures for determining the reasonableness, allocability and allowability of costs.
7. Accounting records including cost accounting records that are supported by source documentation.

### APPLICATION

**Q-10** Should our community submit a "consolidated application" or "associated applications"?

**A-10** The choice whether to submit a consolidated or several associated applications for a Continuum of Care is entirely up to the community. There is no competitive advantage to either approach.

In a consolidated application, all project funding requests for a community are submitted in a **single consolidated package** and that package contains one Continuum of Care exhibit for that community. The application may have just one or multiple applicants, that, if funded, will be grantees.

An associated application differs in that **separate application packages** are submitted by **each applicant** under the community's Continuum of Care strategy. Each application, because it is for

funding for that community, must have the **identical** Continuum of Care exhibit with an identical Project Priorities Chart. Each applicant, if funded, will be a grantee.

As stated in the NOFA, the same score awarded to a community's Continuum of Care exhibit will be awarded to each project covered by that strategy, whether those projects are together in a consolidated application or submitted separately in associated applications.

There is also a third option--to submit a "solo application"--but your application will be much less competitive because your project is not part of your community's Continuum of Care strategy.

**Q-11** As stated above, each Exhibit #1: Continuum of Care must be identical for each associated application under a continuum. Would HUD accept the associated applications from a given community if just one of the associated applications contained the entire Exhibit 1, with the other associated applications simply cross-referencing that exhibit?

**A-11** Yes. To lessen applicants' photocopying, mailing and other expenses, HUD will accept associated applications that choose to submit their Exhibit 1 in this way; however, the following language must be included.

- For the application containing the complete Exhibit 1, please state at the beginning of that exhibit:

"This is an associated application. Exhibit #1: Continuum of Care is being submitted in its entirety only in this application. The applications of all other associated applicants for this same continuum, as listed below, will cross-reference and adopt this exhibit." (List the names of all other associated applicants.)

- For each of the associated applications NOT containing the complete Exhibit 1, please state:

"This is an associated application. By agreement between all associated applicants, Exhibit #1: Continuum of Care has been submitted in its entirety only in the application from \_\_\_\_\_ (state applicant name). We adopt that Exhibit 1 and agree to follow it if our application is selected for funding."

**Q-12** HUD is giving an applicant the option of submitting an application on paper and on a 3 1/2" computer diskette. If I want to submit an application on a diskette, what software do I need?

**A-12** HUD designed a software package that is compatible with either Windows 3.1 (or later version) or Windows 95. It is recommended that your computer have at least a 486 CPU (computer processing unit) with 8 MB Ram and 20 MB of hard disk space available. To get a free copy of the electronic application, call the SuperNOFA Information Center at 1-800-HUD-8929.

Applicants are highly encouraged to use the electronic application. The electronic version has built-in features that help you add budget figures correctly and otherwise catch errors that could

affect your submission. In addition, the electronic version provides prompts for each section of the application, helping to ensure a complete application package.

**Q-13** How many copies of my application must be submitted in time to meet the deadline published in the NOFA? Are there any special instructions for those applicants submitting diskettes?

**A-13** For a "paper only" application, you must submit three copies of your application. Send two copies to your local HUD field office and one copy to HUD Headquarters in Washington, D.C.

For an application on diskette, you should print three copies of your application. Send two copies of your application to your local HUD field office. In addition, submit one paper copy and one 3½" diskette to HUD Headquarters in Washington, D.C.

**Q-14** My application was received at the HUD field office by the deadline, but not at HUD Headquarters in Washington, D.C. Is my application considered "on time" and will it be considered for funding?

**A-14** No. The determination of an "on time" application is made at HUD Headquarters in Washington, D.C. Your application must arrive by the deadline at HUD Headquarters in order for your application to be considered for funding. HUD is constrained by the HUD Reform Act not to accept any applications that arrive after the deadline.

**Q-15** The NOFA says that HUD will perform a "threshold" review of my application. What does this mean? What should I be aware of when preparing my application?

**A-15** HUD reviews your application to ensure that the applicant is eligible to apply for the program it selected and has the requisite capacity to carry it out. It also reviews the capacity of all other organizations involved with the proposed project. It is imperative, therefore, to demonstrate that applicants and any sponsors or other organizations involved have sufficient capacity. Be sure to answer all of the questions under the Experience Narrative section(s) of the program exhibit(s). It is also imperative that nonprofit applicants include documentation demonstrating their eligibility. (See Question #46 if you have a grant which is eligible for renewal.)

HUD also reviews your project exhibits to ensure that your projects will only serve homeless people (see Question #1), that what you propose to do is eligible, and that your project meets threshold quality standards. You can help ensure that your project passes the quality review by completely answering all of the Project Narrative questions in the program exhibit. These questions relate directly to the NOFA threshold standards so it is important that you address each and every factor in the Project Narrative(s) and complete the charts for the program for which you are applying. The electronic version of the application will prompt you to answer each of the narrative questions.

**Q-16** If my project is "Supportive Services Only," do I still have to answer all of the narrative questions in the Project Narrative, including the questions related to housing?

**A-16** Yes. Even though your project may be providing only services to homeless individuals, you must still answer **all of the questions related to housing**. This identifies the relationship between the services provided by your project and the housing where those persons served reside.

**Q-17** What is the difference between an applicant and a sponsor? How are these differences identified in our application?

**A-17** The applicant, if funded, becomes the grantee and is responsible for the overall management of grant funds. The sponsor is the organization that carries out the proposed project activity. HUD uses the Standard Form 424 to identify the applicants. Sponsors should not submit the Standard Form 424. For example, if a community wishes to have one organization serve as the grantee and have five organizations carry out the projects, that community would submit only one Standard Form 424. If each of the five organizations wanted to become grantees for their projects, then each would have to submit the Standard Form 424. The applicants (or potential grantees) are further identified on the reverse side of the 1998 Application Summary page (this is page 2 of the application). This chart should list only the applicants, not the sponsors. Each name on this chart should have a Standard Form 424 placed in the application before the project(s).

### **CONTINUUM OF CARE GEOGRAPHY**

**Q-18** What options do communities have in deciding the area to be covered by a Continuum of Care (C-of-C)?

**A-18** The primary consideration should be to design a system that will most effectively meet the needs of the homeless population. Remember that the single most important factor in receiving funding under this competition will be the strength of the C-of-C when measured against the C-of-C criteria described in the NOFA.

Many communities are well along in creating C-of-C systems, and the areas covered have already been established. Others may not yet have a C-of-C strategy, or may decide to change the area covered by the current strategy. Whatever the situation, organizations within any locality may decide to:

- a. create a C-of-C system within its own local boundaries;
- b. join nearby communities in creating a multi-county or regional C-of-C system that fully involves all the communities included and serves the territory of the combined communities;
- c. join with the state government or a statewide organization in creating a statewide C-of-C system; or,

- d. join with the state government or a statewide organization in developing a C-of-C system for a specific community and/or county, or an entire region. The statewide C-of-C systems can be organized by the state government or by organizations serving statewide homeless needs.

Local communities are strongly discouraged from attempting to divide up the geographic area of a locality and developing separate C-of-C systems with separate applications for each portion of the locality. Such an approach undercuts the concept of C-of-C because your strategy should be community-wide, comprehensive and inclusive.

**Q-19 What options do state governments and statewide organizations have in deciding the areas to be included in a Continuum of Care?**

**A-19** Statewide applicants have several options. They may:

- a. include the **entire** area of the state **not covered** by local C-of-C strategies in a single application which describes the statewide C-of-C system for that entire area;
- b. include a **part** of the area of the state **not covered** by local C-of-C systems in a single application which describes the C-of-C system for that area, which could include one or more counties not covered by local C-of-C systems; or,
- c. submit two or more applications, each representing a separate C-of-C system developed by the state or a statewide organization and its local partners for different sub-state areas **not covered** by local C-of-C systems. Each sub-state area could cover a single county or multi-county area.

In making this decision, states should remember that the single most important factor in receiving funding under this competition will be the strength of the C-of-C strategy when measured against the C-of-C criteria described in the NOFA. **The area proposed by a state government or state-wide agency should only include those counties and communities that are fully involved in the development and implementation of the C-of-C strategy with the state.** This involvement should be described in Exhibit 1 of the application.

**Q-20 How can a rural community maximize its opportunity for project funding under the NOFA?**

**A-20** Because of their small demographic numbers, rural areas generally will have small pro rata need amounts. In order to maximize its funding potential, a rural area may wish to form a regional C-of-C system encompassing several contiguous counties. A single pro rata need figure for the combined geography will be calculated by adding the pro rata figures together for each county. All geographic areas included in the regional C-of-C system need to be actively involved in the development and implementation of the C-of-C system and this involvement must be described in the C-of-C narrative.



**Q-21** My community is developing a C-of-C system. It has the state involved in the local C-of-C effort. Should the community describe its coordination with the state in the community's Exhibit 1? What about the statewide application, if there is one?

**A-21** Both the community and the statewide applications should describe the coordination that has occurred in their respective applications. State support of a local C-of-C system can be a factor in the success of the local system. However, neither application should include the other as a jurisdiction covered by the other's strategy when describing the geographic area covered by their respective systems.

**Q-22** What if a statewide applicant wants to propose a project in a locality covered by a separate C-of-C strategy?

**A-22** When a statewide entity wants to carry out a project within an area covered by a separate C-of-C strategy, that project **must** be included in the application submitted by the local community with the statewide entity listed as project sponsor and/or applicant. Since such a project would be proposed to fill a gap in a community's strategy, it would be listed **only in the local community's C-of-C priority listing** (NOT the statewide organization's) and would receive a Need score based on the priority listing in that **local community's** strategy.

**Q-23** What will happen if applications containing different C-of-C strategies are submitted covering the same geographic area?

**A-23** The basic concept of a C-of-C strategy is the creation of a single, coordinated, inclusive homelessness delivery system for a community. Both the NOFA and the application strongly discourage more than one strategy covering the same area.

The application states that the geographic area served by your C-of-C should not cover the same geographic area served by another system. Both the NOFA and the application state that in the case of competing applications from a single jurisdiction or service area, projects in the application that receive the highest score out of the possible 60 points for C-of-C are eligible for up to 40 points under Need. Projects in the competing applications with lower C-of-C scores are eligible for only 10 points under Need.

Organizations within a community are expected to coordinate the development of one C-of-C strategy. In addition, in the process of developing C-of-C strategies and applications for areas, communities should coordinate with each other to ensure that there is no overlap. The HUD field office serving your area can help determine if such geographic overlap is likely to occur.

**Q-24** What is the Geographic Area Guide? How do I use it?

**A-24** The Geographic Area Guide lists many cities and all of the counties in the country and their corresponding six-digit identifier codes. You will use this information in three places in your application. Accuracy is crucial since this information will enable HUD to determine your community's Need score. If a particular city is not in the Guide, insert the name of the county in which the city is located.

First, using the Guide, you will insert on the 1998 Application Summary Form the name of every listed city and/or county that makes up the geography for your Continuum of Care system and its assigned code. It is recommended that each applicant review the list for your State carefully to include all applicable jurisdictions. Leaving out a jurisdiction could reduce your pro rata need amount. Adding in a jurisdiction that is not really part of your C-of-C is likely to significantly reduce your C-of-C score.

Second, in response to the first question in Exhibit #1 - Continuum of Care, you will simply list the name of each city and/or county. This listing should be identical to the listing on your Application Summary Form; however, you don't have to also list the assigned codes.

Last, in Sections C (of Exhibits 2 and 4) and Section G (of Exhibit 3) you will insert both the identifier code and the name of the city or county in which the project will be located.

### **GAPS ANALYSIS**

**Q-25** The instructions to the Gaps Analysis Chart in Exhibit #1: Continuum of Care state that communities should use point-in-time data when filling out the chart. What does point-in-time mean? What data sources should my community use?

**A-25** "Point-in-time" or "point prevalence" is the number of people who are homeless at a given time. It is different from annual prevalence in that annual figures show the total number of people who have been homeless at some time during the year. For application purposes, the single point in time is a given night. Your community probably already has existing data sources that use point-in-time figures, such as the sources used to complete your community's Consolidated Plan, if it has one. If your community needs to update or wants to supplement the data used for its Consolidated Plan, or if your community doesn't have a Consolidated Plan, then it may undertake a survey.

Your local or state government planning agencies have information on how to do a survey, as well as the benefits of various survey designs. In addition, HUD, through the Interagency Council on the Homeless, published the manual, Practical Methods For Counting Homeless People, which also describes data collection methods and sources.

### **PROJECT PRIORITIES**

**Q-26** Why is HUD asking communities to prioritize their projects on the Project Priority Chart in Exhibit #1: Continuum of Care? Why do I indicate both the project sponsor organization name and project name on the chart?

**A-26** Project priority decisions are best made through a locally-driven process since communities know their homeless population's needs the best. Communities are in a better position to decide how to focus homelessness resources.

Often the same sponsor will have more than one project on a community's Project Priority Chart. Having both the sponsor's name and project name ensures your application review is accurate. This information is cross-referenced with the project identifier information in each of your program exhibits. It's important, therefore, that all information is provided and is consistent.

**Q-27 Who sets the priorities in a community?**

- A-27 Priority projects should be a logical outcome of the development of a community's Continuum of Care strategy and driven by the community's gaps analysis. This means that all organizations in the process have a voice in determining the community's priorities for funding. Priorities should be established through a fair and rational process using objective criteria. The entity (or entities) that facilitates or leads the selection process is completely up to the community. Different entities will take the lead in different communities.

As stated in the application and the NOFA, HUD expects your community's Continuum of Care strategy to be developed by and coordinated with as an inclusive group as possible. Organizations involved in this process should include nonprofit organizations, government agencies, housing developers and service providers, private foundations, neighborhood groups, and homeless and formerly homeless persons. These and other organizations should represent and address the specific needs of each homeless subpopulation: the jobless, veterans, persons with serious mental illnesses, persons suffering from substance abuse, persons living with HIV/AIDS, persons with multiple diagnoses, victims of domestic violence, runaway youth and others.

**Q-28 What is HUD looking for when it evaluates a community's priority setting process?**

- A-28 Based on its gaps analysis, a Continuum of Care community should establish priorities for funding using an effective, open and fair process that is inclusive of all organizations and gives equal consideration to all projects that meet identified gaps. A community should describe its method and any criteria used to determine each project priority in its Exhibit 1. HUD does not have any preferences for the type of process used, but the process must be open and fair. Examples include round table and panel project selection committees, a local solicitation, and other evaluation and selection processes leading to the establishment of project priority lists.

**Q-29 How can nonprofit organizations become involved in setting priorities?**

- A-29 The process by which nonprofit organizations become involved or lead the effort in setting priorities is a decision left to each community. However, the NOFA states that the community process should include nonprofit organizations and HUD expects nonprofit organizations to be given a fair role in establishing these priorities. Applications that do not demonstrate such involvement and describe the process in the narrative will not score well on the Continuum of Care rating criteria.

**Q-30** What if our community decides it is unable to prioritize individual projects? Can we just submit one large request for funding and decide later how to divide the request into projects based on an RFP (Request for Proposals) or similar process?

**A-30** No. The decision-making process for deciding the types of projects to include on the Project Priority Chart, and each project's priority for funding must be completed **PRIOR** to submission. A community cannot undertake an RFP or similar process after submission. If a Project Priorities Chart is not submitted, all projects will receive the lowest points for Need. Moreover, the Continuum of Care score will also be adversely affected by the absence of priorities.

**Q-31** What happens if the dollars requested on the Project Priorities Chart do not match the dollars requested in the Project Narrative?

**A-31** The dollars requested must match. If the Project Narrative shows a higher dollar request from the Project Priorities Chart, that amount will be reduced to match the Project Priorities Chart. If the dollars requested in the Project Narrative are lower than those shown on the Project Priorities Chart, then the lower amount will be the dollars awarded if the project scores high enough for funding.

**Q-32** Since the Housing Opportunities for Persons with AIDS (HOPWA) program is included in this year's application package for homeless assistance, does my community have to include the HOPWA projects on our priority list?

**A-32** No. The projects to include on a C-of-C's priority list are only the Supportive Housing Program (SHP), Shelter Plus Care (S+C) Program, Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program, and renewals.

### **PRO RATA NEED AND NEED SCORES**

**Q-33** What is "pro rata need"?

**A-33** After HUD identifies the universe of Continuum of Care communities that submitted applications, it calculates the relative "need" index for homelessness assistance funding for each Continuum of Care community as compared to all other Continuum of Care communities that have submitted applications. Remember a "community" may cover just a single jurisdiction, more than one jurisdiction working together, or be statewide. Each Continuum of Care community's need index is then applied to the total amount of funding available in this year's competition. This determines each Continuum of Care community's pro rata need figure.

Each C-of-C system's pro rata need amount determined as outlined above will then be compared to the combined SHP and S+C project renewal need, i.e. for SHP projects expiring in calendar year 1999 (that have not requested a term extension into calendar year 2000) and S+C projects expiring in calendar year 1999 that have insufficient remaining funds to carry them through that year. When the renewal need amount exceeds the pro rata need amount, a nationally uniform adjustment will be applied against the difference, and this amount will be added to the pro rata need to

determine the total adjusted pro rata need for that C-of-C system. The percentage to be applied will be based upon the total national renewal demand.

The actual pro rata need figures used in the competition are based on the **actual** communities that submitted applications. (Also see Question #35.) Many other factors such as eligibility, capacity, and Continuum of Care score affect a project's likelihood of being funded. Pro rata need may vary from one year to the next. This amount is not an entitlement, and communities may get different dollar amounts based on other factors such as a higher or lower C-of-C score. Need is only one of the factors affecting a community's total score. Applicants are encouraged to apply for what their community determines it needs, not what it believes to be its pro rata need or adjusted pro rata need.

**Q-34 How is "pro rata need" used?**

**A-34** HUD takes each Continuum of Care community's pro rata need figure and uses it to assign need points to each project on the community's Project Priority Chart. Starting with project priority #1 and proceeding down the chart, skipping individual projects rejected during the threshold review, projects whose requested amounts fall fully within the applicant's Continuum of Care pro rata need amount, as adjusted ("first tier"), or those where more than one-half the requested amount falls within this "first tier" receive the full **40 points** available for Need. Continuing down the list, those projects whose requested amounts fall fully within the "second tier" (two times the pro rata need amount, as adjusted), or those where more than one-half the requested amount falls within the "second tier" receive **20 points**. All remaining projects on the priority list, if any, each receive **10 points** for Need.

The only exception to the above procedures for assigning Need points to projects will occur if the first non-rejected project on any C-of-C system's priority list fails to meet the criteria for receiving 40 points. In such instances, in order to achieve greater geographic diversity, the total requested amount for the first non-rejected priority project will be reduced to the applicant's Continuum of Care pro rata need amount, as adjusted, and assigned 40 points.

**Q-35 How does my Continuum of Care community figure out how many projects will receive the full 40 points for Need?**

**A-35** As described in the previous questions, a community's pro rata need amount is based on the universe of applicants that apply. Since there is no way to know the applicant pool at the time of application and, therefore, the number of projects that might receive 40 points for Need, you should apply for all of the project funding that you need and prioritize all projects being submitted.

**Q-36 If five different cities/counties develop a single Continuum of Care system, will the pro rata need figures of the five jurisdictions be added together?**

**A-36** Yes. A single pro rata need figure for the combined geography of the five jurisdictions will be calculated by adding the five separate need figures. The combined figure, as adjusted, will then be used to determine the number of projects on the single Project Priorities Chart that will receive 40, 20 and 10 points for Need, as described above.

**Q-37** Given the situation in the previous question, do the projects then have to be located in all five jurisdictions proportionally?

**A-37** No. The projects do not have to be located in all five jurisdictions nor do they have to be located proportionally. However, the single Continuum of Care system must be designed to address the problem of homelessness in all five jurisdictions, and it must be clear in the application the various Continuum of Care organizations in all five are actively working together. Otherwise, the very important Continuum of Care score, which represents up to 60 points, will be adversely affected.

### **SERVING VETERAN NEEDS**

**Q-38** The NOFA mentions veterans groups. How should veterans organizations be involved in Continuum of Care?

**A-38** Your community process for developing and implementing a Continuum of Care system should be comprehensive and inclusive. This means the needs of all homeless sub-populations in your community should be represented in your Continuum of Care planning process and project implementation. Because studies show that a significant segment of the homeless population are veterans, it's especially important to involve veterans organizations so that the needs of homeless veterans are addressed appropriately and effectively.

**Q-39** The Project Narrative portion of the application asks to identify projects that primarily serve veterans and whether projects serve homeless veterans. What does it mean to check each of these categories?

**A-39** The information provided here helps HUD identify which projects are targeted toward serving veteran needs. If your project is designed to meet the needs of homeless veterans, you would check the box that indicates you primarily serve veterans. If your project serves many homeless subpopulations, including veterans, then you would check the box that indicates you serve homeless veterans. This information does not result in additional project points being given to a project in the competition. However, the information is used by HUD in assessing the success of HUD in funding projects that address veteran needs.

### **PROJECTS**

**Q-40** If my project has several structures and we are also providing supportive services, including outreach, how would I include the supportive services on the budget sheets?

**A-40** You will be including a structure budget for each of the structures in your project. If supportive services are also included, then spread the services among the structure budgets so that the structure budgets add up to the total budget.

**Q-41 Can a project use Section 8 project-based assistance (PBA) for transitional housing units funded under the Supportive Housing Program (SHP)?**

**A-41** Yes. Projects can use Section 8 project-based assistance. However, to successfully combine these programs, the project narrative should give attention to such areas as selection for occupancy and providing appropriate housing for graduates of transitional housing. In developing these units, all regulations found at 24 CFR Part 983, would also apply, including those governing establishment of contract rents, competitive selection of units, eligible rehabilitation, the minimum rehabilitation requirement, eligible and ineligible properties, and displacement and relocation of occupants. SHP funds cannot be used for operating costs or leasing, since the PBA funds those activities.

### **RENEWAL FUNDING**

**Q-42 What is a renewal grant?**

**A-42** A renewal grant is a grant which continues assistance to a project that received funding in the past. For the 1998 competition, a grantee may request renewal funding if it was previously funded under one of the following programs and its grant will **expire in calendar year 1999**. The following are eligible:

- a. Supportive Housing Demonstration Program (SHDP) projects expiring in 1999;
- b. Supplemental Assistance for Facilities to Assist Homeless (SAFAH) Program projects expiring in 1999;
- c. Supportive Housing Program (SHP) projects, including those renewed before that are expiring in 1999; and
- d. Shelter Plus Care (S+C) Program projects expiring in 1999 that will have insufficient funds to continue operating throughout 1999. (Also see Question #48 that follows.)

**Q-43 Why are renewals part of the competition?**

**A-43** In past years, HUD took a portion of the funds available under its appropriation to fund SHDP, SAFAH and SHP renewals through an application process independent from the yearly Continuum of Care competition.

This renewal change allows Continuum of Care communities to make decisions themselves about whether to renew existing grants. A renewal project, like any other project, should be prioritized as a logical outcome of a community's Continuum of Care planning and application process and based on a gaps analysis and the project's ability to fill a gap. To the extent a community wants to have previously funded projects renewed, it should assign them top priorities on the Project Priority Chart in Exhibit #1.

**Q-44** If a Continuum of Care community decides not to request renewal funds for existing projects, or to give these projects a relatively low priority ranking, would the C-of-C score be negatively affected?

**A-44** The need for the continuation of previously funded projects should be considered in the local needs analysis process and a decision should be made locally on the priority to assign to the continuation of a project. HUD is not, therefore, requiring that existing projects be renewed or given a higher priority than other projects. However, HUD is very concerned that the ongoing housing needs of persons currently being served by existing projects be taken into consideration as part of the decision-making process and addressed. The Exhibit 1 narrative should describe how these needs were fully considered and satisfactorily addressed either through inclusion in the community's high priority funding requests or through some other means. To the extent that an application does not provide such a description, the applicant's C-of-C score may be negatively affected.

**Q-45** Are there specific sections in the application that only renewal projects should answer?

**A-45** In order to apply for an SHP renewal grant, complete sections A-H (except E), skip section I, and complete sections J and K of Exhibit 2 - Supportive Housing Program. If awarded funds, applicants will complete a Technical Submission prior to signing a grant agreement.

In order to apply for a S+C renewal grant, complete sections A-E, skip section F, and complete sections G and H of Exhibit 3 - Shelter Plus Care. The new chart asks you to identify the S+C component (SRA, TRA, or PRA) for your project.

In completing your application, be sure to respond to all relevant sections. Renewal projects, just like all other projects, **must meet all project eligibility, capacity, and quality standards** as identified in the NOFA or they must be rejected.

**Q-46** Who can apply for a renewal?

**A-46** Only the current grantee can be an applicant for a renewal of either an SHP or S+C grant. In order to identify the current grantee as the applicant in this year's competition, a Standard Form 424 must be included as part of the application. If in doubt, please check with your local HUD field office. Last year, several renewal applications had to be eliminated from the competition because the applicant was not the HUD approved grantee for the project being renewed. Please note that project sponsors and other entities that are not the grantee cannot apply for renewal. The law allows only the grantee to apply.

**Q-47** How do I determine if my project is eligible for an SHP renewal?

**A-47** To be eligible for an SHP renewal, your current SHDP, SAFAH or SHP grant must expire during calendar year 1999. A grant is expiring in calendar year 1999 if its term ends during that year.

How is the term calculated? Many grants begin with acquisition, rehabilitation, or new construction which must be completed before term activities can begin. Term activities are those which are funded for a period of time specified in the NOFA, grant agreement, or HUD renewal



guidance under which the grant was funded -- such as three years or five years. Term activities are leasing, operating, and supportive services. NOTE: The term of a grant does not begin until the grantee first draws HUD funds for one of those three activities.

The term ends when the specified time period for the grant elapses. For example, a 1995 SHP grant was awarded with a three-year term. The term ends three years from the time the grantee first draws SHP funds for leasing, operating or supportive services, not three years from the first draw of SHP funds for any other approved activity.

Again this year, HUD is allowing grant extensions as a way to manage the demand for renewal funding. For SHP/SHDP/SAFAH grants expiring in calendar year 1999, grantees who will have funds to carry them beyond the 1999 calendar year have the option of extending their grant term for up to one year, subject to HUD approval. Grantees will need to request that their local HUD field office process a grant agreement amendment. With the request for an amendment, grantees must submit information to the field office demonstrating that they have the financial resources to carry out their program in accordance with their grant agreement for the extension period.

Contact your local HUD field office to confirm whether your project is eligible for renewal in this competition.

**Q-48 How do I determine if my project is eligible for a S+C renewal?**

**A-48** Any S+C project whose grant term is expiring in calendar year 1999 and which is projected to run out of rental assistance funds in 1999 is eligible for renewal. (In addition, S+C grants that received an extension last year but which are projected to run out of funds in 1999 are also eligible.) The effective date of the grant is the date used to determine whether the grant (including all of its TRA, PRA and SRA component projects) is expiring.

It is entirely possible that within a single grant, one component project may have sufficient funds remaining to continue providing rental assistance beyond 1999 while another component project must be submitted for renewal. Therefore, the status of every S+C component project within an expiring grant should be analyzed separately to determine whether it can be extended or should be submitted for renewal. This project by project analysis will also assist applicants to reduce the potentially large renewal burden in any one year.

HUD has developed procedures for extending the grant term for S+C projects expiring in calendar year 1999 with sufficient funds to carry the project into calendar year 2000. This extension process is independent from the Continuum of Care competition. In such a case, contact your HUD field office for information on seeking an extension of your project

**Q-49 How much money can I apply for?**

**A-49** Renewal funding for expiring SHDP, SAFAH, and SHP projects is available only for leasing, supportive services, operations, and administrative costs. Of these activities, you may only request funding for the activities for which your project has been funded. For each year of the renewal period, you may request up to the amount of HUD grant funds approved for leasing, supportive

services, and operations costs in the final year of your expiring grant (even if the final year is a prior renewal). You may add an allowance of up to 3 percent for cost increases and up to 5 percent of the total request for administration.

For S+C, the renewal amount may not exceed the number of S+C units under lease at the time of application for renewal funding times the current Fair Market Rent (FMR as published in the Federal Register on September 26, 1997) times 60 months. You must request five years of funding according to statute.

**Q-50** For SHP renewals, the applicant must enter in Chart 1 of Section J of the application the amount of HUD grant funds approved for leasing, supportive services, and operations costs in the final year of the expiring grant. Where can an applicant find those amounts?

**A-50** An SHP grantee can contact the HUD field office to determine the authorized amounts for the final year of the expiring grant as shown in the application (SHDP and SAFAH), including any changes made as part of HUD's review, or in the Second/Technical Submission (SHP). Use those amounts to fill in Chart 1 or, if an amount has been revised through a HUD-approved grant amendment, use the revised amount. [If an amount has changed by less than 10% and HUD approval was not required in accordance with 24 CFR 583.405(b), use the revised amount and attach documentation from your records showing the revision to Section J of your application.]

For a grant that has been renewed, the HUD approved amount for the final year of the expiring grant is shown in the renewal application. If revisions have taken place, follow the guidance in the paragraph just above.

**Q-51** How long must the renewal term be?

**A-51** For SHP renewals, applicants have the flexibility to request a grant term of one, two, or three years. However, for S+C renewals, the grant term is fixed at five years as required by statute, and applicants must request the full five-year funding.

For SHP renewals only, applicants proposing renewal projects may wish to consider "tiering" the request by establishing each year of the maximum three-year term as a separate project priority. Under this approach, the first year could be given a very high priority placement at a requested funding level that is one-third of the total renewal request over three years. The second and third year renewal term could then be given lower project priority placements.

**Q-52** My current HUD grant expires in calendar year 1999. If I do not apply in this competition or if my application is not funded in the competition this year, can I apply again in the 1999 competition for renewal funding?

**A-52** If you fail to apply for an SHP or S+C project renewal, or if the renewal project fails to receive funding in the 1998 competition, your project would not be eligible for renewal in the 1999 competition unless you submit, and are found eligible for, an extension of your project's term by your HUD field office.

**Q-53** How does a State apply to renew an SHP or S+C grant which is carried out in a location having a local Continuum of Care?

**A-53** The State's renewal project would need to be part of the local Continuum of Care and entered on the local community's priority list.

If the State grant is being carried out in various locations, a State may need to divide the renewal request among several Continuum of Care priority lists. For example, a State may have an expiring grant, such as a SAFAH grant, which is being carried out in three places -- two cities with their own C-of-C strategies and one area which is part of the State's C-of-C strategy. In that case, the first two projects would appear on those communities' priority lists with the State as the applicant. The third project would appear on the State's priority list with the State as the applicant.

**Q-54** What if a State would like to have the project sponsor or another entity become the grantee for its SHP grant?

**A-54** A State with an SHP, Transitional Housing, or 1990 SAFAH grant may choose to request HUD approval for a change of grantee to a project sponsor, or another entity, who is eligible to be a grantee (has sufficient capacity, is either a private nonprofit organization or governmental entity, etc.). The State would request that the HUD field office process an amendment to the existing grant to change the grantee. Neither the project sponsor nor the other entity could apply for renewal without an approved grant amendment, since it would not be the approved grantee for the current project.

State grantees cannot be approved for a change of grantee under the Permanent Housing for Handicapped Homeless and 1991 and 1992 SAFAH programs, since only States were eligible applicants. However, once a grant is renewed under SHP, the State may request HUD approval for a change of grantee to a project sponsor, or another entity, that is eligible to be a grantee (has sufficient capacity, is either a private nonprofit organization or governmental entity, etc.).

**Q-55** May entities other than a State, such as a local government or nonprofit organization, request a change of grantee in an SHP project or split an SHP project carried out in more than one jurisdiction?

**A-55** Yes, they may under the same terms described in the answers for Questions 53 and 54.

**Q-56** In 1994, SHP awards included special rural activities. Can those activities be renewed?

**A-56** The 1994 appropriation allowed HUD to award SHP funds in rural areas for capacity building and homeless prevention. Since the 1998 appropriation does not have an allowance for funding these activities, HUD cannot renew capacity building and homeless prevention activities.

However, HUD has determined that such grantees may include the amounts for these activities when developing their SHP requests. To do so, the prevention and capacity building amounts

would be included on the supportive services line in Chart 1 of Section J. This would increase the basis of the calculations for the SHP renewal request, but new or expanded eligible supportive service activities would have to be substituted for the prevention and capacity building activities.

**Q-57** Are there any instances in which the scope of a project may be reduced when it is renewed?

**A-57** Yes. If less than the maximum amount of HUD funding is requested, you may reduce or eliminate elements of the project. However, be aware that this project, as well as all projects, must meet all project eligibility and quality standards as identified in the NOFA.

If the scope of a project is reduced, clearly indicate and fully describe in Section A, Project Narrative, in the application the following: Why it is necessary to reduce the scope of the project; which elements (housing units, services, etc.) of the project will remain and which will be reduced or eliminated; and the number of persons served compared to the number in the original grant.

MEETING DATE: JUL 30 1998  
AGENDA NO: R-12  
ESTIMATED START TIME: 11:45

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Homeless Youth

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: July 30, 1998  
AMOUNT OF TIME NEEDED: 45 min.

DEPARTMENT: DCFS DIVISION: Community Programs and Partnerships

CONTACT: Mary Li TELEPHONE #: ext. 26787 (248-3999)  
BLDG/ROOM #: 166/500

PERSON(S) MAKING PRESENTATION Lorenzo T. Poe, Jr., Mary Li, ad hoc committee members

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Support and Services for Downtown Homeless Youth

7/31/98 copies to Gina T. Nations, Bill Faerber  
8/4/98 copies to Lorenzo Poe, Mary Li &  
Paul Leistner @ City Club of Portland

### SIGNATURES REQUIRED

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: Lorenzo Poe

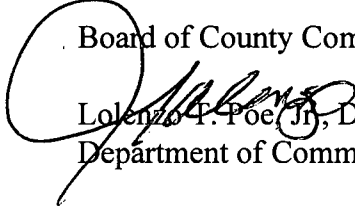
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OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

## **SUPPLEMENTAL STAFF REPORT**

TO: Board of County Commissioners

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

DATE: July 23, 1998

RE: Recommendations of the Ad Hoc Committee on Downtown Portland  
Homeless Youth Services

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1. **Recommendation/Action Requested:**

Adopt the report of the Ad Hoc Committee on Downtown Portland Homeless Youth Services and commit to provide leadership to implement the recommendations contained within the report.

2. **Background/Analysis:**

The Citizens' Crime Commission and the Association for Portland Progress published a report criticizing local government and service providers for inadequate, under-funded and poorly coordinated services for downtown Portland homeless youth.

At the same time the current County RFP for existing services to this population was expiring, requiring a new public procurement process. The Board of County Commissioners decided to link their response to the report with the planning for the RFP in one process.

In April the Board of County Commissioners adopted Resolution 98-25 authorizing the County Chair to convene an ad hoc committee charged with evaluating the current service delivery system, describing an optimal service

delivery system, establishing system outcomes, and making recommendations for use of available funding.

The Committee has been meeting since the beginning of April and has gathered a great deal of information and data, including:

- Oregon Research Institute data on homeless adolescents in the Portland metro area;
- Best practices in the field of service delivery to homeless youth;
- Current service delivery system attributes;
- Input from approximately 60 local homeless youth; and
- Public input on the proposed components of the plan.

The Ad Hoc Committee produced its final report based upon the above information. The implications of the proposed system are far-reaching and significant changes have been recommended for services to this population.

3. Financial Impact:

Total cost of the proposed service delivery system is \$2,501,249. Funds available from the approved County budget (including money from the City of Portland) is \$1,011,376. The difference between available resources and the proposed system is \$1,489,873.

4. Legal Issues:

NA

5. Controversial Issues:

There are more services proposed than there are current resources to fund them.

The Committee declined to prioritize services and/or levels in order to meet existing resources. It believes that it would be better to continue the current system as is rather than fund pieces of the proposed system. As configured the proposed system is so completely integrated that it would be difficult to identify stand-alone services to fund absent the full configuration.

Additionally, the Committee was clear in expressing its position that, if cuts have to be made, that those decisions should rest with the County.

6. Link to Current County Policies:

The outcomes to be achieved by the service model are linked to all three Urgent County Benchmarks: a) Reducing the number of children in poverty; b) Increasing high school completion; and c) Reducing crime. In addition, the proposed service model also supports the Community Building Initiative through development of a public/private partnership to address services and supports to homeless youth in downtown Portland.

7. Citizen Participation:

A diverse group of community, business and government representatives participated in the Ad Hoc Committee. Community and business representatives included representatives from: homeless youth, the Downtown Neighborhood Association, The Citizen's Crime Commission, the Association for Portland Progress, United Way of the Columbia Willamette, the academic community, evaluation and performance based management, Project Luck, Portland Public Schools, and the West Side Caring Community.

Current providers of services to homeless youth were invited to make presentation to the committee and to participate in a discussion of service needs and gaps.

A group of 60 homeless youth presented the Committee with suggestions for services that would best help homeless youth transition from street life. The suggestions and recommendations were incorporated into the Committee's work.

The public was also given an opportunity to comment on a draft of the Committee's recommendations at a public input session.

8. Other Government Participation:

Government representatives included: representatives from Mayor Vera Katz's office, Commissioner Gretchen Kafoury's office, the Commission on Children and Families, the Portland Police Bureau, the Multnomah County Department of Juvenile Community Justice, and State Services to Children and Families and Workforce Development Board.



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Addressing Support and Services to Downtown Homeless Youth ) RESOLUTION  
 ) 98-25

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FINDS:

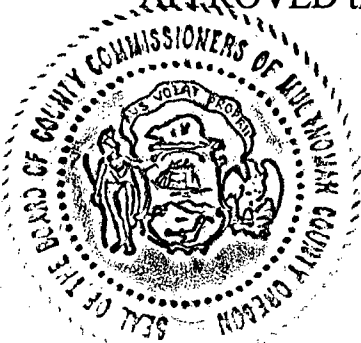
- a) Multnomah County is committed to building and supporting strong communities and families;
- b) Youth are living on the streets of Portland due to a failure of community and family efforts to address problems in school, alcohol and drug addiction, child and sexual abuse, juvenile delinquency and other types of family and individual dysfunction;
- c) Life on the streets can lead homeless youth to suffer from high rates of depression, low-self esteem, sexual risk taking and other self destructive behaviors;
- d) A population of homeless youth downtown adversely affects the economic and cultural viability of downtown including the willingness of businesses to locate jobs or operations downtown, and citizens to live, work or shop downtown;
- e) Multnomah County recognizes that it is neither safe nor appropriate for youth to be living on the streets. And that although the preference is for youth to be living with their families, many youth can not go home to their families because it is not safe for them to do so;
- f) Multnomah County's priority is to help homeless youth exit street life;
- g) The best way to help homeless youth exit street life and achieve success in their lives is to offer a comprehensive continuum of care that responds to the developmental stage of youth and holds youth accountable for entry level and more serious crimes through enforcement and sanctions.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

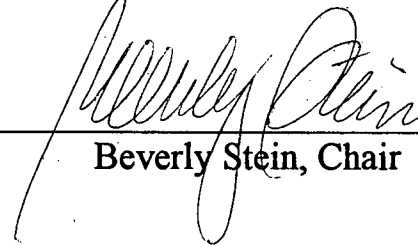
1. Multnomah County, through the Department of Community and Family Services, will take the lead in planning, implementing and distributing funds for support and services to homeless youth in the downtown Portland area;
2. The goal of the County's efforts will be to help youth leave the street and improve the safety and livability for all citizens who live and use downtown;
3. Immediate safety and the future well being of homeless youth is of equal importance so a balance must be created between short term relief from danger and long term programs that help youth transition to self sufficiency;
4. Multnomah County will insure that the service system for downtown homeless youth has the following attributes:
  - i) Accountability to funders and the community by regular information provided to the community about program effectiveness and demographics
  - ii) Clear, measurable outcomes and objectives for programs which have been agreed to in advance by all stakeholders
  - iii) Flexibility, recognizing that a variety of programs and approaches are needed to address the needs of homeless youth
  - iv) A continuum of services including assessment, emergency and transitional housing, case management, education, health care, employment services, alcohol and drug treatment and mental health services
  - v) Maximum effective use of available resources which includes establishment of clear priorities for use of available resources
5. The Chair will appoint an ad hoc committee to plan for service delivery and use of public and private resources through an RFP process. The committee is charged with evaluating the current service delivery system, describing an ideal system for our community, agreeing on outcomes, making recommendations for use of available funding for services for homeless youth in the downtown Portland area and identifying additional policy issues which should be addressed. This resolution shall provide the conceptual and philosophical framework for this planning effort and its implementation.

6. The Department of Community and Family Services will staff the committee. It will include representatives from: the office of Mayor Vera Katz, the office of Commissioner Gretchen Kafoury, the Commission on Children and Families, the Downtown Neighborhood Association, the Northwest Network on Homeless and Runaway Youth, the Portland Police Bureau, the Citizens Crime Commission, the Association for Portland Progress, United Way of the Columbia Willamette, the academic community, an expert in evaluation and performance based management, the Multnomah County Department of Juvenile and Adult Community Justice, Project Luck, Portland Public Schools, the West Side Caring Community, and State Services to Children and Families.
7. The Department of Community and Family Services will report back to the Board of County Commissioners by July, 1998 regarding the outcome of the ad hoc committee, status report on the RFP process, and a timeline and action plans to implement the findings of the committee.

APPROVED this 2nd day of April, 1998.

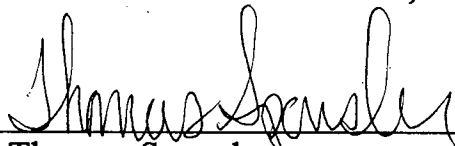


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By   
Thomas Sponsler

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**Multnomah County Department of Community and Family Services  
Division of Community Programs & Partnerships**

**Ad Hoc Committee on Downtown Portland  
Homeless Youth Services**

***EXECUTIVE SUMMARY***

**of the  
Committee Report  
on  
Service Plan and Allocation Recommendations**

**July 1998**

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<p style="text-align: center;"><b>EXECUTIVE SUMMARY</b> <b>Downtown Homeless Youth Planning Committee</b> <b>Report on Recommendations for Service Delivery System</b></p>
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### Introduction

In the spring of 1997 the Citizen's Crime Commission and the Association for Portland Progress issued a joint report entitled "Services to Homeless Youth in Portland". The report outlined what they believed were the needs of and service gaps for this population. The findings were critical of service providers, as well as County and City government, concluding that services to homeless youth were "inadequate, under-funded and poorly coordinated." The Crime Commission challenged Multnomah County to take a leadership role in planning and implementing a new service delivery system for homeless youth in downtown Portland.

The Multnomah County Board of County Commissioners adopted a resolution on April 2, 1998 addressing support and services for downtown homeless youth. In this resolution, Multnomah County, through the Department of Community and Family Services, agreed to take the lead in planning, implementing and coordinating a new service system for homeless youth. Board Chairwoman Beverly Stein appointed an ad hoc committee, comprised of community, business and government representatives, who were charged with developing a service delivery system for homeless youth. The attached report and its recommendations represents the culmination of a four month planning effort by this ad hoc planning committee.

### The Challenge

The stated goals of the County's planning efforts were twofold. First, *devise a system that would help youth leave the street*, and second, *to improve the safety and livability for all citizens who live and use the downtown Portland area*. The County maintained that the service system would have the following characteristics:

- be accountable to funders and the community;
- outline clear, measurable objectives and outcomes for service programs and for the system;
- be flexible and recognize that a variety of programs and approaches are needed to address the needs of homeless youth;
- allow for a continuum of services; and
- maximize the effective use of available resources.

Understanding fully well that the immediate safety and the future well being of homeless youth is of equal importance, the planning committee concluded that *there is a need to balance funding between programs emphasizing short term relief from danger, and longer term programs that help youth transition from street life*.

The planning committee engaged in a variety of activities in its work to develop this service system. These activities included:

- gathering background data toward a profile of homeless youth and best practices for service delivery;
- developing a set of core values and principles as a foundation for the planning;
- gathering information to evaluate the current service delivery system;
- outlining the components of an ideal system;
- developing measurable outcomes for that system;
- offering recommendations for the use of available funding for services; and
- identifying additional policy issues that need to be addressed.

### Core Values and Principles

In order to accomplish this task the Committee also developed a set of core values and principles at the outset of its work. These core values and principles were the foundation upon which the service delivery model decisions and system recommendations were eventually made. These core values and principles are found in the body of the report. However, the central tenet was the assertion that it is not acceptable that young people live on the street. The community must convey the message that we care about homeless youth and don't believe it is appropriate for them to live on the street.

### Recommendations

The service model developed by the planning committee, has as its foundation, the core values and principles the group adopted to guide its work. The comprehensive service delivery system is broken out into two clusters: a core services cluster and a range of additional services.

Together these two clusters of services:

- offer a full continuum of services to homeless youth;
- is a balance between short term relief and programs that help youth transition off the streets;
- is integrated and coordinated;
- ensure that services are developmentally appropriate; and
- ensure that services are culturally appropriate.

### **Minimum Service Continuum**

The committee recommends that a minimum service package be funded in order for the system to function as intended, to meet its primary goals and for the outcomes to be achieved. The committee is aware that its minimum package exceeds currently available funding. The committee strongly believes that the recommended minimum package represents the essential components for a base system for homeless youth. This minimum service package is represented in the table below. Please reference the full report for additional details about each of these components.

Service Component	Capacity	Cost
<u>Basic Needs Services</u> : Includes access to companionship, food, clothing, showers, basic first aid supplies and laundry facilities.	1,000 youth per year	
<u>Day/Night Common Space</u> : A 24 hour a day place where youth can be off the streets and in a setting where they feel safe and welcome, and have some type of support, structure and guidance.	2 FTE	
<u>Receiving and Screening</u> : All youth stopping into the day/night common space will be briefly screened by staff, and wherever possible, directed to services and resources.	17.5 FTE	
<u>Crisis Shelter</u> : Access to 25 crisis shelter beds, for an average stay of 14 nights. May be co-located with the receiving and screening function.	25 beds with a 14 night stay	
<u>Assessment/Case Planning</u> : Staff capacity to assess and assist in planning for youth utilizing the 25 crisis shelter beds.	2 FTE	
(Subtotal includes purchase of a van, flexible funds, and mental health and ATOD staff capacity.) <b>Subtotal:</b>		<b>\$1,346,937</b>
<u>Service Coordination/Case Management</u> : Includes longer term case management services for youth who are committed to transitioning off the streets, and into short term shelter and other, longer term, housing.	5 FTE, 75 youth at any given time	<b>\$287,500</b>
<u>Short Term Shelter</u> : The availability of 30 beds for youth who have made a commitment to leaving street life. Youth will be able to stay a maximum of 4 months in the short term shelter.	30 beds	<b>\$424,062</b>
<b>Total Amount</b> <b>Recommended Minimum Service Package</b>		<b>\$2,058,499</b>

### Additional Service Components

The Committee also proposes a range of additional services that complete the continuum of services necessary to meet the full array of needs of the homeless youth population. The full body of the report contains a more detailed description of these services and the projected costs. These include:

Transitional Housing - congregate care options for up to 50 youth annually

Independent Living - scattered site apartments for up to 20 youth annually

Education - assisting youth to access educational opportunities

Employment - assisting youth to participate in services toward employability

Physical Health - assisting homeless youth to access existing health services (through the Oregon Health Plan)

Drug and Alcohol Treatment - access to alcohol, tobacco and other drug detox and treatment

Mental Health Services - access to mental health services through the Oregon Health Plan

Reduction of Sexually Transmitted Diseases - reducing STDs among the homeless youth population

Response/Crisis Counseling - Availability of a mobile response team linked to the receiving/screening functions

Outreach - Linked to receiving/screening function, but only to provide information and referrals to homeless youth.

### Conclusion

The Ad Hoc Planning Committee took its charge very seriously. The time and effort devoted to the development of this recommended service delivery system for downtown homeless youth represents months of meetings, lengthy discussions, and some difficult but considered choices around the service packages. In the end, the committee believes that the recommended service package, when fully implemented, will ensure that both of the system goals are met. Homeless youth will have access to basic resources, and community laws and regulations will be enforced for homeless youth.



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**Multnomah County Department of Community and Family Services  
Division of Community Programs & Partnerships**

**Ad Hoc Committee on Downtown Portland  
Homeless Youth Services**

**Committee Report  
on  
Service Plan and Allocation Recommendations**

**July 1998**

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## **BACKGROUND**

The homeless youth population in the downtown Portland area has been steadily increasing over the last several years. Homeless youth are defined as youth who are unable to return to their families. A large proportion of these youth come from dysfunctional families and have experienced abuse - physical, sexual and emotional. They no longer feel safe living with their families, may not feel accepted in school and are in search of a community where they feel welcome. A high percentage of homeless youth have been unsuccessful in foster care placements and don't see any other option other than living on the streets. Once on the streets these youth face further danger - exploitation, disease, hunger and depression. Providers estimate that there are 1,000 homeless youth annually, ranging from 12 to 21 years old, who come from all parts of Multnomah County and other communities in Oregon.

In the fall of 1997 the Citizen's Crime Commission and the Association for Portland Progress issued a joint report entitled "Services to Homeless Youth in Portland". The report outlined what they believed were the needs of and service gaps for this population. The findings were critical of service providers, as well as County and City government, concluding services to homeless youth were "inadequate, under-funded and poorly coordinated." The Crime Commission challenged Multnomah County to take a leadership role in planning and implementing a new service delivery system for homeless youth in downtown Portland.

## THE CHARGE

On April 2, 1998 the Board of County Commissioners approved a resolution addressing support and services to downtown homeless youth. In this resolution, Multnomah County, through the Department of Community and Family Services, agreed to take the lead in planning, implementing and coordinating the service system for homeless youth in the downtown Portland area. (See attachment A for a copy of this resolution.)

Chair Beverly Stein empowered an ad hoc committee comprised of community, business and government representatives to make recommendations on building a new system. The stated goals of the County's efforts were to help youth leave the street, and to improve the safety and livability for all citizens who live in and use the downtown Portland area. Because the immediate safety, as well as the future well being of homeless youth, is of equal importance, there is a need to balance funding between programs emphasizing short term relief from danger, and longer term programs helping youth transition from street life. Multnomah County agreed to insure the service system would have the following attributes:

- be accountable to funders and the community;
- outline clear, measurable objectives and outcomes for service programs and for the system;
- be flexible and recognize that a variety of programs and approaches are needed to address the needs of homeless youth;
- allow for a continuum of services; and,
- maximize the effective use of available resources.

Multnomah County Chair Beverly Stein appointed an ad hoc committee of community, business and government representatives to develop a model for a new system. It was the committee's charge to:

- evaluate the current service delivery system;
- outline components of the ideal system;
- develop outcomes for that system;
- make recommendations for use of available funding for services; and
- identify additional policy issues that need to be addressed.

The committee was staffed by the Department of Community and Family Services and included representatives from Mayor Vera Katz's office, Commissioner Gretchen Kafoury's office,

Multnomah County Commission on Children and Families, Downtown Neighborhood Association, Portland Police Bureau, Citizen's Crime Commission, Association for Portland Progress, United Way of the Columbia Willamette, the academic community, Multnomah County Department of Juvenile Community Justice, Project Luck (representing the existing provider network), Portland Public Schools, West Side Caring Community, State Services to Children and Families, an expert in evaluation and performance based management, and two representatives from the homeless youth community. In order to prevent any actual conflict of interest (or appearance of), no one with a connection to any potential provider group planning on bidding for services for downtown homeless youth was included on this committee.

(See Attachment B for a list of committee members.)

## **AD HOC COMMITTEE PLANNING PROCESS**

### Information Gathering

The committee began their task by gathering information about who are the homeless youth in downtown Portland, including information on numbers of homeless youth, demographic profiles, and the special needs of homeless youth.

### *Demographics*

Dr. John Noell, from the Oregon Research Institute in Eugene, Oregon, was invited to present his recently published findings from a three-year study of 600 homeless youth in the downtown Portland area. Dr. Noell's definition of homeless youth is: "homeless youth are those youth who have not been home more than 30 days in the last 6 months, and not one day in the last 30 days." This definition distinguishes this group of youth from runaway youth. His findings and presentation challenged people's thinking about who homeless youth are, and outlined the dangers they face living on the street. His research revealed the following characteristics:

- Homeless youth are coming to the streets at various ages, but the majority of youth are between the ages of 17 and 21.
- Levels of serious depression for homeless youth are higher than the norm for the general adolescent population.
- Over 90% of homeless youth have used some form of drugs or alcohol.
- 36% of girls reported childhood sexual abuse.
- 38% of youth had been in foster care before coming to the streets.
- Although HIV infection is not high for this group, the nature of drug use and sexual behavior raises serious concerns for future HIV infection.

- Hepatitis C infection rates for boys are reportedly high.
- Homeless youth often trade or sell sex for basic needs.

Dr. Noell's research revealed that a large number of homeless youth have suffered from physical, sexual and emotional abuse, and stressed the need to create programs that rebuild homeless youths' trust in adults.

### *Best Practices*

With this demographic profile as background, the Committee then examined best practices in working with homeless youth. National, regional and local experts, as well as homeless youth, were invited to provide information and opinions.

Steve Ice, Youth Program Specialist from Region X Administration for Children and Families, and Andrew Estep, Director of the Northwest Network for Homeless and Runaway Youth, were invited to present information on the Youth Development Model. They emphasized that youth whose childhood is marked by disruption, discontinuity, abuse, abandonment and neglect could benefit from the Youth Development Model. The Youth Development Model does not only focus on providing services, but also:

- offers youth an array of services and opportunities;
- provides chances for youth to become involved in their community; and,
- focuses on young people's strengths rather than their failings.

### *Current System*

Current providers of services to homeless youth presented information on their programs. Representatives from Outside In, New Avenues for Youth, Greenhouse, De Paul Treatment Center and Willamette Bridge/Janus Youth Programs made presentations. Providers described the range of their current services, discussed their agencies' philosophies and talked about what segment of the homeless youth population they felt were best served by those philosophies. Each agency supplied information on their case management models, the number of youth they served annually and information on the outcome of their services. Two field trips were organized so that Committee members would have the opportunity to visit the current provider sites and observe their programs first hand.

### *Homeless Youth*

Sixty homeless youth also offered written suggestions for services that they felt would best help them transition off the streets. Youth advocated for 24-hour access to services, particularly basic services such as food, shelter, showers and a safe place to be off the street. They emphasized

their need to know all the options that are available to them in order to make informed choices. They recommended there be more transitional housing, individualized screening and set standards and uniformity for case management services.

### Development of Outcomes

In order to orient the Committee to a discussion on outcomes, Dr. Mike Hendricks, an expert in outcome measurement and a pro bono volunteer member of the committee, presented information about outcomes. His definition of an individual level outcome - a definition subsequently used by the committee - is "a benefit or change in an individual's or group of individuals' knowledge, skills, attitudes, values, behaviors, condition or status."

The Committee developed a framework for desired outcomes, including outcomes for program participants, the community and the overall system. This framework was guided by the philosophy of positive youth development, and emphasized that all outcomes be based on research. Furthermore, the framework is consistent with the outcome process described in the Oregon Commission on Children and Family's "Building Results: From Wellness Goals to Positive Outcomes for Oregon's Children, Youth and Families." This methodological construct presents outcomes that are meaningful, measurable, and linked to longer term, community-wide benchmarks. For youth to develop and succeed, they need:

- supportive communities, schools and neighborhoods;
- support and supervision;
- positive peer and adult relationships and the ability to be socially competent;
- a positive view of one's self and one's future;
- educational/vocational programs and success; and,
- a decrease in personal risk-taking behaviors.

### Outcomes Framework

The outcomes presented in the attached framework flow upward from two bottom lines: 1) *homeless youth will have access to basic resources* and 2) *community laws and regulations will be enforced for homeless youth*. The provision of access to basic resources is a way for the community to show it cares by providing support and supervision. The enforcement of community laws and regulations allows the community to convey the message that it cares for homeless youth, and shows that the community is willing to set boundaries.

The Committee developed a series of outcomes for youth, the system and the community so that ultimately, 1) young people leave the street, and 2) young people are no longer called homeless and become members of the community at large. In order to reach these over-arching outcomes, however, intermediate outcomes will need to be met for youth, the community and the system.

(The Committee has two versions of framework; one follows and the other is Attachment C.)



#1

## SPEAKER SIGN UP CARDS

DATE 7/30/98

NAME

Bill Furman

ADDRESS

Greenbrier Companies

Homeless Youth Assessment Unit

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC ~~Topic #~~ R-12

GIVE TO BOARD CLERK

#2

## SPEAKER SIGN UP CARDS

DATE 7/30/98

NAME

Fred Stickel

ADDRESS

Citizen's Crime Commission  
Association for Portland Progress

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC ~~Item #4~~ R-12

GIVE TO BOARD CLERK

#3

## SPEAKER SIGN UP CARDS

DATE 7/30/98

NAME

Kathy Oliver

ADDRESS

1234 SW Salmon

PHONE

223-4121

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-12

GIVE TO BOARD CLERK

#4

## SPEAKER SIGN UP CARDS

DATE

7/30/98

NAME

ANDY RAUBESON

ADDRESS

1236 SW Salmon

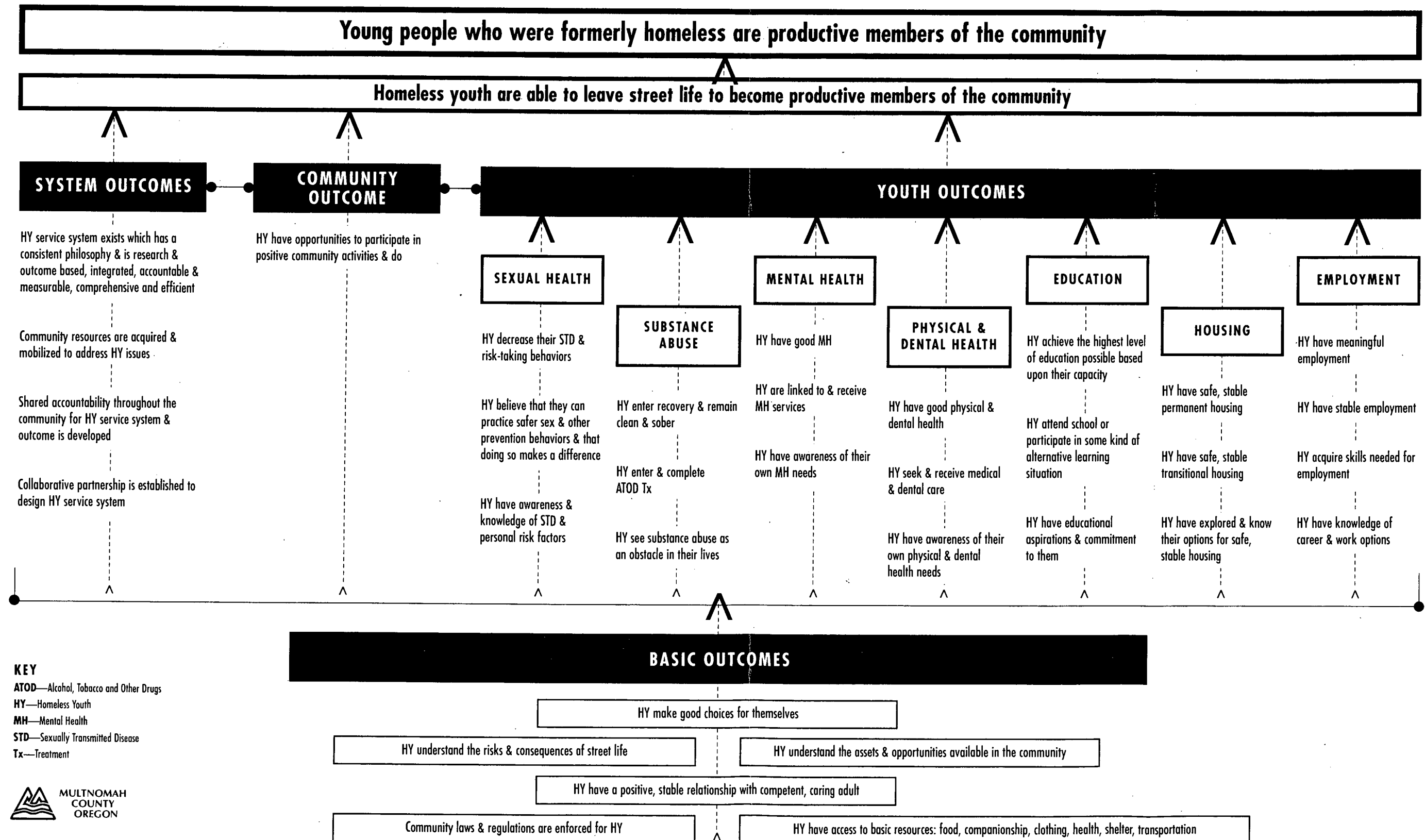
PHONE

464-0376

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-12

GIVE TO BOARD CLERK

# DESIRED OUTCOME FRAMEWORK for DOWNTOWN PORTLAND HOMELESS YOUTH SYSTEM



**KEY**  
 ATOD—Alcohol, Tobacco and Other Drugs  
 HY—Homeless Youth  
 MH—Mental Health  
 STD—Sexually Transmitted Disease  
 Tx—Treatment



## **GUIDING VALUES AND PRINCIPLES**

Underlying and guiding the outcome framework is a set of core values and principles the Committee agreed upon at the outset of its work. These values are stated below:

1. It is not acceptable that young people live on the street. The Committee felt that as a community we must convey the message that we care about homeless youth and don't believe it is appropriate for them to be living on the streets.
2. There is a need to build the basis for access to a system of services.
3. Biological families should be held accountable for housing and caring for their young people even when they are not living with the family.
4. When families' structures fail and youth move to the street, the community has a responsibility to provide homeless youth with the support they need to move off the streets and become productive members of the community. Working from the model of positive youth development, the Committee believed that when families are unable to provide youth with support and structure it is the communities' responsibility to do so.
5. There needs to be a balance between short term relief from danger and long term programs that help youth transition off the streets. The Committee was in agreement that homeless youth must have access to basic needs 24 hours a day, 365 days of the year. This creed served as the foundation upon which to build the continuum of services.
6. All approaches to helping homeless youth must be developmentally appropriate. The Committee discussed the need to have programs geared not only to a youth's chronological age, but also to their developmental level. They believed that younger, homeless youth need to receive services separate from older homeless youth who have become more acculturated to the street life.
7. Enforcement of community rules and regulations does not in any way mean that being a young person, being poor, or being homeless, is a crime. The Committee believes that enforcement of regulations is a means to convey the message that the community cares enough about homeless youth to provide boundaries.

## PROPOSED SERVICE SYSTEM DESCRIPTION

The Committee designed an ideal service system based on the core values and principles described above. This service system:

- offers a full continuum of services to homeless youth;
- is a balance between short term relief and programs that help youth transition off the streets;
- is integrated and coordinated;
- is developmentally appropriate; and,
- is culturally appropriate.

The major service components include a *core service cluster* and a *range of additional services*.

Prioritization of services and costs are depicted in Table 1.

### Service: Core Service Cluster

A core group of services will be offered to downtown homeless youth up to their 21<sup>st</sup> birthday, 24 hours a day, 365 days a year. Core services provide basic needs, offer safety off the streets, give youth support and guidance from caring adults, and will be the first link to the broader system of services for homeless youth in the downtown Portland area. There will be no limit on how long or how often youth can access this core group of services. An estimated 1000 homeless youth will access core services annually. These core services are directly related to the two primary goals of the system:

- \* *Homeless youth have access to basic resources*
- \* *Community laws and regulations are enforced for homeless youth*

A group of providers, or one provider, can offer the core cluster of services. Core services may be offered in one or several locations, although the Committee assumed that if core services were offered in one location it would be more cost efficient. The Committee recommends that basic needs, the day/night common space and the receiving functions should be considered for co-location. Core services include:

**Basic Needs:** Youth will have access to companionship, food, clothing, showers, basic first aid supplies, and laundry facilities.

**Day/Night Common Space:** The common space will be a 24 hour place for homeless youth to be off the streets and in a setting where they feel safe and welcome, and have some type of structure, support and guidance. This will not be a place for youth to just “crash.” During the day there will be a variety of activities in which youth can participate - job skills training, art, recreation, peer groups and opportunities to contribute to the common space and the larger community through volunteer opportunities. Homeless youth will have the opportunity to give back to, and be a part of, the community they live in through community involvement. A volunteer coordinator attached to the day/night common area will coordinate opportunities in the downtown Portland area for homeless youth, organize activities and training, and make sure there is a connection between homeless youth and the larger community. It is an expectation that community involvement will be a part of each youth’s individual plan.

Although the preference is for youth to sleep in the crisis shelter at night, there will be some youth who can’t, or won’t, enter the crisis shelter. The recommendation calls for an overnight common space for those youth. Youth can use the common space with no strings attached. However, all youth will be screened by staff who will let them know what options they have, and encourage youth to take advantage of the resources available. During the day, the common space will be able to accommodate 50 youth at a time. At night the common space will accommodate 25 youth at a time. Twenty-five other youth will be in the crisis shelter beds.

**Receiving and Screening:** The receiving/screening function will be a central component of the day/night common area. No matter the referral source or process, staff will screen all youth. Screenings will be brief, and whenever possible youth will be immediately directed to other services. Screening staff will not assume that all youth are homeless, but will explore all options for services and housing - detox, medical care, reunification with family, runaway shelter, and crisis beds. For youth determined to be homeless, staff will offer them support and linkage to an array of other services.

**Crisis Shelter:** There will be 25 crisis shelter beds youth can stay in for an average of 14 nights. The crisis shelter can be considered for co-location with the common space and receiving function. If services are co-located, there will be a separation of common areas and sleeping areas. If not co-located, services in separate locations will be coordinated and integrated. Youth in the crisis shelter will have limited storage space available. Youth will not be allowed to sleep during the day unless there is an employment or medical reason. Special arrangements will be made for homeless youth who are parenting.

**Assessment/Case Planning:** Assessment specialists will be available to provide assessment and case planning for youth who utilize the 25 crisis beds. They will provide a more in-depth assessment than the initial screening. Assessment staff will help youth explore all their options for housing and services, and develop an initial case plan. One of the options will be referral to Service Coordination and the short-term shelter.



Assessment staff will provide an average of 20 assessments per week, and have an average of 20-30 youth on their caseload at one time.

With co-location the staffing and costs for the above set of services would be \$1,346,937. This is broken out in the manner below:

**Cost:**

1 FTE Community Coordinator	
1 FTE Shelter Coordinator	
17.5 FTE Screening/Receiving Staff	
2 FTE Assessment Specialists	
1 Van	
<b>Subtotal</b>	<b>\$981,937</b>
Flexible funds for mental health & education	\$65,000
Funds for FTE for mental health and ATOD services	\$300,000
<b>Total core services</b>	<b>\$1,346,937</b>

Costs for Coordinators and Service Coordinators/Case Managers are based on salaries of \$40,000 per year including fringe benefits with 15% added for administration and 25% for materials and supplies. Costs for other staff based on salaries of \$30,000 per year including fringe benefits with 15% added for administration and 25% for materials and supplies.

## **Service: Service Coordination/Case Management**

Youth who are committed to transitioning off the street will move out of the crisis shelter into other housing. This may include short-term shelter, transitional housing, or scattered site housing. At the point they make this commitment they will begin to work with a Service Coordinator/Case Manager.

The Service Coordinator/Case Manager will ensure youth are linked to appropriate services, facilitate coordination of those services, and monitor their progress through the service system. The Service Coordinator/Case Manager will be a competent, caring adult who offers youth support and encouragement, and someone with whom they can have a long-term relationship. They will encourage youth to participate in activities that will strengthen their sense of competence and build skills for life. The Service Coordinator/Case Manager will help youth register to vote, access volunteer, recreational, and cultural opportunities in the downtown area, and learn to participate in the larger community. Youth will have the ability to access services outside the cluster of core services, such as education and employment services, on their own.

Service Coordinators/Case Managers will also identify emerging system-wide issues, work with the larger service system and participate in the collection of data. An estimated 100 youth will be working with the team of Service Coordinators/Case Managers at any given point in time. Of those 100 youth, 30 will be in short term shelter, 50 in transitional housing, and 20 in independent housing. Some youth will need a higher level of contact than others, so Service Coordinators/Case Managers will work with youth all along the continuum of housing. Each coordinator will have a caseload of approximately 15 youth at any given time.

This model takes into consideration that case management services are included in the funding for the McKinney transitional beds. Staffing and costs for these services are:

### **Cost:**

**5 FTE Service Coordinator/Case Managers**

**\$287,500**

## **Service: Short-term Shelter**

Short-term shelter will be available for 30 youth up to their 21<sup>st</sup> birthday, who are in service coordination and have made a commitment to transition off the streets. This shelter will be open 24 hours a day (youth who verify that they are working swing or night shift will be able to enter the shelter when their work shift is over). Youth will also have a place to store their belongings, and all shelter will be provided in a developmentally appropriate manner. The shelter will be a place where youth feel safe, and continue to get guidance from caring adults. Youth will have the opportunity to contribute to the shelter community through chores and through participation in shelter management. Youth will be able to stay a maximum of 4 months at the short term shelter, provided they continue to work with their Service Coordinator/Case Manager and follow through with their case plan. This shelter will be an interim step before youth move into transitional housing. Shelter staff will communicate and coordinate with each youth's Service Coordinator/Case Manager. Staffing costs for this service are:

### **Cost:**

1 FTE shelter coordinator	\$ 57,500
8.5 FTE ( 2 night and swing shift staff, and 1 day shift staff, 7 days a week)	\$366,562
<b>Sub-Total short-term shelter</b>	<b>\$424,062</b>

## **Service: Transitional Housing**

There will be a variety of congregate care transitional housing options available for up to 50 youth. Congregate care includes host family, group home, or dormitory-style housing with 24 hour supervision. These facilities will not just be in the downtown area, but will be located throughout the greater Portland area. Youth will live in groups of 5-7 with 24 hour supervision. Youth need to participate in case management to enter and remain in transitional housing. In addition, they must be in school, in a vocational or training program, and employed while they are living in transitional housing. Youth will have opportunities to participate in and contribute to their living communities through helping develop house rules, participating in chores, attending house meetings, and acting as peer counselors. Youth will also be encouraged to participate in the larger community in which they live by acting as representatives on committees, and by getting involved in neighborhood issues and activities. Youth will most likely be in transitional housing for an average of six months to one year, but are eligible to remain for up to two years. The housing staff will be in contact with Service Coordinators/Case Managers to be sure youth are continuing to follow their case plans.

The Committee recommends funding 10-14 beds of additional transitional housing. The system currently has 7 beds of transitional housing in a group home model, and Multnomah County has submitted an application to HUD (McKinney) for 32 additional beds in a combination of group home and dorm models. Costs for an additional 10 to 14 beds in a group home/dorm model include:

### **Cost:**

**Additional 10-14 beds**

**\$300,000**

## **Service: Semi-Independent Living**

There will be individual, scattered site apartments for 20 youth throughout the greater Portland area. Youth who have been successful in supervised transitional housing and are ready for more independent living will be moving into these apartments, which will be transitional in nature. Youth living in apartments will be working or going to school, will have skills to live successfully on their own and will be involved in the community. They will have limited case management and will be expected to contribute to the monthly rent. Service Coordinator/Case Managers will continue to maintain contact with youth and be available for problem solving and intervention, as necessary.

### **Costs:**

**20 units w/rent & utilities @ \$700 per unit**

**\$168,000**

## **Service: Education**

Service Coordinators/Case Managers will explore a variety of educational opportunities with homeless youth. Homeless youth will have access to Portland Public Schools. Alternative programs and traditional high school programs will offer course work leading to a diploma and Certificates of Initial and/or Advanced Mastery. Other options include earning a GED or participating in professional/technical programs.

Service Coordinators/Case Managers will refer homeless youth to the Portland Public School "Project Return" which will: 1) assess student needs and place students in appropriate school programs; 2) refer students who may be eligible for Special Education and may need Individualized Education Plans; and, 3) assist youth to enter Community College and other specialized educational programs. Secondary level (high school) educational services will be provided by Portland Public Schools.

### **Costs:**

**Flexible funds that are attached to service coordination.**

**Assessment and referral costs will be part of service coordination costs.**

## **Services: Employment**

Homeless youth will have an opportunity to participate in services that will help them access employment services through a variety of settings - pre-employment training, career counseling, subsidized job training, mentorship/job shadowing, job placement and job retention services. An employment counselor/coordinator will work with youth to help link them to the appropriate level of service, to provide support and encouragement, and to organize employment related activities - goal setting, computer training, resume writing, and interviewing to name a few. The employment counselor/coordinator will help youth explore their strengths and set career goals. Services may include access to subsidized, unsubsidized or entrepreneurial programs. Services will be developmentally appropriate, with community involvement activities for younger youth. Youth who are (and remain) employed will have a direct link to the transitional housing program.

Service Coordinators/Case Managers will work with the employment counselors to insure that youth are receiving services that best meet their needs. The employment counselors will provide Service Coordinators/Case Managers with training regarding the job system, will be available to provide technical assistance, and will organize special projects. The Homeless Youth System will work in conjunction with the Work Force Development Board to ensure that these services are available for homeless youth.

### **Costs:**

**Costs of access are included in service coordination.**

**Develop linkages with Workforce Development Board**

## **Service: Physical Health**

Core services will include basic first aid and screening for immediate medical needs. Youth needing immediate medical attention will be referred to the emergency medical system. The focus will be on helping homeless youth access the existing system through enrollment in the Oregon Health Plan and sign up with a primary health care provider. Service Coordinators/Case Managers will insure youth sign up and remain on OHP, and will help refer them to ongoing services.

Information about health promotion and wellness activities will be a part of the activities that take place in the common area. Topics will include tobacco cessation, safe sex practices, alcohol and drug issues, nutrition, recreation, relaxation and exercise.

### **Cost:**

**Costs of access are included in service coordination.**

## **Service: Drug and Alcohol Treatment**

Homeless youth will be screened for the need for detox and alcohol and drug services. As stated, Assessment and Service Coordinators/Case Managers will help youth enroll in OHP. They will assist with referrals and access to ATOD treatment - inpatient treatment, outpatient treatment, smoking cessation, Narcotics Anonymous, and Alcoholics Anonymous. Service Coordinators/ Case Managers will continue to support youth in recovery. There will be 5 detox beds available for youth under 18, 10 beds of 30-day in-patient treatment, and unlimited access to outpatient treatment for youth. Service Coordinators/Case Managers will receive training regarding substance abuse issues and treatments.

The homeless Youth System will work with the Alcohol & Drug system to help them seek funding for detox service through existing and possible new sources of State and local funding.

### **Cost:**

**5 beds detox**

**\$299,000**

## **Services: Mental Health**

Homeless youth will access mental health services through the Oregon Health Plan. Flexible funds will allow Service Coordinators/Case Managers to bring homeless youth into services differently, collaborate with mental health providers, and bring mental health services on-site. These funds will be used to fill the gaps not met by OHP and the managed care system. Flexible funds can be used for services such as: group counseling, individual counseling, assessment and psychological testing. Service Coordinators/Case Managers will work closely with a variety of mental health providers to make referrals and to advocate for access to the system. Service Coordinators/Case Managers will identify gaps in service and advocate for youth on a systems level.

Service Coordinators/Case Managers, screening and assessment staff will receive training in understanding issues of mental health, medication management and dual diagnosis.

### **Costs:**

**Flexible client service funds are attached to service coordination.  
Access to the system is a cost of case management.**

## **Service: STD Reduction**

Outreach to homeless youth regarding sexually transmitted diseases (STD) and safe sex practices will be a function of the Outreach program. Outreach workers, including peer educators, will provide homeless youth with information and materials regarding STDs and safe sex practices, including culturally specific outreach to male homeless youth who have sex with males. Homeless youth over 18 will have access to a needle exchange program and will receive HIV/STD prevention support and referral for immediate needs. Homeless youth will have peer education opportunities to provide community service, get paid and develop early job skills. Service Coordinators/Case Managers and staff for core services will receive training in delivering culturally competent services to gay, lesbian, transgender, bisexual and questioning youth.

### **Cost:**

**Costs are part of the Outreach Program.**

## **Service: Outreach**

There will be an outreach component linked to the receiving/screening function that is different from the response function. The Outreach Team can be staffed by volunteers or peers and will have no other expectation other than contact with youth and providing information about services and resources available to homeless youth in the downtown Portland area. Youth who are, or who have been homeless, will be encouraged to be a part of the outreach effort.

### **Cost:**

**This service is being covered by existing service system outside the Downtown Homeless Youth System.**

## **Service: Response Team**

A mobile response team will be linked to the receiving/screening function. The response team can be in the same location or in a separate location. The response team will have the ability to go out into the community to not only respond to a youth who is in crisis, but also to respond to other community concerns. This team will be staffed by highly trained professionals who can screen for mental health, Alcohol Tobacco and Other Drugs (ATOD) and other issues. They will have access to mental health specialists and clinicians. Acceptance of these services is voluntary on the part of the young person.

The Committee recommends that this function be considered for a pilot project with possible private or grant funding.

### **Cost:**

**\$210,000**



**TABLE 1**

<b><u>Service</u></b>	<b><u>Cost</u></b>
1. Core Service Cluster	
Basic Needs	
Day Night Common Space	
Receiving/Screening	
Assessment/Case Planning	
Crisis Shelter	\$981,937
2. Service Coordination	\$287,500
Flex funds for education & mental health	\$65,000
3. Short-Term Shelter	\$424,062
4. Transitional Housing (10-14 beds)	\$300,000
5. Supported Independent Living (20 units)	\$168,000
6. Funding for FTE for mental health and ATOD	\$300,000
<b>System Total</b>	<b>\$2,526,499</b>
<b>Current Funds Available</b>	<b><u>\$1,011,376</u></b>
<b>Difference</b>	<b>\$1,515,123</b>
 Response team*	 \$299,000

\*Although the Committee felt the response function was important, they did not feel it was essential to the core package.

## CRITICAL CONSIDERATIONS

**The Committee strongly recommends that a minimum package of services must be funded, even if it exceeds currently available funding, in order for the system to function and the outcomes achieved.** Additional prioritized and non-prioritized services beyond the scope of this Committee, are services that can be added as funding becomes available or are services that could be funded elsewhere.

The **minimum package** includes:

- basic needs
- common space
- receiving & screening
- assessment
- crisis shelter
- service coordination
- short-term shelter

With 7 current **transitional housing beds**, and the possibility of 32 new beds through the 1998 HUD/McKinney application, the committee felt that an additional 10-14 beds would reach the goal of 50 beds. If the 32 beds are not funded through McKinney, this recommendation will be revisited.

**Flex funds** to fill in gaps in the Oregon Health Plan for mental health services, and to provide for specialized educational programs, were felt to be essential and difficult to fund through other means.

The Committee heard from several sources the importance of **detox services** for youth under 18. Although the Committee felt this was very important they recommended partnering with the A&D system to advocate for funding of a youth detox through existing or possibly new funding.

In order to make the best use of available resources, the Committee believes that the best way to achieve the **employment** outcomes is to work with the Workforce Development Board.

Changes in the recommended service model were made after youth service providers and other interested persons were given the opportunity to review the draft recommendations. The number of Service Coordinators/Case Managers was increased to five and the ratio of staff to youth was changed to 1 to 15. The function of supported independent living was clarified.

## ANALYSIS

This service model is both qualitatively and quantitatively different from the current system.

The Committee recognizes that the current system has been inadequately funded. The current system operates in a piecemeal fashion where funding is only available to fund night time shelter, limited day drop-in, and crisis shelter only during the winter months. The committee is recommending a new system that will remediate the problems of the current system. The new system is designed to offer core services to youth up to their 21<sup>st</sup> birthday, 365 days a year, 24 hours a day.

The new system will be fully integrated and coordinated so that there is a continual flow of information between the variety of service providers. Service Coordinators/Case Managers will be responsible for monitoring youth's progress through the system and ensuring that they are progressing through the system. Programs will have clearly identifiable and measurable objectives and outcomes. Funding for staff positions will be at a level to allow salaries that attract and retain highly trained and professional staff.

The new system will encourage a connection between the larger downtown community and homeless youth, and will help youth build and develop their skills and strengths. Multnomah County will be responsible for coordinating the overall system and making sure the model is fully implemented.

## **ADDITIONAL POLICY ISSUES TO BE ADDRESSED**

There are four advocacy issues that the Committee has identified as needing additional discussion and attention beyond the scope of this plan. It is the intent of the Committee that these issues be referred to the Board of County Commissioners for their further attention.

### Foster Care

A significant number of homeless youth have come from the foster care system. Many of these are younger youth who are not yet ready for independent living. The Committee felt strongly that there is a need to advocate with the State Office for Services to Children and Families to provide housing for this younger-aged group of homeless youth.

### Singles System

Although some homeless young people ages 18-21 identify themselves as belonging in the single adult homeless system, many do not. Many homeless youth are developmentally and emotionally at a much earlier stage and feel threatened and uncomfortable in the adult system.

The Committee advocates exploring how the adult singles system might develop services that are better able to accommodate persons 18-21 years old.

### ATOD Services

The Committee heard from a number of sources that there is a need for detox services for youth under 18. Currently there are few places where youth under 18 can receive medically supervised detox services. Although this service is an essential part of the model, the Committee felt that funding for this service should come from the ATOD system. The Committee proposes that the ATOD service system and business community advocate with the State so that existing and new funding resources can be allocated for this service.

### Response Team

The Committee heard information about a response function that has worked well with homeless mentally ill adults. They felt that this function could be funded as a pilot project in order to assess its effectiveness in working with a homeless youth population. They recommend that funding sources for this project be explored.

## **FUTURE SYSTEM MONITORING ISSUES**

There are a number of areas the Committee believed should be carefully monitored with adjustments to the service system made as necessary, including:

- The balance between crisis beds and overnight common area slots needs to be re-evaluated in 6 months. The report recommends space for 25 youth in the common area and 25 youth in crisis beds. Data on use of these spaces will help determine if this is the right balance.
- The number of Service Coordinators/Case Managers is funded at 5 FTE. Service Coordinators/Case Managers are an essential part of the model. The number and ratio of staff to clients will need to be re-evaluated as the model is implemented.
- The number of transitional beds recommended will need to be revisited to make sure that there are enough beds for youth to move through the system. The Committee's recommendations for transitional beds is dependent on 32 transitional beds being funded by the 1998 HUD/McKinney grant.
- Recommendations for both physical and mental health are dependent on access to the Oregon Health Plan. Modifications may be necessary as changes occur in the health arena.

## **CONCLUSION**

This recommended service model represents the Committee's best estimate of the needs of Portland's downtown homeless youth. It was developed with the goal of creating a system that would truly address the needs of homeless youth and enable them to leave the streets. The Committee recommends that a minimum package of services be funded in order for the system to function and the goal to be met. The Committee is prepared to evaluate the new system periodically and to recommend adjustments where needed.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Addressing Support and Services     )  
to Downtown Homeless Youth         )     RESOLUTION

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FINDS:

- a) Multnomah County is committed to building and supporting strong communities and families;
- b) Youth are living on the streets of Portland due to a failure of community and family efforts to address problems in school, alcohol and drug addiction, child and sexual abuse, juvenile delinquency and other types of family and individual dysfunction;
- c) Life on the streets can lead homeless youth to suffer from high rates of depression, low-self esteem, sexual risk taking and other self destructive behaviors;
- d) A population of homeless youth downtown adversely affects the economic and cultural viability of downtown including the willingness of businesses to locate jobs or operations downtown, and citizens to live, work or shop downtown;
- e) Multnomah County recognizes that it is not safe nor appropriate for youth to be living on the streets. And that although the preference is for youth to be living with their families, many youth can not go home to their families because it is not safe for them to do so;
- f) Multnomah County's priority is to help homeless youth exit street life; and,
- g) The best way to help homeless youth exit street life and achieve success in their lives is to offer a comprehensive

continuum of care that responds to the developmental stage of youth and holds youth accountable for entry level and more serious crimes through enforcement and sanctions.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
RESOLVES:

1. Multnomah County, through the Department of Community and Family Services, will take the lead in planning, implementing and distributing funds for support and services to homeless youth in the downtown Portland area;
2. The goal of the County's efforts will be to help youth leave the street and improve the safety and livability for all citizens who live and use downtown;
3. Immediate safety and the future well being of homeless youth is of equal importance so a balance must be created between short term relief from danger and long term programs that help youth transition to self sufficiency;
4. Multnomah County will insure that the service system for downtown homeless youth has the following attributes:
  - i) Accountability to funders and the community by regular information provided to the community about program effectiveness and demographics
  - ii) Clear, measurable outcomes and objectives for programs which have been agreed to in advance by all stakeholders
  - iii) Flexibility, recognizing that a variety of programs and approaches are needed to address the needs of homeless youth
  - iv) A continuum of services including assessment, emergency and transitional housing, case management, education, health care, employment

services, alcohol and drug treatment and mental health services

- v) Maximum effective use of available resources which includes establishment of clear priorities for use of available resources

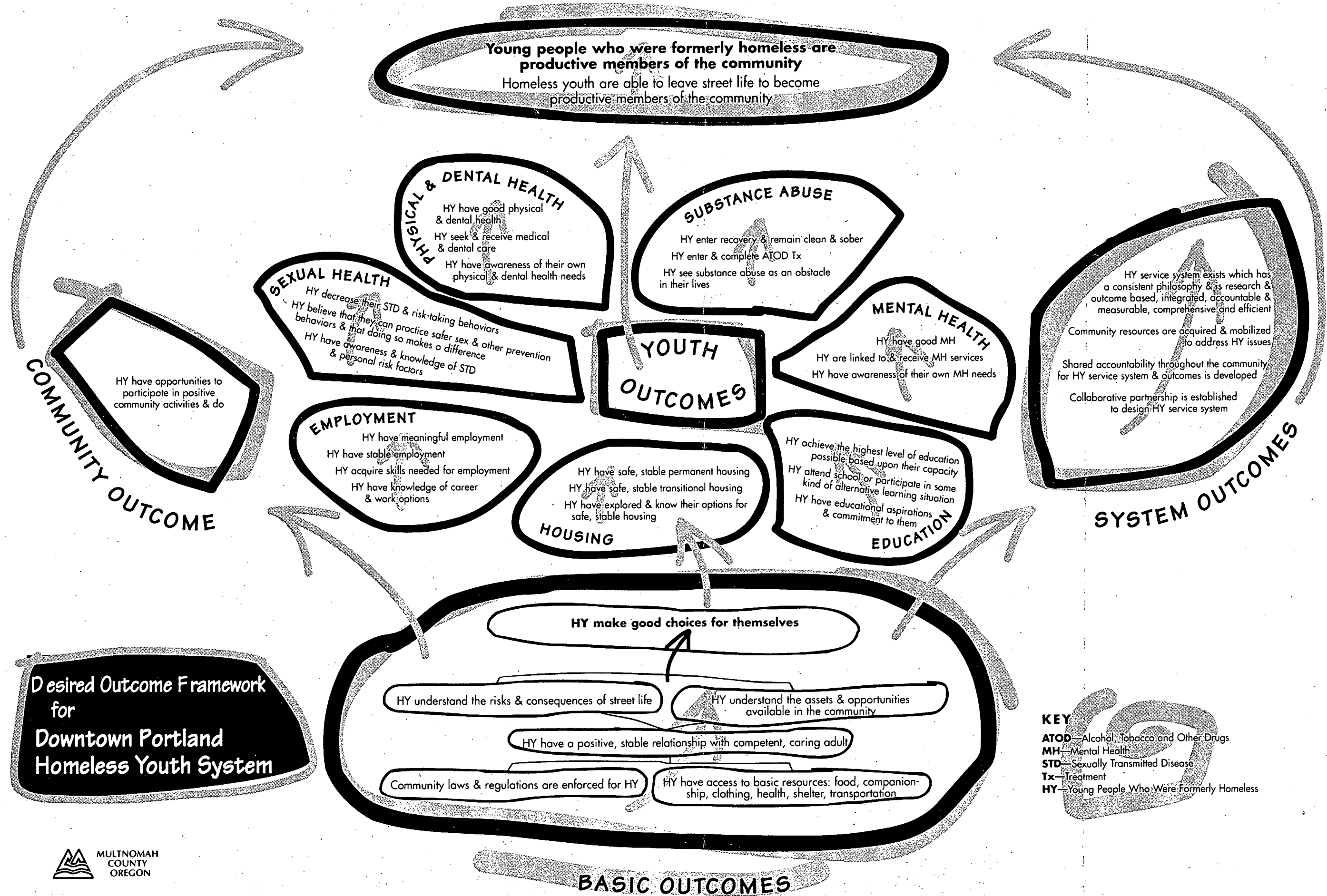
5. The Chair will appoint an ad hoc committee to plan for service delivery and use of public and private resources through an RFP process. The committee is charged with evaluating the current service delivery system, describing an ideal system for our community, agreeing on outcomes, making recommendations for use of available funding for services for homeless youth in the downtown Portland area and identifying additional policy issues which should be addressed. This resolution shall provide the conceptual and philosophical framework for this planning effort and its implementation.
6. The committee will be staffed by the Department of Community and Family Services. It will include representatives from: Mayor Vera Katz's office, Commissioner Gretchen Kafoury's office, the Commission on Children and Families, the Downtown Neighborhood Association, the Northwest Network on Homeless and Runaway Youth, the Portland Police Bureau, the Citizens Crime Commission, the Association for Portland Progress, United Way of the Columbia Willamette, the academic community, an expert in evaluation and performance based management, the Multnomah County Department of Juvenile Community Justice, Project Luck, Portland Public Schools, the West Side Caring Community and State Services to Children and Families.
7. The Department of Community and Family Services will report back to the Board of County Commissioners by July 1998 regarding the outcome of the ad hoc committee, status report on the RFP process and a timeline and action plans to implement the findings of the committee.

APPROVED this 2nd day of April, 1998.



## List of Committee Members

<p>Jim Clay Multnomah Commission on Children and Families 421 SW 6<sup>th</sup> Avenue, 10<sup>th</sup> Floor Portland, OR 97204 248-3527</p>	<p>Janet Miller Tri-County Youth Consortium 4829 MLK Blvd Portland, OR 97223 281-6151</p>
<p>Chet Edwards Portland Public Schools 2508 NE Everett Portland, OR 97230 916-5783</p>	<p>Andy Olshin Homeless Youth Advisory Committee 3728 NW Thurman Portland, OR 97210 916-0967</p>
<p>David Fuks Edgefield Children's Center 2408 SW Halsey Troutdale, OR 97060 493-4020</p>	<p>Jennifer Patterson Homeless Youth Representative Portland, OR</p>
<p>Alexia Halen Services for Children and Families 500 Summer Street NE, 2<sup>nd</sup> Floor Salem, OR 97310 (503) 945-6690</p>	<p>Sgt. David Pool Portland Police Bureau 1036 NE 9<sup>th</sup> Portland, OR 97209 823-2100</p>
<p>Mike Hendricks Independent Consultant Outcome Measures 1912 SE Elliott Avenue Portland, OR 97214 235-4080</p>	<p>Rev. Patricia Ross Downtown Neighborhood Association 1126 SW Park Portland, OR 9724 228-7219</p>
<p>Ron Hill University of Portland School of Business 5000 N Willamette Blvd Portland, OR 97203 283-7224</p>	<p>Rachael Silverman Bureau of Housing &amp; Community Development 808 SW 3<sup>rd</sup>, Suite 600 Portland, OR 97204 823-2378</p>
<p>Rick Jensen Department of Adult and Juvenile Justice 1461 NE 68<sup>th</sup> Street Portland, OR 97213 306-5698</p>	<p>Tom Sjostrom Association for Portland Progress 720 SW Washington, #330 Portland, OR 97205 226-7025</p>
<p>Justin Lewis Homeless Youth Representative Portland, OR</p>	<p>Anne Stone West District Caring Community 18935 SW Almonte Court Aloha, OR 97007 649-6535</p>



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Relating to Support and Services )      RESOLUTION NO. 98-100  
for Downtown Homeless Youth      )

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FINDS:

- a) Multnomah County is committed to building and supporting strong communities and families;
- b) Youth are living on the streets of Portland due to a failure of community and family efforts to address problems in school, alcohol and drug addiction, child and sexual abuse, juvenile delinquency and other types of family and individual problems;
- c) Life on the streets can lead homeless youth to suffer from high rates of depression, low-self esteem, sexual risk taking and other self destructive behaviors;
- d) A population of homeless youth in downtown Portland adversely affects the economic and cultural viability of Portland's downtown including the willingness of businesses to locate jobs or operations downtown, and citizens to live, work or shop in downtown Portland;
- e) Multnomah County recognizes that it is not safe nor appropriate for youth to be living on the streets. And that although the preference is for youth to be living with their families, many youth can not go home to their families because it is not safe for them to do so;
- f) Multnomah County's priority is to help homeless youth exit street life;
- g) The best way to help homeless youth exit street life and achieve success in their lives is to offer a comprehensive continuum of care that responds to the developmental stage of youth and holds youth accountable for entry level and more serious crimes through enforcement and sanctions; and,
- h) The ad hoc committee appointed by the Chair and authorized by prior Resolution No. 98-25 to evaluate the current service delivery system, describe and plan the optimal service delivery system,

establish service outcomes and make recommendations for use of available funding for services has completed its work.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

1. Multnomah County accepts the plan and recommendations of the ad hoc committee authorized by Resolution No. 98-25;
2. Multnomah County commits to providing the necessary leadership to fully implement the plan for services for downtown Portland homeless youth developed by the ad hoc committee by convening key stakeholders to address funding issues, advocating for policy changes in related systems, continuing to review and address the root causes of youth homelessness.

APPROVED this 30th day of July, 1998.



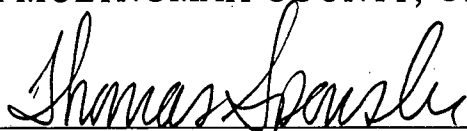
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By



Thomas Sponsler

## MEMORANDUM

TO: Board of County Commissioners

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

SUBJECT: Downtown Portland Displaced Youth Status Report - #1

DATE: September 3, 1998

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There are four areas in which I would like to share information with you.

### Funders' Session

The original meeting was scheduled for August 26<sup>th</sup>, however so many key participants were unavailable on that date that it was determined that it would be better to postpone. The session has now been rescheduled for September 15<sup>th</sup> in anticipation of increased attendance. Interest in the meeting continues to be high and the Department has great hopes for the potential for positive outcomes. The proposed agenda and list of invitees is attached.

### Governor's Juvenile Crime Planning Process

The Community Justice planning process has identified four strategic populations to address within the County's plan and response. One of the four is downtown Portland homeless youth. Initial discussions have focused on the 24-hour receiving function and the crisis shelter as potentially the most appropriate for inclusion in the plan. Final decision regarding services and amount of funding will be made in time for the September 15<sup>th</sup> submission of the plan. If the plan is approved by the Governor (and the Governor's budget by the Legislature) funds would potentially become available in October 1999.

## RFP

The Department is currently involved with the development of the necessary specifications for the procurement process. Two members of the Committee (Rachael Silverman - City of Portland and Andy Olshin - Citizens Crime Commission) are serving as consultants for content, however they are not involved with the writing, reviewing nor rating of the document nor any future responses.

Staff are currently exploring the option of issuing a Request for Programmatic Qualifications (RFPQ) rather than the usual Request for Proposals (RFP). A RFPQ would qualify a pool of potential providers. Responses would outline a provider's qualifications to potentially provide services rather than to "bid" on specific services. Providers would have to meet minimum expectations in order to be considered as a part of the pool.

In order to determine the exact mix of providers and services from within that pool, the Committee would again be called together to oversee a process that would insure that the appropriate linkage between providers and services were negotiated. This would be determined through collaboration and maximizing all potential resources.

This process will both address competition and collaboration issues and represents a creative and potentially very helpful solution to the current situation among providers.

Release of a procurement document (either RFP or RFPQ) is anticipated within the first two weeks of October. This still preserves the January start date for implementation of the new system.

## Other Issues

- As most of you know, the City of Portland has made \$250,000 available (one-time-only) to help with initial implementation of the system. The Department of Community and Family Services is drafting a letter expressing the hope that their contribution will become an on-going commitment.
- Beverly will be in Washington, D.C. this month and will be working with several individuals to meet with key decision-makers involved with the HUD McKinney process. The vast majority of transitional housing for the system is dependent upon funding of this proposal. Without this award, there will be a significant shortfall in funding for the system outside of the current \$2.5 million needed.
- We are about to begin recruitment for the new Homeless Youth Coordinator position and plan to have the position filled in time to begin new system implementation.

Thank you for the opportunity to update you on these important issues. If you have any questions or need more information, please don't hesitate to contact Mary Li at extension 26787.

## DOWNTOWN HOMELESS YOUTH FUNDERS' SESSION

Tuesday, September 15<sup>th</sup>, 1998

9:00-11:00 am

Central Library

801 SW 10<sup>th</sup> Avenue

Terrace Room, 5<sup>th</sup> Floor

### AGENDA

9:00-9:15 (15 min)	Welcome and Introductions	Beverly Stein
9:15-9:30 (15 min)	Proposed System Overview	Mary Li
9:30-9:45 (15 min)	Current Funding Status	Beverly Stein
9:45-10:15 (30 min)	What Does Each of Us Bring to the Table?	All
10:15-10:45 (30 min)	Development of System Funding Plan	All
10:45-11:00 (15 min)	Next Steps and Closing	Beverly Stein

### REVISED LIST OF INVITEES

Greg Chaille, Oregon Community Foundation  
Kathleen Cornette, Oregon Community Foundation  
Linda McCarter, Meyer Memorial Trust  
Sonya Steves, Legacy  
Commissioner Diane Linn, BCC  
Charlotte Comito, Commissioner Naito's office  
Ron Hill, University of Portland  
Elyse Clawson, Multnomah County  
Bill Furman, Greenbrier  
Fred Stickel, The Oregonian  
Rev. Patricia Ross  
Senator Ron Wyden  
Congressman Earl Blumenauer  
Barbara Hall, Harsch Investment  
Linda Wright, US Bank  
Ernie Bloch, Pacificorp  
Jim Clay, MCCF  
Michele Gigeure, Ball Janik LLP  
Ray Mathis, Citizens Crime Commission  
Rob DeGraff, Assoc for Portland Progress

Gary Maffei, Merlo Enterprises  
Lary Norvell, United Way  
Sam Adams, Mayor's Office  
Lorenzo Poe, DCFS  
Vera Katz, Mayor, City of Portland  
Beverly Stein, Multnomah County Chair



## **MEMORANDUM**

TO: Board of County Commissioners

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

SUBJECT: Downtown Portland Displaced Youth Status Report - #1

DATE: September 3, 1998

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There are four areas in which I would like to share information with you.

### **Funders' Session**

The original meeting was scheduled for August 26<sup>th</sup>, however so many key participants were unavailable on that date that it was determined that it would be better to postpone. The session has now been rescheduled for September 15<sup>th</sup> in anticipation of increased attendance. Interest in the meeting continues to be high and the Department has great hopes for the potential for positive outcomes. The proposed agenda and list of invitees is attached.

### **Governor's Juvenile Crime Planning Process**

The Community Justice planning process has identified four strategic populations to address within the County's plan and response. One of the four is downtown Portland homeless youth. Initial discussions have focused on the 24-hour receiving function and the crisis shelter as potentially the most appropriate for inclusion in the plan. Final decision regarding services and amount of funding will be made in time for the September 15<sup>th</sup> submission of the plan. If the plan is approved by the Governor (and the Governor's budget by the Legislature) funds would potentially become available in October 1999.

## RFP

The Department is currently involved with the development of the necessary specifications for the procurement process. Two members of the Committee (Rachael Silverman - City of Portland and Andy Olshin - Citizens Crime Commission) are serving as consultants for content, however they are not involved with the writing, reviewing nor rating of the document nor any future responses.

Staff are currently exploring the option of issuing a Request for Programmatic Qualifications (RFPQ) rather than the usual Request for Proposals (RFP). A RFPQ would qualify a pool of potential providers. Responses would outline a provider's qualifications to potentially provide services rather than to "bid" on specific services. Providers would have to meet minimum expectations in order to be considered as a part of the pool.

In order to determine the exact mix of providers and services from within that pool, the Committee would again be called together to oversee a process that would insure that the appropriate linkage between providers and services were negotiated. This would be determined through collaboration and maximizing all potential resources.

This process will both address competition and collaboration issues and represents a creative and potentially very helpful solution to the current situation among providers.

Release of a procurement document (either RFP or RFPQ) is anticipated within the first two weeks of October. This still preserves the January start date for implementation of the new system.

## Other Issues

- As most of you know, the City of Portland has made \$250,000 available (one-time-only) to help with initial implementation of the system. The Department of Community and Family Services is drafting a letter expressing the hope that their contribution will become an on-going commitment.
- Beverly will be in Washington, D.C. this month and will be working with several individuals to meet with key decision-makers involved with the HUD McKinney process. The vast majority of transitional housing for the system is dependent upon funding of this proposal. Without this award, there will be a significant shortfall in funding for the system outside of the current \$2.5 million needed.
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Terrace Room, 5<sup>th</sup> Floor

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