



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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1120 SW Fifth Avenue, Suite 1515
Portland, Or 97204-1914

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Lisa Naito, Commission Dist. 3

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

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

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

DECEMBER 14, 15 & 16, 1999

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	9:30 a.m. Tuesday DCFS Budget Issues
Pg. 2	11:00 a.m. Tuesday DLS Budget Issues
Pg. 2	9:30 a.m. Wednesday Child Receiving Center/MDT Financial Plan Update
Pg. 2	10:00 a.m. Wednesday Executive Session on Real Property Negotiations
Pg. 3	9:00 a.m. Thursday Consent Calendar, Public Comment and Regular Meeting
Pg. 5	10:00 a.m. Thursday Resolution Allocating Public Safety Bond Interest
Pg. 5	10:15 a.m. Thursday "3-D" Slide Show & Proclamation
Pg. 5	10:35 a.m. Thursday Mental Health Task Force Briefing
Pg. 5	11:35 a.m. Thursday National Council on Crime and Delinquency Evaluation

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

Tuesday, December, 14 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET WORK SESSION

WS-1 Emerging Budget Issues for FY 2000-2001: Department of Community and Family Services. Presented by Lorenzo Poe and Invited Staff. 1.5 HOURS REQUESTED.

WS-2 Emerging Budget Issues for FY 2000-2001: Department of Library Services. Presented by Ginnie Cooper, Jeanne Goodrich, Ruth Metz, Janet Kinney, Joyce Sjoberg, Cindy Gibbon, June Mikkelsen, Becky Cobb and Renea Arnold. 1 HOUR REQUESTED.

Wednesday, December 15, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

B-1 Update on the Child Receiving Center/MDT Financial Plan for Construction and Public Siting Process. Presented by Helen Smith, Dan Steffey, Althea Milechmen and Invited Others. 30 MINUTES REQUESTED.

Wednesday, December 15, 1999 - 10:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

EXECUTIVE SESSION

E-1 The Multnomah County Board Of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e) to Deliberate with Persons Designated to Negotiate Real Property Transactions. Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. Presented by Bob Oberst. 30 MINUTES REQUESTED.

Thursday, December 16, 1999 - 9:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:00 AM

NON-DEPARTMENTAL

- C-1 Appointments of Guy Burstein, Leslie Garth, Kamron Graham, Earlene Holmstrom, Colleen Lewis, Susan Oliver, Leticia Longoria Navarro and Mike Reich and Reappointments of Lena Bean, Lee Coleman, Muriel Goldman, Samuel Henry, Janet Kretzmeier, Kay Lowe, Mark Rosenbaum, Carol Cole, Linda Grear, Margie Harris, Patricia Johnson, Janice Nightengale and D. Claire Oliveros to the COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY
- C-2 Appointments of Shawn Baird, Christopher Thomas, Scott Palmer, Karen L. Johnson, Ellen R. Lager, Laurie J. Ringlein, John Stouffer and Robert R. Wall to the EMS CONTRACT COMPLIANCE AND RATE REGULATION COMMITTEE

DISTRICT ATTORNEY'S OFFICE

- C-3 Budget Modification DA 00-03 Adding \$71,672 VOCA Grant Funds for the Continuation of 1.50 Victim Advocates
- C-4 Budget Modification DA 00-05 Adding \$174,341 Bureau of Justice Administration Funds for the Southeast Community Court
- C-5 Budget Modification DA 00-07 Appropriating Additional Funds for the Local Law Enforcement Block Grant Legal Assistant Holds Position

SHERIFF'S OFFICE

- C-6 Bed & Breakfast Liquor License Renewal with Recommendation for Approval for BRICKHAVEN BED & BREAKFAST, 38717 E. Columbia River Highway, Corbett

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-7 Report the Hearings Officer Decision Regarding Approval of CU 5-99, a Request for a Type B Home Occupation Permit to Create a One Chair Hair Salon within a Single Family Residence in the Multiple Use Agriculture Zoning District on Property Located at 8240 SE KANE ROAD, GRESHAM
- C-8 Auto Wrecker License Approval for DESBIENS TOWING AND AUTOMOTIVE, 28901 SE Dodge Park Blvd., Gresham
- C-9 Auto Wrecker License Approval for LOOP HI-WAY TOWING, 28609 SE Orient Drive, Gresham
- C-10 Auto Wrecker License Approval for FRANK MILLER TRUCK WRECKING, 15015 NW Mill Road, Portland
- C-11 Auto Wrecker License Approval for ORIENT AUTO PARTS, INC., 28425 SE Orient Drive, Gresham

REGULAR AGENDA - 9:00 AM

PUBLIC COMMENT - 9:00 AM

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

SHERIFF'S OFFICE - 9:00 AM

- R-2 Hearing on Package Store Liquor License Renewal with Recommendation for Denial for FRED'S MARINA, 12800 NW Marina Way, Portland
- R-3 NOTICE OF INTENT to Apply to the U.S. Department of Justice/Bureau of Justice Assistance 1999 Open Solicitation for \$150,000 Local Criminal Justice Planning Grant to Create a Mental Health Docket in Multnomah County

DEPARTMENT OF HEALTH - 9:15 AM

- R-4 RESOLUTION Authorizing Inter-Fund Loan in the Amount of \$248,000 to Acquire Property Described as Follows: the South 75 feet of the West 160 feet of the North 498 feet of Lot 12, EASTWOOD, EXCEPT that part lying within the Rockwood Road, in the City of Gresham, County of Multnomah, State of Oregon, and Authorizing Purchase of the Property [Rockwood Neighborhood Health Access Clinic]

DEPARTMENT OF SUPPORT SERVICES - 9:20 AM

R-5 Budget Modification DSS 4 Requesting Authorization to Recognize \$10,000 in Revenues to be Received from Oregon Emergency Management for the Consequences of Terrorism Grant

NON-DEPARTMENTAL - 9:25 AM

R-6 Second Reading and Possible Adoption of a Proposed ORDINANCE Repealing MCC 27.300 and 27.301 and Adding New Provisions to Multnomah County Code Chapter 21 Relating to Workplace Hazards [Providing Smoke-Free Workplaces by Prohibiting Smoking in Places of Employment]

R-7 RESOLUTION Adopting the Community Residential Siting Proposals

R-8 RESOLUTION Allocating Public Safety Bond Fund Interest to Specific Projects: Authorizing Construction of the Rivergate Jail and Alcohol and Drug Treatment Center and an Expanded Booking Facility; and Requesting the Community Justice Director to Develop a Treatment and Housing Support Proposal for Offenders Leaving Secure Treatment

R-9 DUII Advisory Committee Victim's Impact Panel Presentation and PROCLAMATION Proclaiming December 1999 as "National Drunk and Drugged Driving Prevention Month," and Friday, December 17, as "National Lights on for Life Day" in Multnomah County

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES - 10:35 AM

R-10 Preliminary Information Learned by the Mental Health Task Force and Request for Policy Direction. Presented by Elsa Porter, Mike McCracken, Carl Talton and Sandy Hayden. 1 HOUR REQUESTED.

DEPARTMENT OF ADULT COMMUNITY JUSTICE - 11:35 AM

R-11 Briefing on the National Council on Crime and Delinquency's Evaluation of the Adult Community Justice Redesign. Presented by Jim Carlson, Elyse Clawson and Charlene Rhyne. 45 MINUTES REQUESTED.

MEETING DATE: DEC 16 1999
AGENDA NO: C-1
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointments and Reappointments to Commission on Children, Families and Community

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

REGULAR MEETING: DATE REQUESTED: 12/16/99
AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental DIVISION: Chair's Office

CONTACT: Delma Farrell TELEPHONE #: 503/248-3953
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Appointments of Guy Burstein, Leslie Garth, Kamron Graham, Earlene Holmstrom, Colleen Lewis, Susan Oliver, Leticia Longoria Navarro (Youth Advisory Board), and Mike Reich (Youth Advisory Board), and reappointments of Lena Bean, Lee Coleman, Muriel Goldman, Samuel Henry, Janet Kretzmeier, Kay Lowe, Mark Rosenbaum, Carol Cole, Linda Grear, Margie Harris, Patricia Johnson, Janice Nightingale, and D. Claire Oliveros to the Commission on Children, Families and Community

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein
(OR)
DEPARTMENT
MANAGER: _____

99 DEC - 6 AM 9:54
CLERK OF COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 503/248-3277

MEETING DATE: DEC 16 1999
AGENDA NO: C-2
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointments to the EMS Contract Compliance and Rate Regulation Committee

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

REGULAR MEETING: DATE REQUESTED: 12/16/99
AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental **DIVISION:** Chair's Office

CONTACT: Delma Farrell **TELEPHONE #:** 503/248-3953
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Appointments of Shawn Baird, Christopher Thomas, Scott Palmer, Karen L. Johnson, Ellen R. Lager, Laurie J. Ringlein, John Stouffer, and Robert R. Wall to the EMS Contract Compliance and Rate Regulation Committee

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Steind
(OR)
DEPARTMENT
MANAGER: _____

99 DEC - 6 AM 8:03
CLERK OF
COUNTY COMMISSIONERS
MULTI-COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BUDGET MODIFICATION NO:

DA # 00-03

(For Clerk's Use) Meeting Date:

DEC 16 1999

Agenda No:

C-3

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

DEPARTMENT District Attorney DIVISION _____
 CONTACT Thomas G Simpson TELEPHONE 248-3863
 NAME(s) OF PERSON MAKING PRESENTATION TO THE BOARD Mike Schrunk

SUGGESTED AGENDA TITLE

Budget Modification DA #00-03 requesting the continuation of 1.50 Victim Advocates to the VOCA grant

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET.

Adds \$71,672 of VOCA funds to the District Attorney's Office budget. Due to a decrease in Gang related activities, the Continuation Grant funding will be used to focus more attention to Domestic Violence issues. Because of changes in the law many Domestic Violence crimes that once could only be issued as misdemeanors are now being issued at a Felony level. Focus of the Victim Advocate will be shifted to the issues of victims of Domestic Violence and their families.

3. REVENUE IMPACT

Add \$71,672 of the State Victims of Crime Act Funds

4. CONTINGENCY STATUS

Originated By: Fred M. Davis, Jr	Date December 1, 1999	Department Director Thomas G Simpson	Date 12/1/99
Plan/Budget Analyst <i>[Signature]</i>	Date 12-7-99	Employee Services	Date
Board Approval <i>[Signature]</i>	Date 12/6/99		

99 DEC - 8 AM 9:56
 CLERK OF DISTRICT COURT
 OREGON

PERSONNEL DETAIL FOR BUDGET MODIFICATION

DA #00-03

ANNUALIZED PERSONNEL CHANGES

FTE Increase (Decrease)	POSITION TITLE	ANNUALIZED			
		BASE PAY Increase (Decrease)	Fringe	Insur.	TOTAL Increase (Decrease)
1.50	Victim Advocate	59,205	14,925.64	16,431.79	90,563
					-
					-
					-
					-
					-
					-
					-
					-
					-
1.50	Total Annualized Change	59,205	14,926	16,432	90,563

CURRENT YEAR PERSONNEL CHANGES

FTE Increase (Decrease)	Explanation of Change	CURRENT FY			
		BASE PAY Increase (Decrease)	Fringe	Insur.	TOTAL Increase (Decrease)
1.13	Victim Advocate	44,404	11,194	12,324	67,922
		-	-	-	-
		-	-	-	-
					-
					-
					-
					-
					-
					-
					-
1.13	Total Current Year Changes	44,404	11,194	12,324	67,922

EXPENDITURE TRANSACTION

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	OBJECT	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2463			5100			44,404		Base Pay
156	023	2463			5500			11,194		Fringe
156	023	2463			5550			12,324		Insurance
400	070	7522			6580			12,324		Insurance Fund Transfer
156	023	2463			6310			3,750		Contracts
156	023	2438			7100			6,644		Indirect
100	023	9130			7608			6,644		Indirect Fund Transfer
TOTAL EXPENDITURE CHANGE									97,284	

REVENUE TRANSACTION

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	REVENUE CODE	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2463			2104				71,672	VOCA
400	070	7522			6580				12,324	Insurance Fund Transfer
100	075	7410			6602				6,644	Indirect Fund Transfer
156	023	2463			7601				6,644	Indirect
TOTAL REVENUE CHANGE									97,284	

MICHAEL D. SCHRUNK

District Attorney

Office Memorandum

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: November 24, 1999

REQUESTED PLACEMENT DATE:

RE: Budget Modification DA #00-03 is a continuation of an existing
VOCA grant

- I. Recommendation/Action Requested: Approval of the Budget Modification
- II. Background/Analysis:
- III. Financial Impact: Adds \$71,672 of VOCA funds to the District Attorney's Office budget. Due to a decrease in Gang related activities, the Continuation Grant funding will be used to focus more attention to Domestic Violence issues. Because of changes in the law many Domestic Violence crimes that once could only be issued as misdemeanors are now being issued at a Felony level. Focus of the Victim Advocate will be shifted to the issues of victims of Domestic Violence and their families.
- IV. Legal Issues: N/A
- V. Controversial Issues: N/A
- VI. Link to Current County Policies: N/A
- VII. Other Government Participation: N/A

BUDGET MODIFICATION NO:

DA # 00-05

(For Clerk's Use) Meeting Date:

DEC 16 1999

Agenda No:

C-4

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

DEPARTMENT

District Attorney

DIVISION

CONTACT

Thomas G Simpson

TELEPHONE

248-3863

NAME(S) OF PERSON MAKING PRESENTATION TO THE BOARD

Mike Schrunk

SUGGESTED AGENDA TITLE

Budget Modification DA #00-05 provides funding for the SE Community Court

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET.

The Southeast Community Court provides a stronger link between the criminal justice system and the community it services. The court solves problems and responds to victim and community issues through collaborative planning, case selection, and the sentencing process.

3. REVENUE IMPACT

Add \$174,341 of Bureau of Justice Administration Funds

4. CONTINGENCY STATUS

General Fund contingency as of 12-7-99 = \$3,188,698

With modification = \$3,192,809

Originated By:	Date	Department Director	Date
Fred M. Davis, Jr	October 15, 1999	Thomas G Simpson	
Plan/Budget Analyst	Date	Employee Services	Date
<i>[Signature]</i>	12-8-99		
Board Approval	Date		
<i>[Signature]</i>	12/16/99		

99 DEC - 8 AM 11:46
MULTI-COUNTY
OREGON
CLERK OF
COUNTY COMMISSIONERS

EXPENDITURE TRANSACTION

DA #00-05

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	OBJECT	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2457		CCSE	6060			91,541		Personnel & Fringe Benefits
156	023	2457		CCSE	6060			28,000		Defense Attorney
156	023	2457		CCSE	6060			10,000		Program Evaluation
156	023	2457		CCSE	6060			192		Mentor Program
156	023	2457		CCSE	6180			18,249		Renovation & furnishings
156	023	2457		CCSE	6230			3,992		Supplies
156	023	2457		CCSE	7300			10,000		Van
156	023	2457		CCSE	6310			4,000		Conference & Site visit
156	023	2457		CCSE	6330			657		Local travel for Staff & Mentor
156	023	2457		CCSE	7150			3,598		Telephones
401	030	5905		8400				10,000		Van
156	023	2457		CCSE	7100			4,111		Indirect
100	075	9120			7700			4,111		Indirect Fund Transfer
TOTAL EXPENDITURE CHANGE									188,452	

REVENUE TRANSACTION

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	REVENUE CODE	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2445			2104				174,341	
100	075	9120			7700				4,111	Indirect Fund Transfer
401	030	5905			6602				10,000	Van
TOTAL REVENUE CHANGE									188,452	



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

OJP BJA OJJDP
 BJS NIJ OVC
CHECK APPROPRIATE BOX

AWARD

GRANT
 COOPERATIVE AGREEMENT

1. GRANTEE NAME AND ADDRESS (Including Zip Code)

Multnomah County District Attorney's Office
1021 SW Fourth Avenue
Room 600
Portland, OR 97204

4. AWARD NUMBER

1999-DD-BX-0088

5. PROJECT PERIOD: FROM 07/01/1999 TO 09/30/2000
BUDGET PERIOD: FROM 07/01/1999 TO 09/30/2000

1A. GRANTEE IRS/VENDOR NO. 93-6002308

2. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

N/A

6. AWARD DATE:

September 30, 1999

8. SUPPLEMENT NUMBER

7. ACTION

INITIAL
 SUPPLEMENTAL

2A. SUBGRANTEE IRS/VENDOR NO.

9. PREVIOUS AWARD AMOUNT \$ 0.00

3. PROJECT TITLE

Multnomah County Southeast Community Court Project

10. AMOUNT OF THIS AWARD \$ 225,000.00

11. TOTAL AWARD \$ 225,000.00

12. SPECIAL CONDITIONS (Check, if applicable)

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED 1 PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

- TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.
42 U.S.C. 3701, ET. SEQ., AS AMENDED.
- TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.
42 U.S.C. 5601, ET. SEQ., AS AMENDED
- VICTIMS OF CRIME ACT OF 1984, 42 U.S.C. 10601, ET. SEQ., PUBLIC LAW 98-473, AS AMENDED.
- OTHER (Specify):

14. FUTURE FISCAL YEAR(S) SUPPORT:

SECOND YEAR'S BUDGET PERIOD: _____ N/A
AMOUNT OF FUNDS: _____ N/A TYPE OF FUNDS: _____
THIRD YEAR'S BUDGET PERIOD: _____ N/A
AMOUNT OF FUNDS: _____ N/A TYPE OF FUNDS: _____

15. METHOD OF PAYMENT

THE GRANTEE WILL RECEIVE CASH VIA A LETTER OF CREDIT YES NO

AGENCY APPROVAL GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OJP OFFICIAL

Laurie Robinson
Assistant Attorney General, OJP

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Michael D. Schrunk
Multnomah County District Attorney

17. SIGNATURE OF APPROVING OJP OFFICIAL

19. SIGNATURE OF AUTHORIZED GRANTEE

19A. DATE

10/26/99

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODE

FISCAL YEAR	FUND CODE	BUD. ACT.	OPC.	DIV. REG.	SUB.	POMS
X	B	D6	80	00	00	N/A

21.

Indirect 01K

MICHAEL D. SCHRUNK

District Attorney

Office Memorandum

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: October 15, 1999

REQUESTED PLACEMENT DATE:

RE: Budget Modification DA #00-05 provides funding for the SE
Community Court

- I. Recommendation/Action Requested: Approval of the Budget Modification
- II. Background/Analysis: The Southeast Community Court provides a stronger link between the criminal justice system and the community it services. The court solves problems and responds to victim and community issues through collaborative planning, case selection, and the sentencing process. It empowers the neighborhood by enhancing their participation in the criminal justice system. The SECC is using an innovative approach to deal with low-level, "quality-of-life" crimes within the community. The successful community court already established in the north and northeast quadrants of the city will serve as a model for the SECCP. The court provides a mechanism to link defendants with needed social services. It increases the public's trust in the justice system by focusing on visible, community level outcomes for the prosecution and resolution of behaviors that adversely affect the community. The SECCP activities will make the criminal justice system and the rule of law relevant. It also helps the residents fight and prevent crime in their community. The SECCP is a problem-solving forum that connects 300 community residents with needed social services and provides a mentor for 30-50 community members.
- III. Financial Impact: Adds \$174,341 of the Bureau of Justice Administration funds to the District Attorney's Office budget
- IV. Legal Issues: N/A
- V. Controversial Issues: N/A
- VI. Link to Current County Policies: N/A
- VII. Other Government Participation: Department of Community Justice, State Courts, Metropolitan Public Defender, Sheriff's Office, Brentwood Darlington Community Center.

BUDGET MODIFICATION NO:

DA #00-7

(For Clerk's Use) Meeting Date:

DEC 16 1999

Agenda No:

C-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

DEPARTMENT	<u>District Attorney</u>	DIVISION	<u>Circuit Court</u>
CONTACT	<u>Thomas G Simpson</u>	TELEPHONE	<u>248-3863</u>
NAME(s) OF PERSON MAKING PRESENTATION TO THE BOARD		<u>Mike Schrunk</u>	

SUGGESTED AGENDA TITLE

Budget Modification DA #00-7 appropriates additional funds for the Local Law Enforcement Block Grant Legal Assistant Holds position.

(Estimated Time Needed on the Agenda)

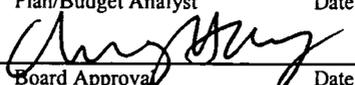
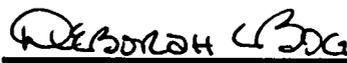
2. DESCRIPTION OF MODIFICATION

X PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET.

3. REVENUE IMPACT

Addition of \$41,046 to the current year Local Law Enforcement Block Grant

4. CONTINGENCY STATUS

Originated By: Becky J. Hinson	Date December 8, 1999	Department Director Thomas G Simpson	Date December 8, 1999
Plan/Budget Analyst	Date	Employee Services	Date
 Board Approval		 Date	
 Board Approval		 Date	

99 DEC 6 PM 4:42
 CLERK OF SUPERIOR COURT
 OREGON

CLERK OF SUPERIOR COURT
 OREGON

MICHAEL D. SCHRUNK

Office Memorandum

District Attorney

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: December 8, 1999

REQUESTED PLACEMENT DATE:

RE: Budget Modification #00-7 appropriates additional funds for the Local Law Enforcement Block Grant Legal Assistant Holds position

- I. Recommendation/Action Requested: Approval of the Budget Modification
- II. Background/Analysis: The purpose of the Local Law Enforcement Block Grant is to provide the resources to identify and expedite legal resolutions for offenders with holds by assigning a legal assistant position to the task. The legal assistant identifies defendants being held in custody on holds from other jurisdictions, including federal agencies or from warrants from other jurisdictions in Oregon or other states.
- III. Financial Impact: Adds \$41,046 to the current year budget from the Local Law Enforcement Block Grant
- IV. Legal Issues: N/A
- V. Controversial Issues: N/A
- VI. Link to Current County Policies: N/A
- VII. Other Government Participation: The Legal Assistant works closely with Deputy District Attorneys to achieve early resolution on local cases as well as those from other jurisdictions.

MEETING DATE: DEC 16 1999 ~~DEC 02 1999~~

AGENDA #: C-6 ~~E-5~~

ESTIMATED START TIME: 9:00 ~~10:00~~

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Rick Barnett Phone: 251-2481
Bldg/Room: 313/120

PERSON MAKING PRESENTATION: Deputy Susan Gates

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

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

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

12/20/99 original to Mrs Thiemann, copies to Rick Barnett, Sandra Duffy & Stuart Farmer

The backgrounds have been checked on applicants Phyllis Thiemann and Edward Thiemann and no criminal history can be found on the above. They are current with Assessment and Taxation. They are currently under investigation by the Code Enforcement Section for zoning violation.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Don Voelle* *[Signature]*

(OR)
DEPARTMENT MANAGER: *B. Elliott* /Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

MEETING DATE: _____

BOARD OF
COUNTY COMMISSIONERS
MULTI-COUNTY
OREGON
99 NOV 24 AM 10:37

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Wednesday, December 08, 1999 3:02 PM
To: BOGSTAD Deborah L
Cc: OLDHAM Daniel H; MUIR Susan L
Subject: RE: Fred's Marina Liquor License Application

1. Fred's Marina.

I will not repeat the material in my December 1, 1999, e mail about the regulatory scheme for OLCC license renewals. However, in that memo I indicate that a land use violation is a basis for the Sheriff recommending a denial of a license renewal. The Code Enforcement Officer has issued a Violation to Fred's Marina for failure to obtain Grading & Erosion Control permits prior to grading land for parking lot purposes. Thus, a Sheriff recommendation to the Board of denial is appropriate under the County code.

2. Brickhaven Bed & Breakfast.

The Code Enforcement Officer is still investigating whether Brickhaven is operating outside of its land use permit to run a bed and breakfast establishment. Such a permit does not allow the use of the property for conducting wedding parties and other large catered events. Brickhaven owners have asserted that any such activity has been solely related to family functions. The investigation is continuing.

Originally the County believed that Brickhaven needed an OLCC license only if it was conducting the large catered events. In fact, Brickhaven needs an OLCC permit to serve alcohol to its Bed and Breakfast guests.

Since there has as yet been no determination that Brickhaven is in violation of any zoning code provision; and, since an OLCC license is needed for service of alcohol in conjunction with a legal use of the property, the Sheriff does not have a basis to recommend denial of the renewal of the OLCC license. Thus a recommendation of approval of the OLCC license renewal is appropriate.

I will attend the meeting on the 16th to answer any questions the Board may have.

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Wednesday, December 01, 1999 10:56 AM
To: FORD Carol M; BOWMAN JoAnn A; WEIT Ramsay; BOGSTAD Deborah L
Cc: SPONSLER Thomas; WEBER Jacquie A; MUIR Susan L; RAPPOLD Kerry F; ARMSTRONG Jeff
Subject: FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

I had Jeff Armstrong research the statutory and county code provisions which regulate how OLCC approvals are processed. (See his email to me set out below.)

ORS 471.210 (3) gives the OLCC the authority to require a recommendation from a local governing body for the granting, or renewal of a liquor license. The commission takes "such recommendation into consideration before granting or refusing the license." ORS 471.210 (4) authorizes local government's to adopted licensing guidelines. The County has done so in MCC 15.400 et. seq. MCC 15.404 sets out the bases for the SHERIFF recommendation of a denial to the Board. The one that is relevant to the two matters removed from the consent agenda relate to land use violations in Subsection (J). That sections allows the Sheriff to recommend denial of an OLCC application:

If the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the zoning code. However, the applicant may file an application for the change of zone, conditional use which would permit such use;

This provision is rather ambiguous. It is unclear whether ANY land use violation related to the property justifies a "denial recommendation," or, whether only a violation related to a use in the particular zone (the property isn't zoned for the OLCC related use, or the applicant failed to obtain a required conditional use permit) can be the basis for a denial recommendation. Either interpretation is within the authority of the Sheriff and the Board.

In any event, the role of the Land Use Department is to report zoning violations to the Sheriff. Here, there is clearly a violation related to Fred's Marina. A violation notice was issued for failure to obtain grading and erosion control permits for parking lot grading next to the Multnomah Channel. A stop work order was issued. Fred's Marina has filed a lawsuit against us which is being litigated in Federal Court.

Regarding the Brickhaven OLCC application, there is an investigation taking place to determine whether there is a land use violation. It appears that Brickhaven is conducting commercial activity on the premises (catered weddings and parties). Brickhaven has asserted to the Land Use Dept. that the activities have been solely related to family functions. While the Land Use Dept. could not report to the Sheriff that there IS a land use violation on the property, it could have reported that an OLCC license is not appropriate for the premises because, if it is only conducting family activities, it does not NEED an OLCC license. If Brickhaven NEEDS an OLCC license then it is conducting commercial activities which IS in violation of county zoning code. In either event the Sheriff should use this information to recommend denial to the Board of County Commissioners. It is the role of the Land Use Dept. to give the facts regarding land use violations to the Sheriff, not to make OLCC application recommendations.

The Sheriff's role in this is set out in MCC 15.402, MCC 15.403 and MCC 15.404, and they appear to be somewhat inconsistent. MCC 15.402 and .403 provide:

15.402 "The Sheriff SHALL coordinate and conduct an investigation of each application for the purpose of determining what recommendation SHALL be made to the Board, using the procedures set forth in division (B) of this section."

15.403 "Upon completion of the investigation procedures, the Sheriff SHALL forward to the Board a recommendation of approval or denial..."

The two provision quoted above make it MANDATORY for the SHERIFF to form a recommendation to the Board. However, MCC 15.404 confuses the issue.

15.404 "The Sheriff MAY make a recommendation of denial to the Board regarding any application if: [list of bases for denial]"

This wording of this portion of the code gives the Sheriff the discretion to make, or not make a recommendation. I understand the Board WANTS a recommendation. I think the existence of two code provisions mandating the Sheriff make a recommendation shows the Board's intent to have the Sheriff fulfill that function.

I would recommend that the agenda material be returned to the Sheriff's office and that the above information be used by the Sheriff to make specific recommendations to the Board on these two matters.

Also note in Jeff's material to me that the 1999 legislature requires OLCC to draft new rules (after January 1, 2000) regulating local governments' ability to recommend denials. I question whether such a legislative delegation is constitutional in light of the Oregon Constitution Article XI Section 2 which gives the citizens of a municipality "the exclusive power to license, regulate or to suppress or prohibit the sale of intoxicating liquors [and such powers are] ... vested in such municipality."

I recommend a review of the OLCC rules when they are published, and a Board review to determine whether they comport with its values. The County can use the constitutional argument to negotiate with OLCC as to the form of the rules, or, can seek court review to determine whether liquor licenses are a matter of state or local concern.

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

From: ARMSTRONG Jeff
Sent: Tuesday, November 30, 1999 2:52 PM
To: DUFFY Sandra N
Subject: RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Sandy,

The legal structure for liquor license approval appears to be a labyrinth of mythic proportions. In fact, the 1997 Legislature directed the OLCC to simplify the current licensing structure. (Section 8, chapter 803, Oregon Laws 1997). This appears, in turn, to have led to around 21 bills being proposed this last legislature, at least seven of which were signed.

ORS 471.290 - 471.355 is the starting point for licensing requirements from the OLCC. The statutes are further filled out by OAR Chapter 845. However, more germane to our discussion is ORS 471.210, which provides for a local government recommendation, at least until January 1, 2000. (The local government recommendation requirements were removed from ORS 471.210 by HB 2892, 1999 OR law ch. 351, and re-created in a yet-to-be determined-place in ch. 471, with the additional requirements that local governments respond within 30 days of notice of application for a new license, 60 days for a renewal, subject to a requestable grace period (no recommendation = favorable recommendation), and that the OLCC must by rule establish grounds for unfavorable recommendations.)

In a nutshell, the local government recommendation function is given to the governing body in question. In Multnomah County, the Board has in turn delegated to the Sheriff the function of investigating and recommending whether an application should receive a favorable recommendation. The relevant Code section is MCC 15.400 - 15.408. MCC 15.404 (J) specifically provides that the Sheriff may make a recommendation of denial if "the zoning section finds that the [business] is found to be in violation of the zoning code." At the moment, I have been unable to locate any state statutory or regulatory law that would prohibit the Sheriff from using zoning or tax status as bases for recommendations of denial. Moreover, there does not appear to be a great deal of case law on the local government recommendation issue, possibly in light of the fact that "the commission **may** take such recommendation into consideration." [ORS 471.210(3)]. However, there is no guarantee that the OLCC will find that zoning or tax status are valid grounds for unfavorable recommendations. So, at the moment, recommending a denial of an application based on zoning and/or tax status is specifically contemplated in the County Code and there is no indication that this practice is countermanded by state law.

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

From: DUFFY Sandra N
Sent: Monday, November 29, 1999 4:26 PM
To: ARMSTRONG Jeff
Cc: SPONSLER Thomas
Subject: FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda
Importance: High

Can you find out the legal structure (statutes, OARs or County Code) for liquor license approvals? In the past the Board has denied discretionary approvals (of various kinds) for non-compliance with totally unrelated county regulatory schemes. Can you do some research and see if that kind of coercion has been upheld. If it has been invalid, under what legal theory? I'll talk with Jeff L. tomorrow about his reason for recommending that the LUP Dept. not make land use violations a reason for recommending denial of a liquor license.

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

From: SPONSLER Thomas
Sent: Monday, November 29, 1999 3:31 PM
To: DUFFY Sandra N
Subject: FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda
Importance: High

There seem to be role, process and factual issues. The first was addressed with the Board a few months ago; the process between planning, sheriff and our office seems deficient and probably request for Board action on 12/2 premature; and I know nothing about facts from planning perspective, though Deb seems to believe Jeff concluded they would not support negative recommendation.

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

From: BOGSTAD Deborah L
Sent: Monday, 29 November, 1999 3:22 PM
To: FORD Carol M; SPONSLER Thomas
Cc: WEIT Ramsay; BOWMAN JoAnn A
Subject: RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda
Importance: High

We went over all of this a few months ago with the Viewpoint Inn - Jeff Litwak was the attorney who prepared the letter to the OLCC advising of the Board's recommend refusal. It is my understanding Jeff looked at these before he left and felt the land use violations did not warrant a recommend denial in these instances. I have been e-mailing Tom Sponsler about this all morning.

Deb Bogstad

Multnomah County Board Clerk

(503) 248-3277

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

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

From: FORD Carol M
Sent: Monday, November 29, 1999 3:16 PM
To: BOGSTAD Deborah L
Cc: WEIT Ramsay; BOWMAN JoAnn A
Subject: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Since there is no specific action requested (OTHER is checked; it is not clear if the Sheriff's Office is recommending denying the license), Board staff wants to have the two items pulled off the Consent Agenda.

We would like clarification from County Counsel on the Board's role/criteria for approving liquor licenses when there are outstanding zoning violations or the owners are currently under litigation with the County.

Kerry Rappold, Land Use Planner, needs to come to meeting to give the BCC more detail into the land use/zoning issues for these two cases.

Also, a Sheriff's representative needs to be there to discuss how to process these cases (where there are outstanding land use issues) with County Counsel before coming to the Board. Question - should it come to the Board without a specific **Action Requested**.

Carol Ford

BOGSTAD Deborah L

From: SPONSLER Thomas
Sent: Tuesday, November 30, 1999 9:10 AM
To: BOGSTAD Deborah L; FORD Carol M
Cc: WEIT Ramsay; BOWMAN JoAnn A
Subject: RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

MCC 15.400 et seq deals with liquor licenses. Applications go to the sheriff (15.401) who must conduct an investigation (15.402) and make a recommendation of approval or denial to the Board (15.403). The sheriff may recommend denial for the reasons listed in 15.404. Subsection (J) of that list states: "if the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the zoning code." When the sheriff recommends denial the Board clerk must notify the applicant, OLCC and sheriff of the hearing date (15.405). At the hearing the applicant must be given an opportunity to address concerns raised by the sheriff, and the Board makes a recommendation to OLCC (15.406).

It is not clear to me that either applicant (C-5 or C-6) has been found in violation of the county zoning code, or that the sheriff has recommended denial of either application. If that is correct, then there is no basis for a hearing or Board recommendation of denial.

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

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Cc: WEIT Ramsay; BOWMAN JoAnn A
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Carol Ford

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

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999

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

Licensee(s) **BRICKHAVEN LLC**

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

Instructions:

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before **December 13, 1999** to avoid late fees.

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

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

Multnomah County recommends that this license be GRANTED _____ REFUSED _____ on (date) _____

Signed: _____ Title of Signer **BEVERLY STEIN, MULTNOMAH COUNTY CHAIR**

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Bed & Breakfast (2.0 Units at \$ 5.0/Unit)	10.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<	10.00
Late Fees	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 2.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 4.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Phyllis L. Thiemann	<i>Phyllis L. Thiemann</i>	10/29/99	533-64-4046	9-23-54
Edward D. Thiemann				7-29-44

BARNETT Rick J

From: SWAIN Savana G
Sent: Friday, November 05, 1999 8:38 AM
To: BARNETT Rick J
Subject: RE: OLCC LIQUOR LICENSE RENEWAL

no taxes due

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

From: BARNETT Rick J
Sent: Wednesday, November 03, 1999 11:27 AM
To: KILMARTIN Patrice M
Subject: OLCC LIQUOR LICENSE RENEWAL

The below business has applied to our office for an OLCC License Renewal. Please inform our office if the named business is in compliance with Assessment and Taxation.

Brickhaven Bed & Breakfast
38717 E Columbia River HWY
Corbett, Or 97019

Owners: Phillis L Thiemann Edward D Thiemann
DOB: 092354 072944

If you have any questions please contact Rick Barnett at 251-2441 or Evalyn LeBerge at 251-2458.

Thank you

BARNETT Rick J

From: RAPPOLD Kerry F
Sent: Monday, November 15, 1999 8:50 AM
To: BARNETT Rick J; LABERGE Evalyn J
Subject: OLCC Renewals

Rick and Evalyn:

I need to do some additional research (e.g. obtain a copy of the applications from OLCC) on the businesses listed below, but I want to give you some information for the BCC agenda. Both businesses are being investigated by the Code Enforcement Section.

- 1) Brickhaven Bed & Breakfast
38718 E Columbia River Hwy

This site is under review for possible code violations. They have a land use permit which allows specific uses, but they have apparently done things outside the scope of their approval. More investigation is required.

- 2) Fred's Marina/Frevach Land Company
12800 NW Marina Way

This site is under litigation with the County. It also has a zoning violation, which needs to be resolved.

If you have any questions, call me at 248-3043, or send an e-mail.

Kerry Rappold
Land Use Planner

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

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999

<i>License Type:</i> Bed & Breakfast	<i>District:</i> 1	<i>County/City:</i> 2617	<i>RO#:</i> R26715A	425/204
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(5) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES ☞ EXPLAIN:										

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.
 'Multnomah County recommends that this license be GRANTED REFUSED on (date) DECEMBER 16, 1999
 Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Bed & Breakfast (2.0 Units at \$ 5.0/Unit)	10.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<	10.00
Late Fees	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 2.50 To Total Due
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Print Name	Signature	Date	Social Security #	Date of Birth
<u>Phyllis L. Thiemann</u>	<u>Phyllis L. Thiemann</u>	<u>10/29/99</u>	<u>533-64-4046</u>	<u>9-23-54</u>
<u>Edward D. Thiemann</u>				<u>7-29-44</u>



BOARD HEARING OF December 16, 1999

TIME 9:30am

CASE NAME: Request for approval of a Type B Home Occupation for a one chair hair salon.
NUMBER: CU 5-99.

1. Applicant & Property Owner Name/ Address:

Marva and Tim Belanger
8240 SE Kane Road
Gresham, OR 97080

2. Action Requested by Applicant:

Request for approval of a Conditional Use, CU 5-99, for a Type B Home Occupation to have a one chair hair salon within the single-family residence on the subject in the Multiple Use Agriculture (MUA-20) zone. The applicant request is to use an area within the garage that is 10' x 13' in size, for a one chair hair salon. The owner and resident, Marva Belanger, would be the only employee of the business. A Pre-Application Meeting, PA 26-99, was held on September 29, 1999 for the proposed Conditional Use.

3. Planning Staff Recommendation

Approval of the request for the Conditional Use for the one chair hair salon as a Type B Home Occupation. The administrative recommendation and Staff Report were issued November 10, 1999.

4. Hearings Officer Decision

Approval of the request for a Community Service use for a Type B Home Occupation for a one chair hair salon as proposed by the applicant. The Hearings Officer decision was signed on November 23, 1999 and issued (mailed out) on November 30, 1999.

5. If recommendation and decision are different, why?

The Hearings Officer agreed with the Staff Report and approved the request for the one chair hair salon in the MUA-20 zone under the application for a Conditional Use, CU 5-99.

6. Issues:

No issues of concern were raised in this case.

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

No.

Action Requested of Board	
<input checked="" type="checkbox"/>	Affirm Hearings Officer Decision
<input type="checkbox"/>	Hearing/Rehearing
Scope of Review	
<input type="checkbox"/>	On The Record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New information allowed

RECEIVED

99 NOV 29 PM 1:25

MULTNOMAH COUNTY
PLANNING SECTION



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 248-3043 FAX: (503) 248 -3389

DECISION OF LAND USE HEARINGS OFFICER

Case File: CU 5-99
Hearings Officer: Liz Fancher
Hearing Date: November 17, 1999

PROPOSAL: A request for Conditional Use approval for a Type B Home Occupation to use an area 10' x 13' in size of the residential dwelling/ garage for a one chair salon on the subject parcel. The applicant proposes no more than two clients at a time would come to the site. The applicant has provided a site plan of the existing single-family dwelling and a floor plan of the area to be used for the proposed hair salon. The subject parcel is zoned Multiple Use Agriculture (MUA-20). A Pre-Application Meeting, PA 26-99, was held on September 29, 1999 for the proposal.

LOCATION: 8240 SE Kane Road.
South 1/2 of Lot 75, Botefuhr Tracts, Section 23, T1S, R3E, W.M.
R#09260-4130.
See attached map.

**APPLICANT/
PROPERTY OWNER:** Marva and Tim Belanger (referred to collectively as the "applicant")
8240 SE Kane Road
Gresham, OR 97080

HEARINGS OFFICER'S DECISION:

Approval with Conditions of the proposed Conditional Use, **CU 5-99**, for the use of a portion (10' x 13') of the existing single-family residence, for a Type B Home Occupation (one-chair beauty salon) on a 2.4 -acre tract in an MUA-20 zoning district.

APPROVAL CRITERIA:

ZONING ORDINANCE REQUIREMENTS:
MCC 11.15.0010 - Definition of Home Occupation
MCC 11.15.2122 - Multiple Use Agriculture (MUA-20)
MCC 11.15.7105 - Conditional Uses (CU)
MCC 11.15.7455 - Home Occupation Conditional Use

COMPREHENSIVE PLAN POLICIES:

- 13 Air, Water and Noise Quality
- 14 Developmental Limitations
- 22 Energy Conservation
- 37 Utilities
- 38 Facilities
- 40 Development Requirements

CONDITIONS OF APPROVAL:

1. A **Grading and Erosion Control (GEC) permit** will be required for any volume of soil or earth disturbed, stored, disposed of, excavated, moved, or used as fill greater than 50 cubic yards.
2. Approval of this Conditional Use for a Home Occupation shall expire two years from the date the Decision is final unless "substantial construction" has taken place in accordance with MCC 11.15.7110 (C)(3) or the subject proposal is completed as approved.
3. When ready to have land use or building permits signed-off, the applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, **for an appointment** to review and sign the plans. The applicant shall submit three (3) copies of the required plans. Multnomah County will keep one (1) copy and two (2) copies will be returned to the applicant for processing with the City of Gresham.
4. No additional land use action and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for this application has been paid in full.
5. Approval of this application is granted upon the condition that the use be conducted in accordance with all use regulations imposed by the County's zoning code. These regulations include, but are not limited to, the requirements that the use not generate noise above 50 dba at the property lines, have no outdoor signage, no outdoor storage or displays, no repair or assembly of vehicles or motors and delivery vehicle type and hour restrictions.
6. The applicant shall properly dispose of all chemical products used in the operation of the home business in compliance with all applicable environmental regulations.
7. **This approval is based on the submitted material.** The proposed Home Occupation for the one chair salon (a 10' x 13' area) in the existing single-family dwelling shall be constructed and operated (applicant's listed business hours are Monday through Saturday between 8:00 AM and 6:00 PM with no more than 10 clients in one day) in accordance with the design, size, and location shown and described in the application materials submitted by the applicant in case files CU 5-99 and PA 26-99. Additional submittals and approvals may be required of the applicant as noted in these Conditions of Approval.

DECISION FORMAT:

This decision is written using the Staff Report as the base document. The decision lists the applicable criteria and contains finding that support the decision and the imposition of the above conditions of approval. The decision lists Applicant's response to an approval criterion following the notation "Applicant." Planning staff comments and analysis follow the Applicant's responses to the criteria. Hearings Officer findings and conclusions of law follow the staff comments. All such findings are findings of the hearings officer unless noted otherwise. The hearings officer has ~~stricken~~ those words and

sentences in the applicant and staff findings that are not adopted by reference. Where the hearings officer has added words to applicant or staff findings, the new text is shown in *italics*.

FINDINGS AND CONCLUSIONS:

Summary:

Applicant:

Applicant's *Marva Belanger* intends to use a room, approximately 10' x 13' (see Exhibit 8), as a one chair hair salon business. *The* salon is to be operated by Marva Belanger, owner, who is appropriately licensed by the State of Oregon to conduct such business. The salon room is to be created by framing an area within one of the three garage bays of a new single-family dwelling currently under construction. The dwelling will be the principal residence of the applicants.

The maximum expected volume of clientele on any given day is ten, with fewer on average. No more than two clientele are expected on site at any one time. The maximum possible operating hours of the business are between 8:00 AM to 6:00 PM, Monday through Saturday, typical hours would be less. The salon business will serve several clientele in the area reducing their need to travel farther distances into the City. The nearest adjacent property driveways to the home occupation site driveway are approximately 160' to the North and 200' to the South.

The County of Multnomah, Oregon is therefore respectfully requested to approve a conditional land use permit to allow the herein described home occupation business.

Staff:

The applicant's request is for a proposed Type B Home Occupation on the subject parcel located at 8240 SE Kane Road (R#09260-4130). The subject parcel is zoned Multiple Use Agriculture (MUA-20).

The applicant proposes to use an area approximately 10' x 13', for a total of 130 square feet, within the garage of the house, for a one chair salon business. The site plan submitted by the applicant illustrates the proposed location of the one chair salon within the single-family dwelling. The site plans are attached as Exhibits #1 and #2. The applicant received building permit approval for the single-family residence located at 8240 SE Kane Road on June 2, 1999. A special comment was placed on the building permit for the area labeled on the applicant plans as "Salon"; the Staff Planner wrote "Future Salon with Approval".

Staff notes the applicant has addressed the criteria of MCC 11.15.7120, the Conditional Use criteria. The applicant has addressed Comprehensive Plan Policies 13, 14, 22, 37, 38, and 40. The applicant has submitted completed copies of the Certification of Private On-Site Sewage Disposal, Certification of Water Service, Fire District Review, Police Services Review, and a copy of the Land Feasibility Study (LFS 28-99). The Type B Home Occupation request is made through a Conditional Use application. Because the applicant proposes to use a portion of a structure constructed after March 14, 1998, the applicant's proposal exceeds the parameters of the Type A Home Occupation. Please see the Home Occupation definition and the Home Occupation criteria included within this document.

Alan Young (503-248-3582) in the Right-of-Way Division stated that no additional requirements are applicable to the site at this time for the Conditional Use application.

The Pre-Application Meeting for the proposal, PA 26-99, was held on September 29, 1999. The applicant submitted the application for the Conditional Use on September 29, 1999. The application was deemed complete on October 27, 1999. Staff visited the site on November 5, 1999.

Multnomah County Code

MCC 11.15.0010 Definitions

Home Occupation

- (A) A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. – 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 11.15.7912 with the exception of those required under MCC 11.05.500 - .575), and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.
- (B) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 11.15.7105 and .7455.

Staff: Staff will start by listing the standards of the Home Occupation Type A and comparing those to the applicant's proposal.

The applicant narrative describes that one employee will be on the site and that employee will be the owner/ applicant, Marva Belanger. This does not exceed the Type A Home Occupation standards.

The applicant's subject parcel includes vehicles parked on the site; vehicles driven by the clients coming to the hair salon. The definition of Type A Home Occupation states that outdoor storage, including vehicle parking associated with the Home Occupation, is not allowed. This exceeds the Type A Home Occupation standards.

The applicant states that no signs will be installed on the site. This is in keeping with the requirement.

Under the Type A standards, no new structures or modifications can be made to the residence or to the site for the purpose of accommodating the Home Occupation. The applicant received building permit approval for a new single-family residence on June 2, 1999 from Multnomah County with the special comment on the portion labeled "Salon" on

the applicant plans was modified by the Staff Planner to state, "Future Salon with Approval". The applicant's proposal thus exceeds the Type A Home Occupation and standards and hence the applicant's proposal is classified as a Type B Home Occupation. The Type A standard requires direct access to a public road for a Home Occupation; not access by easement. The subject parcel is accessed from SE Kane Road.

Thus, evaluation of the applicant's proposal in light of the Type A Home Occupation standards reveals the appropriate avenue for the applicant's request is through the Type B Home Occupation application. The approval requested by the applicant is for a Type B Home Occupation for a one-chair salon and such a request is reviewed through the Conditional Use application process. Further evaluation of the request will be under Section .2132 (B), Section .7455 et seq., and Section .7120.

Multiple Use Agriculture (MUA-20)

11.15.2122 Purposes

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.

11.15.2124 Area Affected

MCC .2122 to .2150 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

Staff: The subject parcel is zoned MUA-20 according to the zoning maps on file at Multnomah County.

11.15.2132 Conditional Uses

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

- (D) Type B home occupation as provided for in MCC 11.15.7455. *[Added 1998, Ord. 900 § III]***

Staff: As described above, under the definition of Home Occupation in MCC 11.15.0010, the applicant's proposed home business is classified under the Type B Home Occupation. See also Section .7455 et seq. for additional criteria and comments.

11.15.2138 Dimensional Requirements

- (A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.**

Staff: The subject parcel is 2.4 acres in size and is hence smaller than the required minimum lot size of the MUA-20 zone. The provisions of Section .2142 establish the standards for a Lot of

Record. The subject parcel is reviewed under these standards. Please see the Staff comments under Section .2142.

- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.**

Staff: ~~The applicant does not propose to vacate the abutting street and hence the criterion is not applicable to the proposal.~~

Hearings Officer: This code section is immaterial to resolution of this application. The portion of the street that would accrue to the subject property if it were vacated is too small to change the status of the Belanger property as a substandard parcel (less than 20 acres in size).

- (C) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: The applicant's site plan illustrates compliance of the single-family dwelling with the required front, rear, and side yard setback requirements. The structure is less than 35 feet in height, as shown on the submitted elevation drawings. The front lot line length of the subject parcel exceeds the minimum front lot line length requirement. The application meets the criterion.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

Staff: Alan Young of the Multnomah County Right-of-Way division stated that no additional requirements for the site are applicable at this time for the Conditional Use application. Young did not require dedication of SE Kane Road for this development.

- (E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

Staff: The applicant does not propose to build a barn, silo, windmill, antennae, or any similar structure as described in (E). The criterion is not applicable to this application, CU 5-99.

11.15.2142 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws.**

Staff: Staff reviewed the land use and zoning maps on file at Multnomah County's Land Use Planning office. Maps from 1962, 1978, 1979, 1986, 1989, and 1998, were used to determine

compliance with the Lot of Record standards. The applicant provided a copy of the deed of the property, dated June 17, 1974. The deed description of the subject property, according to the deed, is as follows, "The south half of Lot 75, Botefuhr Tract, Multnomah County, Oregon, excepting therefrom that part thereof lying within Kane Road". The zoning map from 1962 showed the subject parcel had not been created. The 1962 zoning map showed the zoning for the area (including the current parcel) was Single-Family Residential (S-R). Criteria within the S-R zone in the 1962 Multnomah County Code included a minimum lot size of 10,000 square feet and frontage to a public street. The application met the applicable standards at the time the parcel was created.

- (B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.**

Staff: The front lot line length of the subject property exceeds the minimum standard required in Section .2138 (C).

- (C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.**

Staff: A street does not intersect the subject property; this criterion is not applicable.

- (D) Except as otherwise provided by MCC .2140, .2144, .6256 and .7720, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

Hearings Officer: This code provision is not applicable. The Belanger application does not involve a sale or conveyance of a portion of the subject property.

11.15.2144 Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to MCC .2132, except subpart (C)(1) thereof, shall be based upon:

- (A) The site size needs of the proposed use;**
- (B) The nature of the proposed use in relation to its impact on nearby properties; and**
- (C) Consideration of the purposes of this district.**

Staff: The subject parcel is a Lot of Record as described in Section .2142 above. The nature of the proposed use in relation to its impact on nearby properties; the site size needs of the proposed use; and the consideration of the purposes of this district are reviewed throughout this Staff Report. Section .7120 and Section .7455 provide additional applicant and Staff comments.

Hearings Officer: The 2.4-acre size of the site is far larger than needed to support the existing single-family residential use of the property and the proposed salon use. Septic feasibility review has shown that the property is large enough to accommodate a drain field to serve both uses. The property contains ample areas that are suitable for parking and unloading activities.

The surrounding area includes residences and home businesses. The impact of approval of this application will have no visual impact on area neighbors as the building will look exactly like any other single-family home when viewed from the outside. Traffic will be greater than generated by a single-family residence but these trips will occur throughout the day. This means that most trips will occur at off-peak hours, minimizing the impact of the use on the area transportation system. Additionally, the business hours are such that most business activity will occur during the work week. This will mean that these residents will not be present to be disturbed by the traffic.

11.15.2146 Off-Street Parking and Loading

Off-Street parking and loading shall be provided as required by MCC .6100 through .6148.

Staff: See Sections .6144 (G) and .7465 (C) for the requirements for parking for the proposed use of the site as a Home Occupation for a one-chair hair salon. The applicant states that no more than 2 clients are expected at a time on the site. Thus, two parking spaces for clients may be considered appropriate under the standards of Section .6144 (G) [via Section .7465(C)] and .7465 (J). The site plan illustrates the proposed location for on-site parking. The application meets the criterion.

Hearings Officer: The applicant, Marva Belanger, testified that the business receives deliveries of beauty supplies from a supply house. Ms. Belanger said that the truck used by the supply house is smaller than a UPS truck and will use the driveway or customer parking spaces for unloading. A review of the site plan shows that there will be room on the subject property to accommodate this delivery and unloading activity. The same is true for other trucks that could conceivably make deliveries (UPS, FedEx, US Postal Service).

11.15.2148 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

Staff: The subject property has direct access to SE Kane Road. The applicant has provided a completed copy of the Fire District Review form signed by the City of Gresham Fire and Emergency Services Department. The site is also served by the Multnomah County Sheriff's Office.

Conditional Uses (CU)

11.15.7105 Purposes

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

Hearings Officer: The evidence in the record shows that no visible alteration to the Belanger residence will be needed to accommodate the proposed salon use and that the use proposed will not be detrimental to adjoining properties or the intent of the Comprehensive Plan. Plan policies are addressed below. The findings elsewhere in this decision support the conclusion that the use will not be detrimental to adjoining properties.

11.15.7110 General Provisions

- (A) **Application for approval of a Conditional Use shall be made in the manner provided in MCC .8205 through .8280.**

Staff: The applicant submitted the application for the Conditional Use on September 29, 1999 in the appropriate manner established by the Multnomah County Code.

- (B) **The Approval Authority shall hold a public hearing on each application for a Conditional Use, modification thereof, time extension or reinstatement of a revoked permit.**

Staff: The application for CU 5-99 will be reviewed by the Hearings Officer at a public hearing on November 17, 1999 at the Multnomah County Land Use Planning offices.

Hearings Officer: A hearing was held on November 17, 1999.

- (C) **Except as provided in MCC .7330, the approval of a Conditional Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:**

- (1) **The project is completed as approved, or**
- (2) **The Approval Authority establishes an expiration date in excess of the two year period, or**
- (3) **The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:**
 - (a) **Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.**
 - (b) **The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:**
 - (i) **Final Design Review approval has been granted under MCC .7845 on the total project; and**
 - (ii) **At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).**

Staff: Subsection (C) of Section .7110 is established as Condition of Approval #2.

- (c) **Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.**
- (d) **The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.**

- (D) A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.
- (E) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC .7120 and in the district provisions.

Staff: The above criteria are included as informational.

11.15.7120 Conditional Use Approval Criteria

- (A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:

- (1) Is consistent with the character of the area;

Applicant: The site plan for the single-family dwelling (Exhibit 7), within which the home occupation business is located, has been approved by Multnomah County. The character of the home exterior will in no way be modified as a result of the business (see Exhibits 9 and 10). The remaining property of the 2.4 acre parcel will be maintained as yard, horse pasture and natural areas consistent with the use of surrounding properties. There are no other hair salon occupations in the area, however, there are other home occupation businesses in the nearby area. The noise, air, and water quality will in no way be affected by the business. The traffic will have minimal increase to a maximum of ten visits per day, less on average. Presence of the home occupation will reduce the number of trips made by the owner/operator by reducing the free-lance hair service trips currently made to other locations. Overall, the presence of the home occupation business is not expected to be discernable by area neighbors.

Staff: The subject parcel is zoned Multiple Use Agriculture (MUA-20); this is a single-family residential zoning district. The subject parcel now contains the single-family residence approved under the building permit issued by Multnomah County on June 2, 1999. The building permit included a comment regarding the proposed salon; the applicant plans were marked the area "Salon" and the Staff Planner marked the plans, "Future Salon with Approval". The character of the area is not a quantifiable standard to analyze. Instead, Staff uses aerial photos from the Geographic Information Systems (GIS), zoning maps, the applicant narrative, and a site visit, to determine the compatibility of the proposal with the character of the area. The applicant's comments regarding traffic and natural areas are important elements of the character of the area. Staff's analysis includes parking as a consideration in the character of the area. No signs will be put on the residence. Staff agrees with the applicant statement that the presence of the Home Occupation is unlikely to be discernable by neighbors. The application meets the criterion.

Hearings Officer: The character of the area is rural residential. A number of area homes are used for home businesses.

(2) Will not adversely affect natural resources;

Applicant: There are no streams, wetlands or forests within the immediate vicinity of the home occupation business. The water and the sanitary use of the business will be equivalent to the addition of another household member as determined by the City of Portland Environmental Soils Specialist.

Staff: The applicant states there are no streams, wetlands, or forests in the vicinity of the Home Occupation. The maps on file indicate there is a stream on the subject parcel. During a phone conversation with Marva Belanger on November 3, 1999, the applicant stated the stream is seasonal or intermittent in its presence on the site. The applicant also stated that the stream is over 500 feet from the single-family residence. The applicant has provided a completed copy of the Certification of Private On-Site Sewage Disposal. Further comments regarding the on-site sewage disposal are included under the Staff analysis of Comprehensive Plan Policy 37. The applicant's proposed use of a portion of the single-family residence will entail a 10' x 13' area of the existing single-family residence. Comprehensive Plan Policy 13 evaluates the impacts of the proposal in relationship to air, water, and noise quality. The intermittent stream on the site is over 500 feet from the dwelling. The proposal ~~is not likely to~~ will not affect natural resources in an adverse manner *provided the business is operated according to law*. The application meets the criterion.

(3) Will not conflict with farm or forest uses in the area:

- (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
- (b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

Applicant: The site property is zoned MUA. The majority of adjacent properties are used for livestock pasture and in some areas nursery stock. There are no forest lands in the area. The home occupation business will have no affect on the use of the site property as it is completely contained within the single family dwelling. The balance of the site property will be used for yard, livestock pasture and natural areas consistent with neighboring properties.

Staff: The surrounding properties of the subject property are zoned MUA-20 just as the subject property. As the applicant describes, the adjacent properties are used for farming purposes including nursery stock and livestock pasture. The area the applicant proposes to use for the Type B Home Occupation for the one chair salon is approximately 10' x 13' and is located within the existing single-family dwelling. The proposal will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. The applicant's proposal will not force a significant change to land in the vicinity that is used for farm or forest purposes. The application meets the criterion.

(4) Will not require public services other than those existing or programmed for the area;

Applicant: As demonstrated by the sewer, fire, water, and police provider forms completed by the various jurisdictions, adequate services are available by those currently existing in the area. The home occupation business will in no way be expanded in the future eliminating the possibility of excess future demands on such services.

Staff: The applicant has provided completed copies of the Certification of Water Service, the Fire District Review form, the Police Service Review form, the Certification of On-Site Sewage Disposal form, a water supply well report, and a copy of the Land Feasibility Study (LFS 28-99). These forms are used to illustrate compliance with requirements for site utilities and facilities. Additional comments will be provided under Comprehensive Plan Policies 37 and 38 included in this Staff Report.

- (5) **Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;**

Applicant: The use site is not located within the big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

Staff: The subject parcel is not part of the big game winter habitat area as defined by the Oregon Department of Fish and Wildlife. The application meets the criterion.

- (6) **Will not create hazardous conditions; and**

Applicant: The home occupation business is located within the single-family dwelling. The dwelling, septic and related site plans have all received approval with appropriate permits, which demonstrate compliance with all applicable land use and hazard conditions. The nature of the business will create use conditions equivalent to that of an additional household member which remains within the approved capacity of the dwelling systems.

Staff: The applicant has provided completed copies of all required service provider forms. Based on the applicant's submitted materials, the applicant's proposal is highly unlikely to create hazardous conditions on the site.

Hearings Officer: Hazardous conditions will not be created provided that the applicant properly disposes of chemical products used in the salon business. A condition of approval has been included to assure compliance with the cited approval criterion.

- (7) **Will satisfy the applicable policies of the Comprehensive Plan.**

Applicant: The applicant has addressed the Comprehensive Plan Policies as included below.

Staff: The Comprehensive Plan Policies are included in this Staff Report; the applicant and Staff provide comments under each respective applicable policy.

11.15.7125 Design Review

Uses authorized under this section shall be subject to design review approval under MCC .7805 through .7865.

11.15.7127 Design Review Exemption

Exempted from the Design Review criteria of MCC .7805 through .7870(A), include:

- (A) **Single family residences.**
- (B) **Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.**

Staff: The applicant's proposal is to use 130 square feet of the single-family dwelling (June 2, 1999 building permit) on the subject parcel. The applicant's proposal involves the use, for the purpose of the Type B Home Occupation, of less than 400 square feet of the subject residence. Thus, the application is considered exempt from the Design Review application.

Home Occupation CU

11.15.7455 Definitions

- (A) **Employee – one full or part time participant, resident or non-resident, in the business shall constitute one employee.**
- (B) **Customers – Any person visiting the site that is not an employee who is associated with the home.**
- (C) **Normal deliveries – The home occupation shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. These deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.**
- (D) **Headquarters – A business operation where employees come to the site at any time.**
- (E) **Motor vehicles – vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).**

11.15.7460 Purposes

The purposes of the type B home occupation section are to address the need for home based business that are small scale businesses (not more than 5 employees) and that fit in with the characteristic of the neighborhood or the area. The regulations are designed to:

- (A) **Protect the individual characteristics of areas in unincorporated Multnomah County and maintain the quality of life for all residents of the communities.**
- (B) **Join in an effort to reduce vehicle miles traveled, traffic congestion and air pollution in the State of Oregon.**

Hearings Officer: The proposed home occupation will help reduce vehicle congestion and the length of vehicle trips by providing a commercial service in a residential neighborhood. The home that will be used as a salon will look like a home, not a commercial business. This appearance will protect the characteristics of the area in question as a residential area and maintain the quality of life enjoyed by area residents.

11.15.7465 Criteria for Approval

The approval authority shall find that the following standards are met:

(A) The standards found in MCC 11.15.7120.

Applicant: The standards of MCC 11.15.7120, Conditional Use Approval Criteria, are addressed.

Staff: Staff commented on the applicant's responses to the criteria under Section .7120 in Section .7120. Staff made findings the application met the criteria of Section .7120.

(B) The home occupation does not employ more than 5 employees.

Applicant: The home occupation will have one employee, the owner/ operator Marva Belanger, which is less than the 5 employee maximum allowed.

Staff: The application meets the criterion because only one employee will be employed by the home occupation operator. The operator of the one chair salon Type B Home Occupation proposal is the owner of the business and the residence, Marva Belanger.

(C) The site has on-site parking as per MCC 11.15.6100 to accommodate the total number of employees and customers.

Applicant: The site, in addition to the 3 car driveway of the single family dwelling, will have an area approximately 46' x 20' available for off-street clientele parking. This area is contiguous to the south side of the driveway (See Exhibit 7).

Staff: The applicant's site includes the three-car garage described by the applicant. The 46' x 20' area described by the applicant and shown on the submitted site plan, will provide ample parking for the clients of the one-chair salon. The applicant states that no more than two clients are expected at a time on the site. As established in Section .2146, two parking spaces for clients may be considered appropriate under the standards of Section .6144 (G) [via Section .7465(C)] and .7465 (J). The application meets the criterion.

(D) No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. – 6 p.m.

Applicant: There will be no deliveries associated with the business.

Staff: The applicant states there will be no deliveries, associated with the business, to the site.

(E) No outdoor storage or display.

Applicant: The business will not require and will not have any outdoor storage or display.

Staff: The applicant states no outdoor storage or display will occur on the site. The application meets the criterion.

(F) No signage (including temporary signage and those exempted under MCC 11.15.7912) with the exception of those required under MCC 11.05.500 - .575.

Applicant: The home occupation business will have no signage, either on the building or on the property premises. From an exterior view the public will only see the standard residential exterior as designed for the home dwelling and approved by the City of Gresham Buildings Division.

Staff: The applicant will not have signage on the site or on the structure. The application meets the criterion.

(G) No noise above 50 dba at the property lines.

Applicant: There will be no audible sound detectable at the property lines as a result of the home occupation business. The only source of business related noise will be running water and an upright and portable hair dryers.

Staff: The criterion cites a specific standard. The number is quantifiable. The applicant did not submit a document with noise testing results or any such evidence. Staff did not request evidence to support the applicant's statement. A reasonable and logical evaluation of the applicant's proposal considering the description here of the sounds of running water and hair dryers, provides the Staff with a description of on-site activities that are of limited duration and minimal noise. Based on the applicant's description, Staff finds the application meets the criterion.

Hearings Officer: The applicant's statement establishes that the amount of noise at the property lines will be 0 dba.

(H) No repair or assembly of any vehicles or motors.

Applicant: The nature of the home occupation business does not involve the repair or assembly of any vehicles or motors.

Staff: The applicant's proposal for the Type B Home Occupation is a one chair hair salon. The applicant's proposal does not include the repair or assembly of any vehicles or motors. The application meets the criterion.

(I) The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.

Staff: To Staff's knowledge, the application has not been reviewed by the Small Business Section of the Department of Environmental Quality.

Hearings Officer: At the request of the hearings officer, notice was provided to the SBS of the DEQ. The SBS reviewed and commented on the application in a memorandum dated November 22, 1999.

(J) Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

Staff: The applicant has described the number of employees and the hours of operation of the proposed home occupation business. ~~The applicant shall be specific in the description of the proposed use, frequency and type of deliveries, and the parking on the site. Other information as~~

~~necessary may be required. Parking requirements of .6144 (G) provide for "unspecified uses" and appropriating the most nearly equivalent amount of required parking spaces.~~

Hearings Officer: The use approved is a one-chair beauty salon. The business will be operated by Marva Belanger. No employees are allowed, unless the applicant obtains a subsequent modification of this approval. Truck deliveries of beauty supplies are expected and may occur up to an average of one time per each day of operation.

Comprehensive Plan Policies

POLICY 13 Air, Water and Noise Quality

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, it is Multnomah County's policy to:

- A. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.**
- B. Support and participate in the implementation of state and regional plans and programs to reduce pollution levels.**
- C. Maintain healthful air quality levels in the regional airshed, to maintain healthful ground and surface water resources, and to prevent or reduce excessive sound levels while balancing social and economic needs in Multnomah County.**
- D. Discourage the development of noise-sensitive uses in areas of high noise impact.**

Applicant: As stated previously, the air, water and noise impact will be comparable to that of adding a member to the household of the single-family dwelling. The dwelling within which the home occupation is located has already been approved for such capacity (4 to 6 bedroom occupants). The home occupation use will not create an environmental impact, including noise, beyond that allowed by the home dwelling.

Staff: The applicant states the air, water, and noise impacts will be those impacts typically associated with a single-family dwelling. Staff provided comments earlier in the Staff Report regarding air, water, and noise impacts. Staff made findings under Section .7465 (G) regarding noise impacts to the site; Staff found the noise impacts of running water, hair dryers, and other activities described by the applicant, as minimal. In addition, the applicant commented under Section .7120 (A)(1) on the air and water quality impacts. The intermittent stream on the subject parcel is approximately 500 feet away from the residence. Staff finds the impacts to air and water from the single-family dwelling and the Home Occupation of the one-chair salon as minimal.

Hearings Officer: The cited criteria provide direction to the County and its hearings officer and staff to work with the applicants regarding environmental quality issues. It does not supply approval criteria that must be satisfied by the applicants. Additionally, the subject property is not located in an area of high noise impact and the applicant is not proposing a noise-sensitive use.

At the land use hearing, County staff provided the hearings officer with a copy of Ordinance No. 933, an ordinance that amended the Comprehensive Framework Plan. Plan Policy 13 now reads:

Multnomah County, recognizing that the health, safety, welfare and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, if a land use proposal is a noise-sensitive use and is located in a noise-impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan:

- 1. Building placement on the site in an area having minimal noise level disruptions.**
- 2. Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.**

This policy is not applicable because the subject property is not located in a noise-impacted area and the proposed use is not a noise generator.

POLICY 14 Developmental Limitations

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

A. ~~Slopes exceeding 20%;~~

~~**Applicant:** There are no slopes greater than 20%. There are no land development issues resulting from the home occupation. The home occupation is totally contained within the garage portion of the single family dwelling. Accordingly, the home occupation does not require any alteration from the requirements land siting of the dwelling which has already received County approval.~~

~~**Staff:** The Soil Survey of Multnomah County, OR identifies three soil types on the subject parcel. The soil types are Powell silt loam, 0 to 3 percent slopes (34A), Powell silt loam, 3 to 8 percent slopes (34B), and Wollent silt loam (57). None of these soil types have a slope exceeding 20%.~~

B. ~~Severe soil erosion potential;~~

~~**Applicant:** There is no severe soil erosion potential.~~

~~**Staff:** The Soil Survey lists the erosion potential of all three soil types on the subject parcel as slight.~~

C. ~~Land within the 100 year flood plain;~~

~~**Applicant:** No floodplain issues.~~

~~**Staff:** The location of the proposed Type B Home Occupation for a one chair salon is within the existing single family residence. The applicant does not propose to alter the land to accommodate the Home Occupation use.~~

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

~~Applicant: No seasonal high water table.~~

~~Staff: Soil types 34A and 34B have a seasonal water table at a depth of 18 to 24 inches from December to April according to the Soil Survey. Soil type 57 has a water table that ranges from 12 inches above to 12 inches below the surface from November through May according to the Soil Survey.~~

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

~~Applicant: No fragipan issues.~~

~~Staff: The soil survey lists a fragipan at a depth of 60 inches or more for soil type 34A and 34B.~~

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

~~Applicant: No slumping, slides, or earth movement on the property.~~

~~Staff: The Soil Survey does not identify these soils as being subject to slumping, earth slides, or movement.~~

Hearings Officer: Policy 14 is inapplicable as no land form alteration or new development is proposed by this application. All activities will occur within an existing single-family residence.

POLICY 22

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

- A. The development of energy-efficient land uses and practices;**
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational 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 climatic conditions to advantage;**
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.**

Applicant: The energy use will consist of lighting and heating for the salon shop, hot water and operation of a hair dryer. The load is within that allowed by the home dwelling electrical service. All general energy conservation measures applied to the dwelling will also be applied to the home occupation salon shop. As a rural setting, mass transit is not an applicable factor, however, it is our belief that the home occupation business will serve to reduce the length of trips for such service otherwise made to the city by clientele.

Staff: The subject parcel is in a rural setting and mass transit does not serve the property. The applicant does not propose to alter the street layouts or lotting pattern. The applicant is not increasing the density or intensity of development in the area. The applicant is aware of the energy-efficiency provisions and states that the site may be convenient and reduce trip length for that service for some clients.

POLICY 37 Utilities

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

Water and Disposal Systems:

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

Hearings Officer: Evidence in the record demonstrates that there is an adequate private water system and that DEQ will approve a subsurface sewage disposal system.

Drainage

- E. ~~There is~~ *Shall have* adequate capacity in the storm water system to handle the run-off; or
- F. ~~The water run-off can~~ *shall* be handled on the site or adequate provisions ~~can~~ *shall* be made; and

Hearings Officer: The applicant has been required to provide storm water drainage facilities on their property as a condition of development of their home. These facilities were sized and approved as being capable of handling water run-off on the site.

- G. ~~The run-off from the site will~~ *shall* not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.

Hearings Officer: The use of County approved drainage facilities will prevent the home and business from adversely affecting water quality in adjacent streams and from altering drainage on adjoining lands.

Energy and Communications

H. There is *shall be* an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and

I. Communications facilities are available.

Applicant: The home occupation impact on the water and on-site septic systems are within the capacities already established for the single family residence (see the certification provided by the City of Portland environmental soils specialist, attached). The home occupation does not involve an alteration to the single-family home's exterior or site location. The site plan and storm drains have already received county approval. The energy and telephone needs for the home occupation will be adequately provided within such service already provided for the single family dwelling.

Staff: The applicant has provided a completed copy of the Certification of Water Service, the Certification of Private On-Site Sewage Disposal, and the Land Feasibility Study (LFS 28-99). The applicant has provided documentation that the applicable service provider forms are completed. The required services for the recently constructed single-family dwelling and the proposed Type B Home Occupation for the one-chair salon are appropriately addressed by the applicant.

POLICY 38 Facilities

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

It is the County's Policy to coordinate and encourage involvement of applicable agencies in the land use process to ensure:

School

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

Hearings Officer: The proposed use will not impact the appropriate school district as it is a non-residential use. The Planning Division, therefore, does not seek comments from the district.

Fire Protection

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.

Police Protection

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

Applicant: Reviews are attached from the appropriate agencies attesting that there is adequate fire and police service with regard to the home occupation. The home occupation has no direct burden or benefit to the local school district which has no sites near the home occupation area.

Staff: The applicant provided completed copies of the Fire District Review form, signed by Mike Kelly of the City of Gresham Fire and Emergency Services Department, and the Police Services Review form, signed by the Multnomah County Sheriff's Office. Staff did not request the applicant complete the School District Review form as it is not applicable to the application.

POLICY 40 Development Requirements

The County's policy is to encourage a connected parks 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. *Requiring the dedication of 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. *Requiring landscaped areas with benches will be provided in commercial, industrial and multiple-family developments where appropriate.***
- C. *Requiring areas for bicycle parking facilities will be required in development proposals where appropriate.***

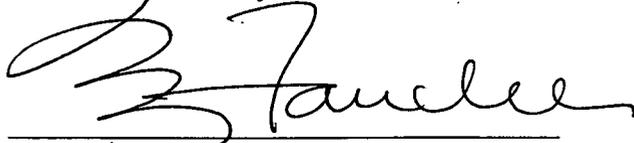
Applicant: The home occupation is in a rural area within a single family dwelling. Accordingly, there are no park or recreational issues. There will be adequate and secure off-street parking for bikes and automobiles (see site plan Exhibit 7).

Staff: The subject parcel is a single-family residential site. No requirements for bicycle parking, landscaping with benches, or park facilities are required to be implemented by the applicant as a result of this request for approval of a Type B Home Occupation for a one chair salon.

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 1600 SE 190th Ave., (in Gresham) or you may call 248-3043, for additional instructions.

DATED this 23rd day of November 1999.



Liz Fancher, Hearings Officer

Case File: CU 5-99

Location: South 1/2 of Lot 75 Botefuhr Tracts or Tax Lot 15, Section 23, Township 1S, Range 3E, WM.

Application Timeline:

Pre-Application Conference: September 29, 1999.

Application received with full fees: September 29, 1999.

Application incomplete letter mailed: NA.

Determination that application is complete: October 27, 1999.

Begin "120 day timeline" on October 27, 1999.

Notice of a Public Hearing (mailed): October 28, 1999.

Staff Report available: November 10, 1999.

Public Hearing before Hearings Officer: November 17, 1999. **Day 21**

List of Exhibits:

List A: Staff/ Applicant Exhibits:

1. Applicant site plan (reduced copy) showing dwelling location and area of the proposed one chair salon on the subject parcel.
2. Applicant site plan showing the 10' x 13' area to be used for the proposed one chair salon.
3. Elevation drawings of the front and rear views of the house.
4. Elevation drawings of the side views of the house.
5. Site visit photos illustrating the entrance to the area of the garage for the proposed one chair hair salon.
6. Site visit photos illustrating the garage and the driveway.

List B: Notification Information:

1. "Complete Application" Letter, 3 pages.
2. Notice of Hearing, 4 pages.
3. Completed Copy of the Affidavit of Posting, dated November 3, 1999.

List C: Multnomah County Documents

1. Staff Report – November 10, 1999

List D: Documents Submitted After November 17, 1999 Public Hearing:

1. Memorandum from DEQ, Jill Inahara, Small Business Assistance Program dated November 22, 1999.



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 248-3043 FAX: (503) 248 -3389

December 7, 1999

Board of County Commissioners
1120 SW Fifth Ave, Suite 1500
Portland, OR 97204

RE: Auto Wrecker's License Renewal

David L. Lucky
Desbiens Towing & Automotive
28901 SE Dodge Park Blvd., Gresham, OR 97080

Recommend: Approval of Business Location

Dear Commissioners:

The Land Use Planning Staff respectfully recommends the above license renewal be approved, based upon the findings in the attached staff report. The findings state the business satisfies the requirements contained in Multnomah County Code Section 5.10.010 B., including the applicable provisions ORS 822.110 and the locational provisions of ORS 882.135. The site continues to retain a non-conforming status.

Sincerely,

Multnomah County Department of Environmental Services
Land Use Planning Division

By Kerry F. Rappold, *Land Use Planner*
For: Kathy Busse, *Planning Director*

Staff Report
Determination of Compliance
2000 Wrecker's License Renewal
28901 SE Dodge Park Boulevard

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code Section 5.10.010 Wrecker certificate processing fees. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted by David L. Lucky, 28901 SE Dodge Park Boulevard, Gresham, OR 97080.

I. Conditions of Approval:

1. The applicant shall obtain a Business Certificate as a wrecker of motor vehicles from the Oregon Department of Transportation. Applications for future wrecker's license renewals shall include a copy of the previous year's business certificate issued by the Oregon Department of Transportation.
2. Applications for future wrecker's license renewals shall include submittal of a site plan drawn to scale, that clearly identifies the dimensional boundaries of the wrecking yard (fenced areas) in relation to property lines. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.
3. Applications for future wrecker's license shall demonstrate taxes are not owed on personal or real property tax accounts.
4. Pursuant to ORS 822.110, the applicant shall provide adequate screening by the use of plantings, fences or other natural objects. The applicant shall make the necessary improvements or repairs to the fencing on the north side of the property prior to receiving a future wrecker's license renewal.

II. Applicable Zoning Considerations:

The applicable zoning considerations as specified in MCC 5.10.010 (C) are addressed below:

- A. Compliance with the requirements of ORS 822.110:

The Oregon Department of Transportation shall issue a wrecker certificate to any person if the person meets all of the following requirements:

- (1) The person must establish that the area approved under the wrecker certificate for use in a wrecking business meets one of the following:**

- (a) **The area is more than 1,100 feet from the nearest edge of the right of way of any state highway.**
 - (b) **The business conducted within the area is hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other natural objects or by plantings, fences or other appropriate means, so as not to be visible from the main traveled way of the highway, in accordance with rules adopted by the director.**
 - (c) **The area and the business thereon are located in an area zoned for industrial use under authority of the laws of this state.**
- (2) **The person must pay the fee required under ORS 822.700 for issuance of a wreckers certificate.**
 - (3) **The person must complete the application for a wrecker certificate described under ORS 822.115.**
 - (4) **The person must deliver to the department any approvals by local governments required under ORS 822.140.**
 - (5) **The person must deliver to the department a bond or letter of credit that meets the requirements of ORS 822.120.**

Finding: Code Enforcement staff conducted a site inspection on 12/3/99. Photos taken of the site demonstrate the use of fencing and vegetation to screen vehicles from adjacent roads consistent with ORS 833.110 (1)(b). However, some repair or improvements to the existing fence on the north side of the property are required. There are a number of openings in the fence. The requirements of ORS 833.110 (2)-(5) will be satisfied by obtaining a wrecker's certificate.

B. Compliance with the business locational provisions of ORS 822.135:

- (1) **A person commits the offense of improperly conducting a wrecking business if the person holds a wrecker certificate issued under ORS 822.110 and the person does any of the following:**
 - (b) **Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental wrecker certificate by the procedure under ORS 822.125.**

Finding: Staff has found no evidence that the dimensions of the wrecking yard have been expanded beyond that of the existing wrecker's certificate. Applications for future wrecker's license renewals shall include submittal of a scaled site plan

clearly showing the property lines, facility boundaries, fencing, signage location, office area, area for sale of wrecked vehicles, storage and other pertinent information. No expansion of the wrecking yard shall occur without prior approval of the Multnomah County Land Use Planning Division.

(g) Fails to keep the premises on the outside of the establishment clear and clean at all times.

Finding: Photos taken of the site on 12/3/99 by the Code Enforcement inspector indicate the premises on the outside of the establishment are clear and clean.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

Finding: Photos taken of the site on 12/3/99 by the Code Enforcement inspector show no wrecking, dismantling, or altering of vehicles outside the fenced area of the wrecking yard.

C. Compliance with zoning regulations:

The file for Desbiens Towing and Automotive contains a record of license renewal requests and approvals from 1965 to date. Land use inventory maps and zoning maps indicate that the business was in existence on the property prior to 1977, and was zoned M-2. Under the M-2 zoning classification, automobile wrecking was a permitted use. The property was re-zoned in 1977 (Ordinance 148) to Rural Center (RC), a district that does not allow automobile wrecking, therefore it became non-conforming at that time.

III. Notification:

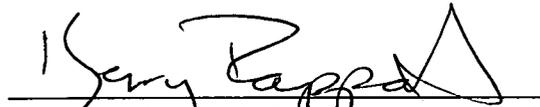
The status of the site was obtained from the Multnomah County Sheriff and the Department of Assessment and Taxation. The information from Assessment and Taxation indicates the property and personal tax accounts are current. The response from the County Sheriff indicates a criminal background check was made and approved.

IV. Recommendation:

The staff of the Land Use Planning Section respectfully recommends that the above license renewal be approved, based upon findings that the business satisfies the applicable requirements contained in MCC 5.10.010 and ORS 822.110, ORS 882.135 and continues to retain a non-conforming status.

Dated this 7th day of December, 1999

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division

A handwritten signature in black ink, appearing to read "Kerry Rappold", written over a horizontal line.

By Kerry Rappold, *Planner*

For: Kathy Busse, *Planning Director*



APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER
WR 3200
EXPIRATION DATE
8-31-99

- INSTRUCTIONS:**
- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
 - SIGN LINE 14, SUBMIT THIS APPLICATION WITH YOUR SURETY BOND AND THE REQUIRED FEE TO BUSINESS REGULATION SECTION, 1905 LANA AVE. NE, SALEM OR 97314

ORIGINAL
 RENEWAL

NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) 1 Desbiens Towing + Automotive			BUSINESS TELEPHONE
MAIN BUSINESS LOCATION (STREET AND NUMBER) 2 28901 SE Dodge PARK Blvd		CITY Gresham	ZIP CODE 97080
MAILING ADDRESS 3 PO Box 30244		CITY Portland	STATE OR
		STATE OR	ZIP CODE 97230

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

CHECK ORGANIZATION TYPE: <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION	IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED: OREGON
--	---

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS OR PRINCIPAL CORPORATE OFFICERS:

NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
5 DAVID L. Lucky	Pres.	12-26-42	(503) 262-8220
RESIDENCE ADDRESS 6 11326 SE Lexington	CITY Portland	STATE OR	ZIP CODE 97266
7 ALBERTA M. Lucky	Secy/Pres	4-29-48	(503) 262-8128
RESIDENCE ADDRESS 8 11326 SE Lexington	CITY Portland	STATE OR	ZIP CODE 97266
9			
RESIDENCE ADDRESS 10	CITY	STATE	ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 300 ft. X 300 ft.

I CERTIFY THAT I AM THE OWNER, A PARTNER OR A CORPORATE OFFICER OF THIS BUSINESS AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

12 NAME ALBERTA Lucky	TITLE Secy/Pres	RESIDENCE TELEPHONE (503) 262-8128
ADDRESS, CITY, STATE, ZIP CODE 13 11326 SE Lexington Portland OR 97266		

14 SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER X Alberta M. Lucky	DATE 9-1-99
---	-----------------------

15 APPROVAL: I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF MULTNOMAH HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

▼ PLACE STAMP OR SEAL HERE ▼

16 NAME BEVERLY STEIN	TITLE COUNTY CHAIR	PHONE NUMBER (503) 248-3308
SIGNATURE X Beverly Stein		DATE DECEMBER 16, 1999

FEE: \$54.00

PLANNING SECTION
99 SEP 21 PM 2:00

SURETY BOND

BOND NUMBER
PA7019

NOTE: TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

LET IT BE KNOWN:

THAT DESBIENS TOWING & AUTOMOTIVE, INC.
(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS _____
(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28901 SE Dodge Park Blvd Gresham, Or 97080
(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING & INSURANCE COMPANY
(SURETY NAME)

1827 NE 44th Ave #100 Portland, Or 97213 503-287-6000
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WASHINGTON, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE Sept 1 19 99 AND EXPIRES August 31 19 XX 2000 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 4th DAY OF August 19 99.

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER _____ TITLE _____

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE) X Debi Nellis TITLE ATTORNEY-IN-FACT

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:		PLACE SURETY SEAL BELOW	
IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:			
NAME	C.B.I.C.	TELEPHONE NUMBER	287-6000
ADDRESS	Po Box 12053		
CITY, STATE, ZIP CODE	Portland, Oregon 97212		
APPROVED BY ATTORNEY GENERAL'S OFFICE			



Limited Power of Attorney

Home Office: 1213 Valley Street P.O. Box 9271 Seattle, WA 98109-0271 (206) 622-7053

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEBI LEWIS, of Portland, Oregon, its true and lawful attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver contractors' license bonds issued pursuant to RCW Chapter 18.27 and ORS Chapter 701; electricians' license bonds issued pursuant to RCW Chapter 19.28; miscellaneous bonds, as those bonds are generally understood in the trade, not exceeding the penal sum of \$25,000; other license bonds not exceeding the penal sum of \$25,000; and permit bonds not exceeding the penal sum of \$25,000; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary; hereby ratifying and confirming all that the said attorney-in-fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on January 22, 1993:

RESOLVED that the President is authorized to appoint as attorney-in-fact of the Company DEBI LEWIS with power and authority to sign on behalf of the Company contractors' license bonds issued pursuant to RCW Chapter 18.27 and ORS Chapter 701; electricians' license bonds issued pursuant to RCW Chapter 19.28; miscellaneous bonds, as those bonds are generally understood in the trade, not exceeding the penal sum of \$25,000; other license bonds not exceeding the penal sum of \$25,000; and permit bonds not exceeding the penal sum of \$25,000.

RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing resolution in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effectiveness of the foregoing resolution as if signed by the Secretary of the Company: Donald Sirkin, Tom Dymont, JoAnn Johnson and Pat Dorney.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as attorney-in-fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereto affixed this 10th day of January, 1997.

CONTRACTORS BONDING AND INSURANCE COMPANY

By: [Signature] Steven A. Gaines, President



STATE OF WASHINGTON—COUNTY OF KING

On this 10th day of January, 1997, personally appeared STEVEN A. GAINES, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature] Notary Public in and for the State of Washington, residing at Seattle

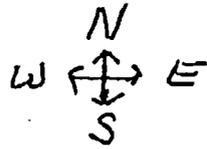
The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at PORTLAND, OR this 4th day of August, 1999

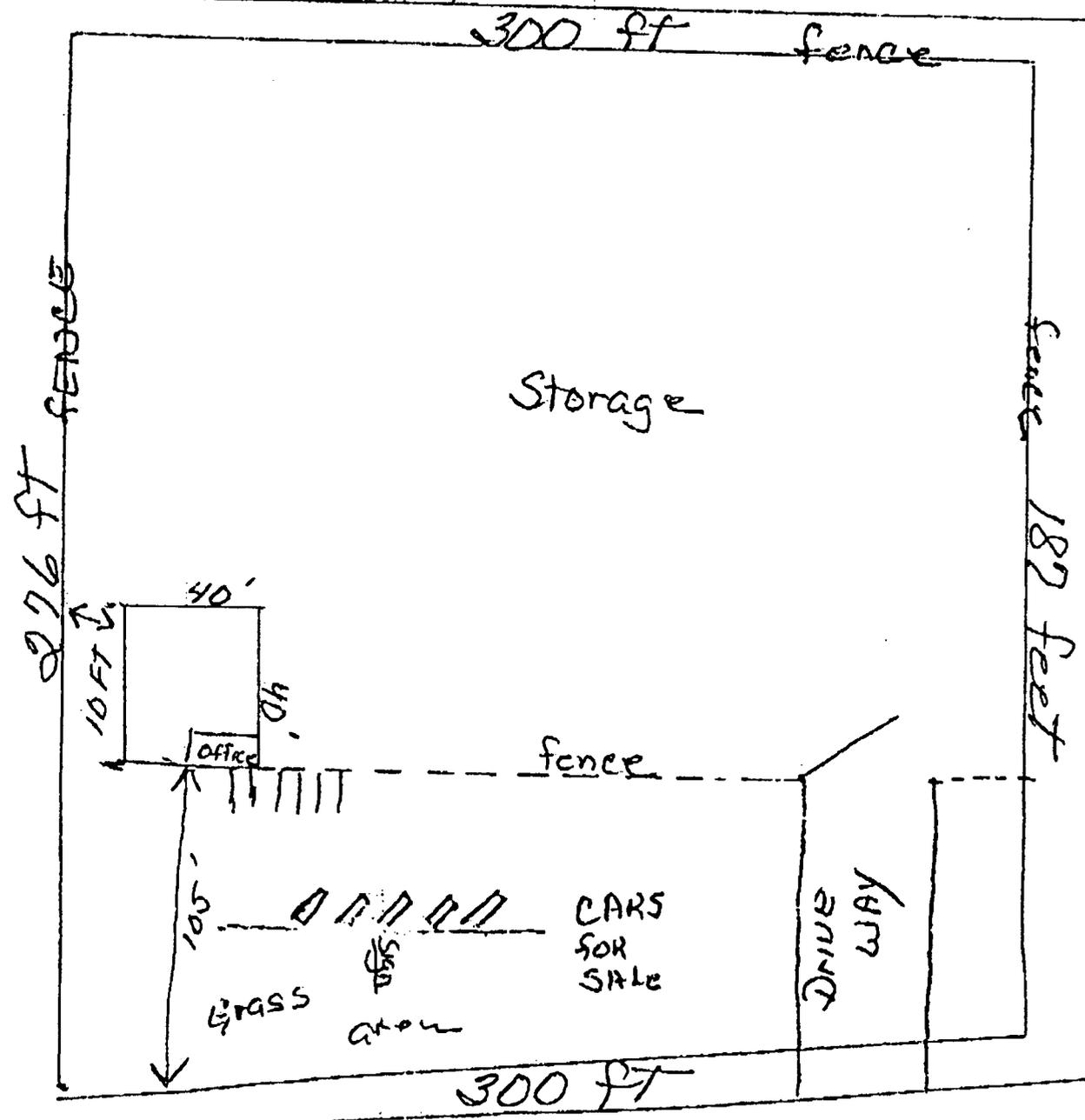
[Signature]

Jesbiens Auto WRECKING
28901 SE Dodge Park
Bresham, OR 97080

1.00 ACRES



POWELL VALLEY Rd



Dodge PARK Rd

Kalalan Lookout, Hawaii

DAVID L. LUCKY
ALREATE M. LUCKY
11326 SE LEXINGTON 603-760-8120
PORTLAND, OR 97266

513

Date 9-1-99

24-7038/3230
2886

Pay to the
order of

Business License

\$ 54.00

Fifty four & 00/100

Dollars

Security features
included.
Details on back.

CA Monitors

Bank of America (503) 275-2222
Gresham Office 2886
200 E. Powell Boulevard
Gresham, OR 97030

For

Wrecker license renewal *Alreate Lucky* MP

⑆ 3 230 70380 ⑆ 05 13 ⑆ 2886 2 ⑆ 17633 ⑆



DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190th Avenue, Portland, OR 97233
Phone: (503) 248-3043 fax: (503) 248-3389
<http://www.multnomah.lib.or.us/lup/home/welcome.html>

December 7, 1999

Board of County Commissioners
1120 SW Fifth Ave., Suite 1500
Portland, OR 97204

Re: Auto Wrecker's License Renewal – Loop Hi-Way Towing,
28609 SE Orient Dr. Gresham, OR 97080

Recommend: Approval

Dear Commissioners:

The staff of the Land Use Planning Section respectfully recommends that the above license renewal be approved, based upon findings that the business satisfies the applicable requirements contained in MCC 5.10.010 and ORS 822.110, ORS 882.135. The business continues to retain a non-conforming status.

Sincerely,

Multnomah County Department Of Environmental Services
Land Use Planning Division

By Virginia Dodson, *Land Use Planner*
For Kathy Busse, *Planning Director*

Staff Report
Determination of Compliance
2000 Wrecker's License Renewal
28609 SE Orient Drive

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code Section 5.10.010 Wrecker Certificate as authorized by ORS 822.140. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted by Loop Hi-way Towing, 28609 SE Orient Drive, Gresham, OR 97080.

I. Conditions of Approval:

1. Prior to approval of this wreckers' license renewal, the County Sheriff shall indicate that a criminal background check was made and that they approve this renewal.
2. The applicant shall obtain a Business Certificate as a wrecker of motor vehicles from the Oregon Department of Transportation. Applications for future wrecker's license renewals shall include a copy of the prior years wreckers certificate issued by the Oregon Department of Transportation.
3. If there are any changes to the property during the year prior renewal of wrecker certification, applications for future wrecker's license renewals shall include submittal of a site plan, drawn to scale, showing the revisions. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.
4. Taxes shall be kept current prior to approval of future wrecker's license renewals.

II. Applicable Zoning Considerations:

The applicable zoning considerations as specified in MCC 5.10.010 (C) are addressed below:

A. Compliance with the requirements of ORS 822.110:

The Oregon Department of Transportation shall issue a wrecker certificate to any person if the person meets all of the following requirements:

- (1) **The person must establish that the area approved under the wrecker certificate for use in a wrecking business meets one of the following:**
 - (a) **The area is more than 1,100 feet from the nearest edge of the right of way of any state highway.**
 - (b) **The business conducted within the area is hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other natural objects or by plantings, fences or other appropriate means, so as not to be visible from the main traveled way of the highway, in accordance with rules**

adopted by the director.

- (c) The area and the business thereon are located in an area zoned for industrial use under authority of the laws of this state.**
- (2) The person must pay the fee required under ORS 822.700 for issuance of a wreckers certificate.**
- (3) The person must complete the application for a wrecker certificate described under ORS 822.115.**
- (4) The person must deliver to the department any approvals by local governments required under ORS 822.140.**
- (5) The person must deliver to the department a bond or letter of credit that meets the requirements of ORS 822.120.**

Finding: Photos taken of the site by Land Use Planning code enforcement staff on 12/3/99 indicate that both natural vegetation and a fence screen vehicles from adjacent roads consistent with ORS 833.110 (1)(b). Compliance with the requirements with ORS 833.110 (2)-(5) are ensured by the Wreckers Certificate issued by the Oregon Department of Transportation. Wreckers Certificate for 1999 was submitted to the Land Use Planning Division.

B. Compliance with the business locational provisions of ORS 822.135:

- (1) A person commits the offense of improperly conducting a wrecking business if the person holds a wrecker certificate issued under ORS 822.110 and the person does any of the following:**
 - (b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental wrecker certificate by the procedure under ORS 822.125.**

Finding: Staff has found no evidence or indication that the dimensions of the wrecking yard have been expanded beyond that of the existing Wreckers Certificate. The applicant stated that no changes to the wrecking yard have occurred in the last year. This was verified by the site visit on 12/3/99. The site plan submitted last year clearly identifies the dimensional boundaries of the wrecking yard (fenced and/or screened areas) in relation to property lines. A new site plan is only required if changes are made to the site during the year prior to renewal of wrecker certification. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.

- (g) Fails to keep the premises on the outside of the establishment clear and clean at all times.**

Finding: The Land Use Planning Section conducted a field inspection on 12/3/99 and completed a Field Inspection Record including photos of the site indicating the area outside the establishment is clear and clean.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

Finding: Based on the Land Use Planning Section Field Inspection Record dated 12/3/99, no dismantling, altering, or storage of wrecked vehicles outside the fenced area of the business was evident.

C. Compliance with zoning regulations:

The file contains a record of license renewal requests from 1961 to the current time, however some years are missing. Examination of Planning Division land use inventory maps and zoning maps indicates that the business was in existence on the property before 1977, at which time the property was zoned M-2, which allowed the use. The property was re-zoned in 1977 (Ordinance 148) to RC, a district which does not allow the use, therefore it became non-conforming at that time.

III. Notification:

Notice of this application was sent to the Multnomah County Sheriff on November 30, 1999. As of December 7, 1999, no response was received from the County Sheriff.

The 1999 Wrecker Renewal License was approved with a condition that "The property owner shall bring the property into current tax status as verified by the County Assessor, prior to the year 2000 renewal." The property owner made a payment in July, 1999, for payment of 1995 taxes, and paid the remaining outstanding taxes on December 6, 1999. This condition is met.

IV. Recommendation:

The staff of the Land Use Planning Section respectfully recommends that the above license renewal be approved, subject to conditions, based upon findings that the business satisfies the applicable requirements contained in MCC 5.10.010 and ORS 822.110, ORS 882.135 and continues to retain a non-conforming status

Dated this 7th day of December, 1999,

Multnomah County Department of Environmental Services
Land Use Planning Division


By Virginia Dodson, *Planner*
For: Kathy Busse, *Planning Director*



APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER

EXPIRATION DATE

DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1905 LANA AVE NE, SALEM OREGON 97314

INSTRUCTIONS:

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SIGN LINE 13, SUBMIT THIS APPLICATION WITH YOUR SURETY BOND AND THE REQUIRED FEE TO BUSINESS LICENSE UNIT, 1905 LANA AVE NE, SALEM OR 97314
- ANY ALTERATION OF LINE 2 VOIDS LOCATION APPROVAL

FEE: \$54

ORIGINAL RENEWAL

1	NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) Loop Hi-Way Towing		BUSINESS TELEPHONE 663-3111	
2	MAIN BUSINESS LOCATION (STREET AND NUMBER) 28609 SE Orient Dr.	CITY Gresham	ZIP CODE 97080	COUNTY Mult.
3	MAILING ADDRESS 28609 S.E. Orient Dr.	CITY Gresham	STATE OR	ZIP CODE 97080

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

4 CHECK ORGANIZATION TYPE: INDIVIDUAL PARTNERSHIP L.L.C. CORP. IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED: _____ OREGON REGISTRY # **49811581**

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS, LLC MEMBERS OR PRINCIPAL CORPORATE OFFICERS:

5	NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
5	Harold M. Milne	Partner	8-5-43	(503) 663-5843
6	RESIDENCE ADDRESS 28304 S.E. Orient Dr.	CITY Gresham	STATE OR.	ZIP CODE 97080
7	Carl H. Milne	Partner	1-11-49	(503) 663-5462
8	RESIDENCE ADDRESS 33915 S.E. Lusted Rd.	CITY Gresham	STATE OR.	ZIP CODE 97080
9	NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
10	RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE _____ ft. X _____ ft.

False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$1,000 or both. In addition, DMV sanctions against you or your wrecker certificate may be imposed. With this in mind... I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. I certify that the right of way of any highway adjacent to the location listed above is used for access to the premises and public parking.

12 PRINTED NAME **Harold M. Milne**

13 SIGNATURE **[Signature]** DATE **11/12/99**

14 APPROVAL
By signing this application you are authorizing wrecker business to be conducted at the location listed on Line 2 of this application, as defined in ORS 822.100. If wrecker business (i.e.; wrecking, dismantling, disassembling or substantially altering vehicles) cannot be conducted here, or if any of the conditions below are not met, do not sign this approval.

I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF **MULTNOMAH** HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

▼ PLACE STAMP OR SEAL HERE ▼

15 NAME **BEVERLY STEIN** TITLE **COUNTY CHAIR** PHONE NUMBER **(503) 248-3308**

16 SIGNATURE **[Signature]** DATE **DECEMBER 16, 1999**

SURETY BOND

BOND NUMBER

YLI 200603

NOTE: TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

LET IT BE KNOWN:

THAT HAROLD M. MILNE AND CARL H. MILNE

(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS LOOP HI-WAY TOWING

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28609 S.E. ORIENT DRIVE, GRESHAM, OR 97080

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND OLD REPUBLIC SURETY COMPANY

(SURETY NAME)

P.O. BOX 4627

PORTLAND, OR 97208-4627

(ADDRESS, CITY, STATE, ZIP CODE)

503-245-6242

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE JANUARY 1 2000 AND EXPIRES DECEMBER 31 2000

(BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

— ANY ALTERATION VOIDS THIS BOND —

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 26TH DAY OF AUGUST 1999

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER

x Carl H. Milne

TITLE

Partner

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

x Helmut Seidel

TITLE

ATTORNEY IN FACT

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME
OLD REPUBLIC SURETY COMPANY

TELEPHONE NUMBER
503-245-6242

ADDRESS
P.O. BOX 4627

CITY, STATE, ZIP CODE
PORTLAND, OR 97208-4627

APPROVED BY ATTORNEY GENERAL'S OFFICE



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

Helen L. Seidl, of Portland, OR

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto if a seal is required, bonds, undertakings, recognizances or other written obligations in the nature thereof, as follows:

All written instruments -----

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that the president, any vice president or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint Attorneys-in-Fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such Attorney-in-Fact or agent and revoke any Power of Attorney previously granted to such person.

- RESOLVED FURTHER that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized Attorney-in-Fact or agent; or (iii) when duly executed and sealed (if a seal be required) by one or more Attorneys-in-Fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the Company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 23rd day of June, 19 94.

Geraldine J. Stelter, Assistant Secretary



OLD REPUBLIC SURETY COMPANY, Vice President

STATE OF WISCONSIN, COUNTY OF WAUKESHA — SS On this 23rd day of June, 19 94, personally came before me, Jess J. Wadle and Geraldine J. Stelter, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



Sharon A. Pizur, Notary Public, My Commission Expires: 2/23/97

CERTIFICATE I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.



Signed and sealed at the City of Brookfield this 26th day of August, 19 99. Shih M. Walli, Assistant Secretary

CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)

11/17/99

PRODUCER
 503-667-4171
 Campbell Galt & Newlands Inc.
 1550 NW Eastman Pkway Ste 100
 Gresham, OR 97030-1768

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

- COMPANY
A North Pacific Ins Company
- COMPANY
B
- COMPANY
C
- COMPANY
D

INSURED
 Loop Hi-Way Towing
 28609 SE Orient Dr
 Gresham OR 97080

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YY)	POLICY EXP. DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	C29101028	12/09/99	12/09/00	GENERAL AGGREGATE	2000000
	<input checked="" type="checkbox"/> COMM. GENERAL LIABILITY				PROD-COMP/OP AGG.	1000000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERS. & ADV. INJURY	1000000
	OWNER'S & CONTRACT'S PROT				EACH OCCURRENCE	1000000
					FIRE DAMAGE(One Fire)	100000
					MED EXP(Any one person)	5000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE	
	<input type="checkbox"/> HIRED AUTOS					
	<input checked="" type="checkbox"/> NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY-EA ACCIDENT	
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	
					AGGREGATE	
	EXCESS LIABILITY				EACH OCCURRENCE	
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE	
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS	
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE:				EACH ACCIDENT	
	<input type="checkbox"/> INCL				DISEASE-POLICY LIMIT	
	<input type="checkbox"/> EXCL				DISEASE-EACH EMPL.	
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

ALL OPERATIONS OF THE INSURED SUBJECT TO POLICY TERMS AND CONDITIONS

CERTIFICATE HOLDER

MOTOR VEHICLES DIVISION
 BUSINESS REGULATION SECTION
 1905 LANA AVENUE
 SALEM OR 97314

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Don C. Santhorn

CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)

11/17/99

PRODUCER
 Campbell Galt & Newlands Inc.
 1550 NW Eastman Pkway Ste 100
 Gresham, OR 97030-1768
 503-667-4171

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COMPANIES AFFORDING COVERAGE

COMPANY
A North Pacific Ins Company

COMPANY
B

COMPANY
C

COMPANY
D

INSURED
 Loop Hi-Way Towing
 28609 SE Orient Dr
 Gresham OR 97080

COVERAGES

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CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YY)	POLICY EXP. DATE (MM/DD/YY)	LIMITS	
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	<input checked="" type="checkbox"/> COMM. GENERAL LIABILITY				PROD-COMP/OP AGG.	1000000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERS. & ADV. INJURY	1000000
	<input type="checkbox"/> OWNER'S & CONTRACT'S PROT				EACH OCCURRENCE	1000000
					FIRE DAMAGE(One Fire)	100000
					MED EXP(Any one person)	5000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE	
	<input type="checkbox"/> HIRED AUTOS					
	<input checked="" type="checkbox"/> NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY-EA ACCIDENT	
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	
					AGGREGATE	
	EXCESS LIABILITY				EACH OCCURRENCE	
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE	
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS	
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EACH ACCIDENT	
					DISEASE-POLICY LIMIT	
					DISEASE-EACH EMPL.	
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

ALL OPERATIONS OF THE INSURED SUBJECT TO POLICY TERMS AND CONDITIONS

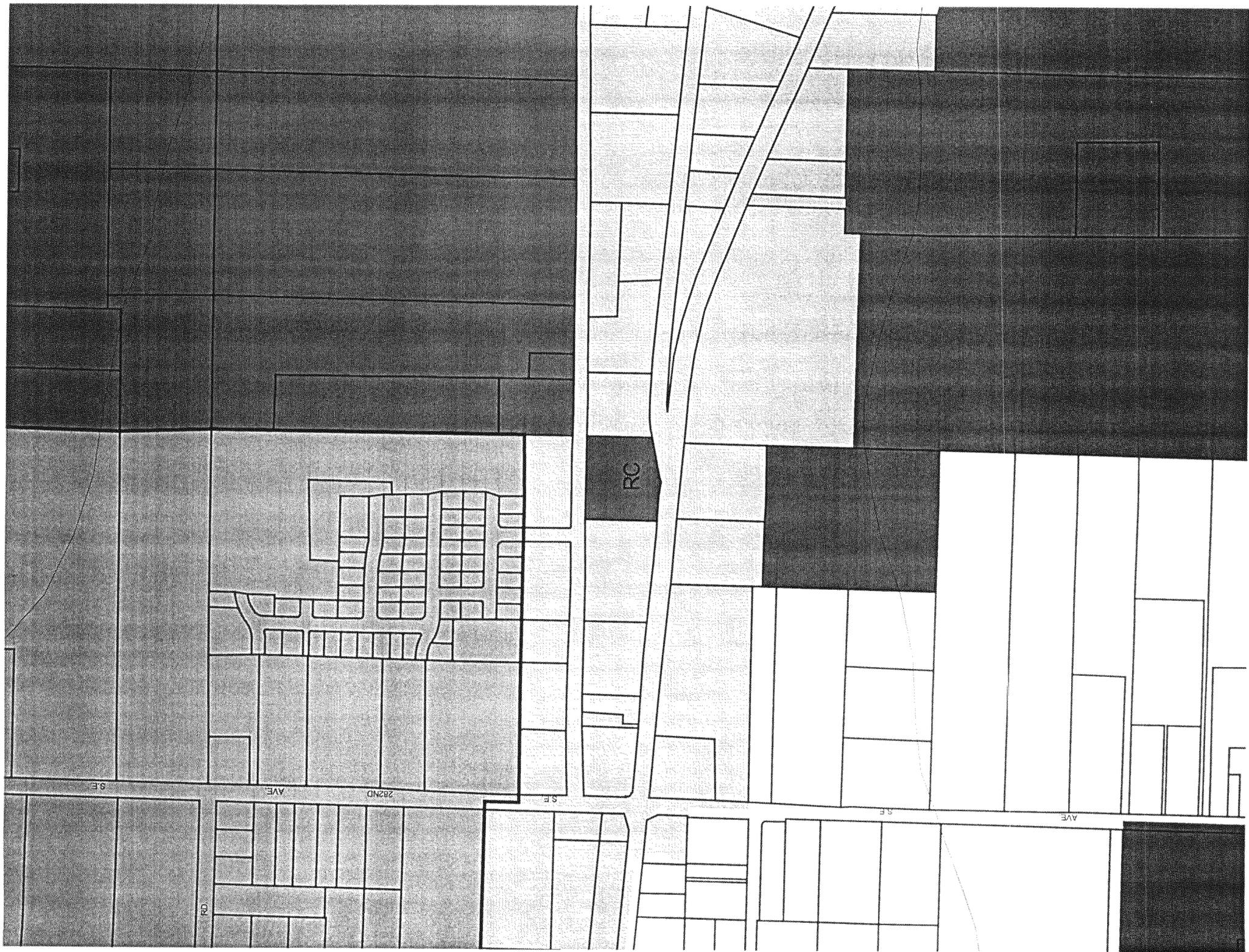
CERTIFICATE HOLDER

MOTOR VEHICLES DIVISION
 BUSINESS REGULATION SECTION
 1905 LANA AVENUE
 SALEM OR 97314

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

RC

SE

AVE

282ND

SE

SE

AVE

RD

LOOP HI-WAY TOWING
SITE PLAN SCALE 1"=50'

from: 11/24/98
Irma 663-3111

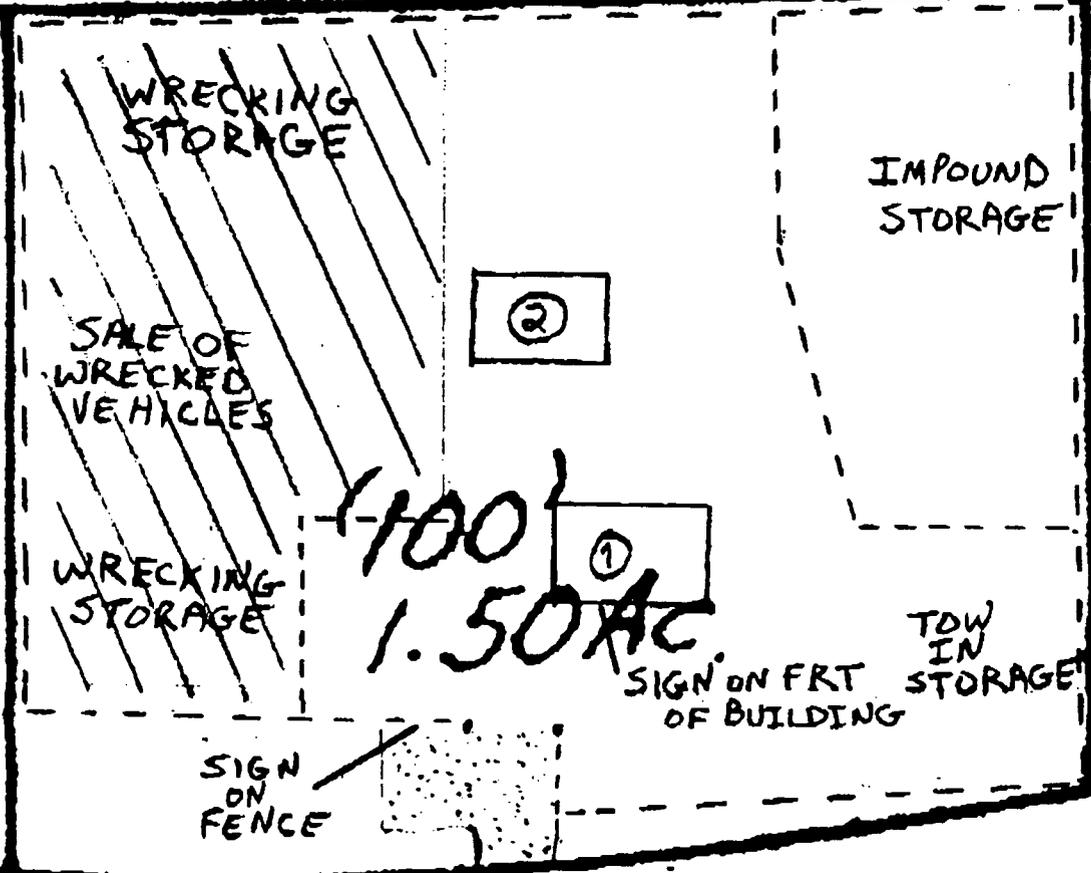
28609 SE. ORIENT DR.
GRESHAM OR 97080

Attn: Chuck Beasley



POWELL

258.852



CLATSOP COUNTY
PLANNING SECTION

98 NOV 24 PM 3:01

RECEIVED

ORIENT DR.

- FENCING
- ① OFFICE + SHOP
- ② SHOP
- ☐ DRIVEWAY
- ▨ WRECKING YARD

39'

275.27



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

December 8, 1999

Board of County Commissioners
1120 SW Fifth Ave, Suite 1500
Portland, OR 97204

RE: Auto Wrecker's License-Renewal

Frank Miller Truck Wrecking
15015 NW Mill Road, Portland, OR 97231

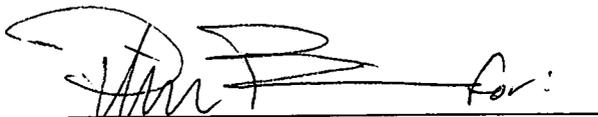
Recommend: Approval of Business Location

Dear Commissioners:

The staff of the Land Use Planning Section respectfully recommends that the above license renewal be approved, subject to the conditions stated in the staff report, based upon the findings in the attached staff report that business satisfies the requirements contained in Multnomah County Code Section 5.10.010 B., including the applicable provisions ORS 822.110 and the locational provisions of ORS 882.135 and continues to retain a non-conforming status.

Sincerely,

Multnomah County Department of Environmental Services
Land Use Planning Division



By Chuck Beasley, *Planner*
For: Kathy Busse, *Planning Director*

Staff Report
Determination of Compliance
2000 Wrecker's License Renewal
15015 NW Mill Road

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code Section 5.10.010 Wrecker certificate processing fees. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted by Frank Miller, 15015 NW Mill Road, Portland, OR 97231.

I. Conditions of Approval:

1. The applicant shall obtain a Business Certificate as a wrecker of motor vehicles from the Oregon Department of Transportation. Applications for future wrecker's license renewals shall include a copy of the prior years wreckers certificate issued by the Oregon Department of Transportation.
2. Applications for future wrecker's license renewals shall include submittal of a site plan drawn to scale, that clearly identifies the dimensional boundaries of the wrecking yard (fenced areas) in relation to property lines. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.
3. Affirmation from the Sheriffs Office of a satisfactory background check.

II. Applicable Zoning Considerations:

The applicable zoning considerations as specified in MCC 5.10.010 (C) are addressed below:

A. Compliance with the requirements of ORS 822.110:

The Oregon Department of Transportation shall issue a wrecker certificate to any person if the person meets all of the following requirements:

- (1) The person must establish that the area approved under the wrecker certificate for use in a wrecking business meets one of the following:**
 - (a) The area is more than 1,100 feet from the nearest edge of the right of way of any state highway.**
 - (b) The business conducted within the area is hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other**

natural objects or by plantings, fences or other appropriate means, so as not to be visible from the main traveled way of the highway, in accordance with rules adopted by the director.

- (c) The area and the business thereon are located in an area zoned for industrial use under authority of the laws of this state.**
- (2) The person must pay the fee required under ORS 822.700 for issuance of a wreckers certificate.**
- (3) The person must complete the application for a wrecker certificate described under ORS 822.115.**
- (4) The person must deliver to the department any approvals by local governments required under ORS 822.140.**
- (5) The person must deliver to the department a bond or letter of credit that meets the requirements of ORS 822.120.**

Finding: Photos taken of the site by Land Use Planning code enforcement staff on 11/1/99 indicate that both natural vegetation and a fence screen vehicles from adjacent roads consistent with ORS 833.110 (1)(b). However, due to the higher elevation of St. Helens Hwy, the screening does not hide the site from this main traveled way. Compliance with the requirements with ORS 833.110 (2)-(5) will be ensured by obtaining a Wreckers Certificate issued by the Oregon Department of Transportation.

B. Compliance with the business locational provisions of ORS 822.135:

- (1) A person commits the offense of improperly conducting a wrecking business if the person holds a wrecker certificate issued under ORS 822.110 and the person does any of the following:**
 - (b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental wrecker certificate by the procedure under ORS 822.125.**

Finding: Staff has found no evidence or indication that the dimensions of the wrecking yard have been expanded beyond that of the existing Wreckers Certificate. The applicant has submitted a site plan clearly identifying the dimensional boundaries of the wrecking yard (fenced and/or screened areas) in relation to property lines. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.

(g) Fails to keep the premises on the outside of the establishment clear and clean at all times.

Finding: The Land Use Planning Section conducted a field inspection on 11/1/99 and completed a Field Inspection Record including photos of the site indicating the area outside the establishment is clear and clean.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

Finding: Based on the Land Use Planning Section Field Inspection Record dated 11/1/99, no dismantling or altering of vehicles outside the fenced area of the business was evident.

C. Compliance with zoning regulations:

The wrecking yard was determined to be a non-conforming use in the 12/16/91 "Report of Site Inspection" contained in the file on the subject property, located in the Land Use Planning Section. The file contains a record of license renewal requests from 1986 forward. Examination of Department land use inventory maps and zoning maps indicates that the business was in existence on the property in 1975, at which time the property was zoned M-1, which allowed the use. The property was re-zoned in 1997 to MUF-20, a district which does not allow the use, therefore it became non-conforming at that time.

III. Notification:

Notice of this application was sent to both the Multnomah County Sheriff and the Department of Assessment and Taxation. The response from Assessment and Taxation is that the property and personal tax accounts are current. The response from the County Sheriff indicates a criminal background check would need to be completed.

IV. Recommendation:

The staff of the Land Use Planning Section respectfully recommends that the above license renewal be approved, based upon findings that the business satisfies the applicable requirements contained in MCC 5.10.010 and ORS 822.110, ORS 882.135 and continues to retain a non-conforming status.

Dated this 8th day of December, 1999

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division


By Chuck Beasley, *Planner*
For: Kathy Busse, *Planning Director*



APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER

2426

EXPIRATION DATE

12-31-99

INSTRUCTIONS:

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SIGN LINE 14, SUBMIT THIS APPLICATION WITH YOUR SURETY BOND AND THE REQUIRED FEE TO BUSINESS REGULATION SECTION, 1905 LANA AVE. NE, SALEM OR 97314

ORIGINAL
 RENEWAL

1 NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) FRANK MILLER TRUCK WRECKING			BUSINESS TELEPHONE 503-283-1797
2 MAIN BUSINESS LOCATION (STREET AND NUMBER) 15015 NW MILL RD	CITY PORTLAND	ZIP CODE 97231	COUNTY Multnomah
3 MAILING ADDRESS same	CITY	STATE	ZIP CODE

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

CHECK ORGANIZATION TYPE: INDIVIDUAL PARTNERSHIP CORPORATION

IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED:

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS OR PRINCIPAL CORPORATE OFFICERS:

5 NAME FRANK MILLER	TITLE OWNER	DATE OF BIRTH 5-21-43	RESIDENCE TELEPHONE (503) 429-0273
6 RESIDENCE ADDRESS 59101 PEBBLE CREEK RD	CITY VERNONIA	STATE OR	ZIP CODE 97064
7 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE ()
8 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
9 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE ()
10 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE _____ ft. X _____ ft.

I CERTIFY THAT I AM THE OWNER, A PARTNER OR A CORPORATE OFFICER OF THIS BUSINESS AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

12 NAME FRANK MILLER	TITLE OWNER	RESIDENCE TELEPHONE (503) 429-0273
13 ADDRESS, CITY, STATE, ZIP CODE 59101 PEBBLE CREEK RD VERNONIA, OR 97064		

14 SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER X [Signature]	DATE 10-6-99
---	------------------------

15 APPROVAL: I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF **MULTNOMAH** HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

▼ PLACE STAMP OR SEAL HERE ▼

16 NAME BEVERLY STEIN	TITLE COUNTY CHAIR	PHONE NUMBER (503) 248-3308
17 SIGNATURE X [Signature]	DATE DECEMBER 16, 1999	

FEE: \$54.00

SURETY BOND

BOND NUMBER

801881

NOTE: TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

LET IT BE KNOWN:

THAT Frank Miller

(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS _____

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 15015 NW Mill Rd. Portland OR 97231

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING & INSURANCE COMPANY

(SURETY NAME)

1827 NE 44th Ave #100 Portland, Or 97213

503-287-6000

(ADDRESS, CITY, STATE, ZIP CODE)

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WASHINGTON AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 ~~19~~ 2000 AND EXPIRES December 31 ~~19~~ 2000

(BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

- ANY ALTERATION VOIDS THIS BOND -

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 16th DAY OF September 19 99.

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER

X [Signature]

TITLE

Owner

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X [Signature]

TITLE

ATTORNEY-IN-FACT

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME

C.B.I.C.

TELEPHONE NUMBER

287-6000

ADDRESS

Po Box 12053

CITY, STATE, ZIP CODE

Portland, Oregon 97212

APPROVED BY ATTORNEY GENERAL'S OFFICE

**Limited
Power of Attorney**

Home Office:
1213 Valley Street
P.O. Box 9271
Seattle, WA 98109-0271
(206) 622-7053

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington, and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEANNA DAVIS, of Portland, Oregon, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no Attorney-in-Fact shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$6,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with a penal sum in excess of \$ 6,000,000; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary; hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on September 8, 1998:

RESOLVED that the President of the Company is authorized to appoint any person as the Company's true and lawful Attorney-in-Fact with power and authority to execute and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, subject to such limits as shall be determined by the President of the Company; provided, however, that no such person shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$10,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with penal sum in excess of \$10,000,000.

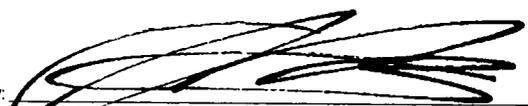
RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing resolution in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effectiveness of the foregoing resolutions as if signed by the Secretary of the Company: Donald Sirkin, Steven A. Gaines, John Pieprzny, John A. Alkire, John D. Minto, Marc A. Mrkvicka, Larry A. Byers, Gail A. Flynn, Cheryl Mayes, Debi Lewis, Jeannie Padilla, JoAnn Johnson, Pat Dorney, and Tom Dymant.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as Attorney-in-Fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereto affixed this 8th day of September, 1998.

CONTRACTORS BONDING AND INSURANCE COMPANY

By: 
Steven A. Gaines, President

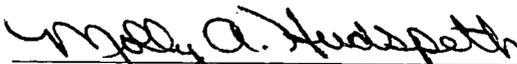


STATE OF WASHINGTON—COUNTY OF KING

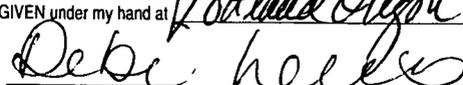
On this 8th day of September, 1998, personally appeared STEVEN A. GAINES, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public in and for the State of Washington, residing at Seattle

The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at Portland Oregon this 16th day of September, 1998




MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 248-3043 FAX: (503) 248 -3389

December 7, 1999

Board of County Commissioners
1120 SW Fifth Ave, Suite 1500
Portland, OR 97204

RE: Auto Wrecker's License Renewal

Rex M. Davis
Orient Auto Parts Inc.
28425 SE Orient Drive, Gresham, OR 97080

Recommend: Approval of Business Location

Dear Commissioners:

The Land Use Planning Staff respectfully recommends the above license renewal be approved, based upon the findings in the attached staff report. The findings state the business satisfies the requirements contained in Multnomah County Code Section 5.10.010 B., including the applicable provisions ORS 822.110 and the locational provisions of ORS 882.135. The site continues to retain a non-conforming status.

Sincerely,

Multnomah County Department of Environmental Services
Land Use Planning Division

By Tricia R. Sears, *Land Use Planner*
For: Kathy Busse, *Planning Director*



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 248-3043 FAX: (503) 248 -3389

Staff Report
Determination of Compliance
Wrecker's License Renewal in 2000
Orient Auto Parts, Inc.
28425 SE Orient Drive

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code Section 5.10.010 Wrecker Certificate processing fees. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted by Orient Auto Parts Inc., 28425 SE Orient Drive, Gresham, OR 97080.

I. Conditions of Approval:

1. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County. Orient Auto Parts submitted a site plan on December 3, 1999.

II. Applicable Zoning Considerations:

The applicable zoning considerations as specified in MCC 5.10.010 (C) are addressed below:

A. Compliance with the requirements of ORS 822.110:

The Oregon Department of Transportation shall issue a wrecker certificate to any person if the person meets all of the following requirements:

- (1) The person must establish that the area approved under the wrecker certificate for use in a wrecking business meets one of the following:**
 - (a) The area is more than 1,100 feet from the nearest edge of the right of way of any state highway.**
 - (b) The business conducted within the area is hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other natural objects or by plantings, fences or other appropriate means, so as not to be visible from the main traveled way of the highway, in accordance with rules adopted by the director.**
 - (c) The area and the business thereon are located in an area zoned for industrial use under authority of the laws of this state.**

- (2) **The person must pay the fee required under ORS 822.700 for issuance of a wrecker's certificate.**
- (3) **The person must complete the application for a wrecker certificate described under ORS 822.115.**
- (4) **The person must deliver to the department any approvals by local governments required under ORS 822.140.**
- (5) **The person must deliver to the department a bond or letter of credit that meets the requirements of ORS 822.120.**

Finding: Photos taken of the site by Land Use Planning Code Enforcement Staff on November 29, 1999 indicate that both natural vegetation and a fence screen vehicles from adjacent roads consistent with ORS 822.110 (1)(b). Code enforcement Staff state that the site is screened by arborvitae, evergreen trees, and high fencing. The applicant has provided a Surety Bond with a dated effectiveness of January 1, 2000 to December 31, 2000. Compliance with the requirements with ORS 822.110 (2)-(5) will be ensured by obtaining a Wreckers Certificate issued by the Oregon Department of Transportation.

B. Compliance with the business location provisions of ORS 822.135:

- (1) **A person commits the offense of improperly conducting a wrecking business if the person holds a wrecker certificate issued under ORS 822.110 and the person does any of the following:**
 - (b) **Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental wrecker certificate by the procedure under ORS 822.125.**

Finding: The applicant faxed a site plan to the Land Use Planning office on December 3, 1999. Site visit photos taken November 29, 1999 illustrate the site dimensions of the wrecking yard have not expanded. Staff has found no evidence or indication that the dimensions of the wrecking yard have been expanded beyond that of the existing Wreckers Certificate. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.

- (g) **Fails to keep the premises on the outside of the establishment clear and clean at all times.**

Finding: Land Use Planning Staff conducted a field inspection on November 29, 1999 and completed a Field Inspection Record including photos of the site indicating the area outside the establishment is clear and clean.

- (h) **Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.**

Finding: Based on the Land Use Planning Field Inspection Record dated November 29, 1999, no dismantling or altering of vehicles outside the fenced area of the business was evident.

C. Compliance with zoning regulations:

The wrecking yard was determined to be a non-conforming use on April 5, 1977 and January 15, 1987. Evidence within the Multnomah County file labeled Auto Wrecking – 28425 SE Orient Drive, contains a record that the use of the site as an auto wrecker business has occupied the site continuously and in compliance with zoning regulations since 1977. Examination of Department land use inventory maps and zoning maps indicates that the business was in existence on the property prior to 1977. The land use map shows the site with a case file MC 1-62 listed for the subject parcel.

III. Notification:

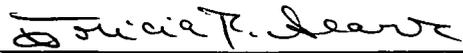
Notice of this application was sent to both the Multnomah County Sheriff and the Department of Assessment and Taxation on November 23, 1999. On December 6, 1999, Captain Terry Jones of the Sheriff's Department a Memorandum to the Land Use Planning office that stated, "The Multnomah County Sheriff's Office has conducted background checks of the persons mentioned in the attached waivers, for the purpose of approval for a business license as provided by law. There being no violations set forth in Multnomah County Ordinance 723, it is the recommendation of the Sheriff's Office that this business be approved for their license as a salvage pool operator (wrecking yard). In reference to Orient Auto Parts, Inc.: Rex Davis, June Davis, Dale Jackson." Assessment and Taxation (A & T) Staff sent a response via interoffice mail that was received on November 30, 1999 and illustrates the tax account status of the subject parcel. No taxes are due on the site according to the statement provided by A & T. The report shows the status of the R account #99419-0820 with the listed owner as Orient Auto Parts Inc.

IV. Recommendation:

The Staff of the Land Use Planning Section respectfully recommends the above license renewal be approved, based upon findings that the business satisfies the applicable requirements contained in MCC 5.10.010 and ORS 822.110, ORS 882.135. The site continues to retain a non-conforming status.

Dated this 7th day of December, 1999,

Multnomah County Department of Environmental Services
Land Use Planning Division


By Tricia R. Sears, *Land Use Planner*
For: Kathy Busse, *Planning Director*



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1000 LANA AVE NE, SALEM OREGON 97314

APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER

EXPIRATION DATE

INSTRUCTIONS:

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SIGN LINE 13, SUBMIT THIS APPLICATION WITH YOUR SURETY BOND AND THE REQUIRED FEE TO BUSINESS LICENSE UNIT, 1905 LANA AVE NE, SALEM OR 97314
- ANY ALTERATION OF LINE 2 VOID'S LOCATION APPROVAL.

FEE: \$54

ORIGINAL RENEWAL

1	NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) <i>Orient Auto Parts, Inc.</i>			BUSINESS TELEPHONE <i>503-663-1909</i>
2	MAIN BUSINESS LOCATION (STREET AND NUMBER) <i>28425 SE Orient Dr.</i>	CITY <i>Gresham</i>	ZIP CODE <i>97080</i>	COUNTY <i>Multnomah</i>
3	MAILING ADDRESS <i>28425 SE Orient Dr.</i>	CITY <i>Gresham</i>	STATE <i>Or</i>	ZIP CODE <i>97080</i>

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

4	CHECK ORGANIZATION TYPE: <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> L.L.C. <input checked="" type="checkbox"/> CORP.	IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED: <i>Oregon</i>	OREGON REGISTRY # <i>495683-89</i>
---	--	---	---------------------------------------

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS, LLC MEMBERS OR PRINCIPAL CORPORATE OFFICERS:

5	NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
6	RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
7	NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
8	RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
9	NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
10	RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

see attached

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 500 ft. X 1150 ft.

False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$1,000 or both. In addition, DMV sanctions against you or your wrecker certificate may be imposed. With this in mind... I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. I certify that the right of way of any highway adjacent to the location listed above is used for access to the premises and public parking.

12 PRINTED NAME: *Rex. Maddow's*

13 SIGNATURE: *Rex M. Maddow's* DATE: *11/10/99*

14 **APPROVAL**
By signing this application you are authorizing wrecker business to be conducted at the location listed on Line 2 of this application, as defined in ORS 822.100. If wrecker business (i.e.; wrecking, dismantling, disassembling or substantially altering vehicles) cannot be conducted here, or if any of the conditions below are not met, do not sign this approval.

- I CERTIFY THAT THE GOVERNING BODY OF THE CITY OF MULTNOMAH COUNTY HAS:
- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
 - B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
 - C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
 - D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

▼ PLACE STAMP OR SEAL HERE ▼

15	NAME <i>BEVERLY STEIN</i>	TITLE <i>COUNTY CHAIR</i>	PHONE NUMBER <i>(503) 248-3308</i>
16	SIGNATURE <i>Beverly Stein</i>		DATE <i>DECEMBER 16, 1999</i>

Orient Auto Parts, Inc.
Corporate Officers

Rex Dawis
39131 SE Hudson Rd.
Sandy, Or 97055

DOB 5/25/55
ODL# 1784307
663-7466

June Dawis
40860 SE Kitzmiller Rd.
Eagle Creek, Or 97022

DOB 6/22/37
ODL# 984691
637-6851

Dale Jackson
33150 SE Bluff Rd.
Boring, Or 97009

DOB 12/23/45
ODL# 202010
663-6769

SURETY BOND

BOND NUMBER

804327

NOTE: TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

LET IT BE KNOWN:

THAT Orient Auto Parts, Inc.

(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS _____

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28425 SE Orient Dr Gresham OR 97080

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND _____

CONTRACTORS BONDING & INSURANCE COMPANY

(SURETY NAME)

1827 NE 44th Ave #100 Portland, Or 97213

503-287-6000

(ADDRESS, CITY, STATE, ZIP CODE)

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WASHINGTON, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 ~~X 2000~~ AND EXPIRES December 31 ~~X 2000~~

(BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 13th DAY OF September 19 99.

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER

X [Signature]

TITLE

President

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X [Signature]

TITLE

ATTORNEY-IN-FACT

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME

C.B.I.C.

TELEPHONE NUMBER

287-6000

ADDRESS

Po Box 12053

CITY, STATE, ZIP CODE

Portland, Oregon 97212

APPROVED BY ATTORNEY GENERAL'S OFFICE



Limited Power of Attorney

Home Office:
1213 Valley Street
P.O. Box 9271
Seattle, WA 98109-0271
(206) 622-7053

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington, and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEANNA DAVIS, of Portland, Oregon, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no Attorney-in-Fact shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$6,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with a penal sum in excess of \$ 6,000,000; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary; hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on September 8, 1998:

RESOLVED that the President of the Company is authorized to appoint any person as the Company's true and lawful Attorney-in-Fact with power and authority to execute and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, subject to such limits as shall be determined by the President of the Company; provided, however, that no such person shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$10,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with penal sum in excess of \$10,000,000.

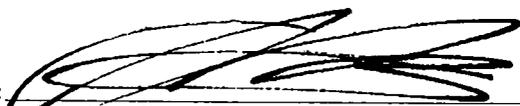
RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing resolution in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effectiveness of the foregoing resolutions as if signed by the Secretary of the Company: Donald Sirkin, Steven A. Gaines, John Pieprzny, John A. Alkire, John D. Minto, Marc A. Mrkvicka, Larry A. Byers, Gail A. Flynn, Cheryl Mayes, Debi Lewis, Jeannie Padilla, JoAnn Johnson, Pat Dorney, and Tom Dymont.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as Attorney-in-Fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereto affixed this 8th day of September, 1998.

CONTRACTORS BONDING AND INSURANCE COMPANY

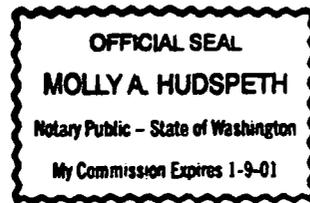
By: 
Steven A. Gaines, President

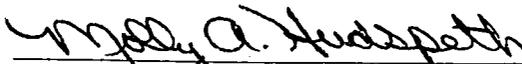


STATE OF WASHINGTON—COUNTY OF KING.

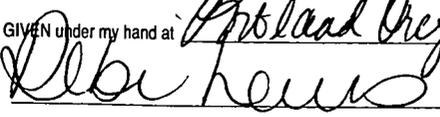
On this 8th day of September, 1998, personally appeared STEVEN A. GAINES, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public in and for the State of Washington, residing at Seattle

The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at Portland Oregon this 13th day of September 19 98


SPEAKER SIGN UP CARDS

DATE 16 Dec 99
NAME KELLY CLARK/DAN CHANDLER
ADDRESS 1706 NW OLIVAN
PO Box 97209
PHONE 306 0224
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC FRENCH LAND - OCCC LICENSE
GIVE TO BOARD CLERK

MEETING DATE: DEC 02, 1999 ~~DEC 16 1999~~

AGENDA #: C-6 R-2

ESTIMATED START TIME: 9:30 9:00

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: December 16, 1999

AMOUNT OF TIME NEEDED: 10 mins

DEPARTMENT: Non-Departmental Sheriff's Office DIVISION: Sheriff's Office

CONTACT: Rick Barnett Phone: 251-2481
Bldg/Room: 313/120

PERSON MAKING PRESENTATION: Deputy Susan Gates Sandra Duffy, Dan Oldham, Kathy Busse

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for: 12/21/99 original application & copy of letter to Cherie Spando; original letter & copy of application to OLCC, copies to BCC, Sandra Duffy, Rick Barnett & Stuart Farmer
Fred's Marina
12800 NW Marina Way
Portland, OR 97231

The backgrounds have been checked on applicants Alexander Fredrick, Veva Fredrick, and Cherie Spando and no criminal history can be found on the above. They are current with Assessment and Taxation. They are currently in litigation for a zoning violation.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: [Signature]

(OR)

DEPARTMENT MANAGER: [Signature] /Sergeant Brett Elliott

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

99 NOV 26 11 10 AM '99
MULTIPLER 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: MultChair@aol.com

December 21, 1999

Oregon Liquor Control Commission
PO Box 22297
Milwaukie, OR 97269

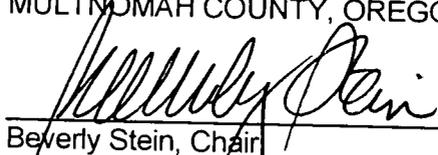
RE: License Renewal Recommendation for Fred's Marina
(Frevach Land Company)

Dear Commission Members:

Enclosed is the License Renewal Application for Fred's Marina with Multnomah County's recommendation that the license renewal be granted. The Board of County Commissioners, in approving this recommendation, requested that the County's transmittal letter disclose that Fred's Marina does have an outstanding land use violation for conducting grading activities on the property without the appropriate permits. While the Board determined that the land use violation was not related to the sale of liquor, it is concerned that this business take its responsibilities as a corporate citizen of Multnomah County seriously. If there is other evidence before the OLCC which indicates disregard for state or local regulations, then the Multnomah County Board of Commissioners request that the outstanding land use violation weigh in on your decision.

Very truly yours,

BOARD OF COMMISSIONERS
MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

cc Sharron Kelley
Diane Linn
Serena Cruz
Lisa Naito



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

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999

License Type: Package Store	District: 1	County/City: 2600	RO#: R06953A	421/203
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FREVACH LAND COMPANY
 12800 NW MARINA WAY
 PORTLAND OR 97231

Licensee(s) **FREVACH LAND COMPANY**

Tradename **FRED'S MARINA**
 12800 NW MARINA WAY
 PORTLAND OR 97231

Instructions:

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before **December 13, 1999** to avoid late fees.

Operational Questions:	Responses:
(1) Please list a daytime phone number.	Phone Number: 503-286-5537
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor related</u> for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name <u> </u> Offense <u> </u> Date <u> </u> City/State <u> </u> Result <u> </u> <i>na</i>
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.
 The County of **MULTNOMAH** recommends that this license be GRANTED REFUSED on (date) **12/16/99**
 Signed: *Beverly Stein* Title of Signer **BEVERLY STEIN, MULTNOMAH COUNTY CHAIR**

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Package Store	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<	50.00
Late Fees	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
CHERIE SPRANSE	<i>Cherie Spranse</i>	12/14/99	542-52-5643	5/9/50
ALEXANDER FREDRICK	<i>Alexander Fredrick</i>	12/16/99	540-12-2697	12/13/20
VENA FREDRICK	<i>Vena M. Fredrick</i>	12/29/99	543-16-6771	7/17/22

**BEFORE THE PLANNING DIRECTOR
FOR MULTNOMAH COUNTY**

A Stop Work Order issued to Frevach Land Company dba Fred's Marina located at 12800 Northwest Marina Way in unincorporated Multnomah County.	NO. ZV 99-23 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
--	---

The Stop Work Order issued to Frevach Land Company dba Fred's Marina (Owner) dated May 7, 1999 in the matter of ZV 99-23 is **UPHELD** as described in the following findings of fact and conclusions of law.

FINDINGS OF FACT:

The Planning Director finds as follows:

1. On May 7, 1999, the Code Enforcement Planner posted a Stop Work Order on the above listed property. (The Stop Work Order is attached as Exhibit 1) That order provided a 15 day grace period to comply with the order or appeal the order to the Planning Director. On May 13, 1999 the Code Enforcement Planner also sent a follow-up letter to the Owners explaining the Stop Work Order.
2. Multnomah County Code Section 11.15.9052(E)(4) provides that a person who receives a notice of violation may appeal within the grace period. The Owner appealed the Stop Work Order on May 21, 1999. Appeal was timely.
3. Written notice and opportunity to comment on this appeal was provided in accordance with Multnomah County Code 11.15.9052(D)(4)(c).
4. The Representative filed the following evidence:
 - a. Appeal form alleging that all work was within existing permit and not outside the scope of the permit.
 - b. Letter from the Owner's legal representative, D. Daniel Chandler (Chandler) of Ramis, Crew, Corrigan and Bachrach, dated May 21, 1999. The letter alleges that the ramp should have been impliedly approved with the GEC 20-97 permit. The letter also alleges that the materials stockpiled on the property near Marina Way are only removed from the wetlands as required by the permit and the U.S. Corps of Engineers. The letter also demands an immediate rescission of the Stop Work Order or a lawsuit for damages will be filed.

- c. Letter from Owner's other legal representative, Kelly Clark (Clark) of O'Donnell Clark, dated June 21, 1999. That letter requested clarification of work allowed in the dredge materials disposal site.
- d. Letter from Kelly Clark dated June 22, 1999 demanding a public hearing allowing oral testimony and threatening a lawsuit if one is not provided.
- e. Letter from Chandler dated July 6, 1999 alleging that the ramp was in place in 1998 and should have been resolved in the 1998 Stop Work Order and that the materials stockpiled near Marina Way are those removed from the wetlands.
- f. Affidavit of Jay McCaulley (McCaulley), consultant for Owner alleging that the ramp was in place at the time of the 1998 Stop Work Order (SWO) and since that SWO is no longer in effect, the ramp issued should be assumed to be resolved. The affidavit also alleges that the materials stockpiled near Marina Way are only those removed from the wetlands. Finally, the affidavit alleges that parking has occurred near Marina Way since the 1960's.
- g. Owner's application for GEC permit 20-97 and applicant's supportive narrative, labeled by Owner as Exhibit A, 1 of 10.
- h. Site map of area dated 2-28-1992 with a circle allegedly indicating a ramp, labeled by Owner as Exhibit A, 7 of 10.
- i. Site map of area dated 4-29-96 and revised 7-20-96 and 5-15-97, labeled by Owner as Exhibit A, 8 of 10.
- j. Drawings of cross sections and profiles of fill area, labeled by Owner as Exhibit A, 9 of 10.
- k. Plan view map, labeled by Owner as Exhibit A, 10 of 10.
- l. Multnomah County Stop Work order issued 3-12-98, labeled by Owner as Exhibit B, 1 of 1.
- m. Copy of color photos of site dated 3-18-98, labeled by Owner as Exhibit C, 1 of 1.
- n. Black & white aerial photograph of site, dated, according to Jay McCauley, June 19, 1972, labeled by Owner as Exhibit D, 1 of 1.

- o. Affidavit of Cherie Sprando (Sprando), co-owner of Frevach Land Co., dba Fred's Marina. The affidavit alleges that the ramp has existed for many years and that the Owner raised that ramp when the parking lot was raised. The affidavit also alleges that, with the lack of effect of the 1998 SWO, Sprando assumed that the ramp was no longer an issue. Finally, the affidavit alleges that erosion control actually exists at the toe of the slope between Marina Way and the creek.
- p. Letter from Chandler dated 3-10-99 confirming with Code Enforcement Planner that 1998 SWO is no longer in force.

5. Multnomah County Code Enforcement Planner filed the following evidence:

- a. Notice in Support of Stop Work Order dated May 13, 1999 stating that a dirt ramp was constructed from the permitted parking lot area down near the water edge within 100 feet of a waterbody or watercourse which was not authorized under the Owner's GEC 20-97. Additionally, the Notice states that the Owner placed fill piles and continues to develop a new parking area up near Marina Way in violation of Condition No. 2 of the GEC permit.
- b. Stop Work Order dated 5/7/99.
- c. Field inspection notes and photos dated 3/8/99, 3/14/99, 5/5/99, 5/7/99.
- d. Appeal form and accompanying letter from Chandler dated 5/21/99.
- e. Letter dated October 29, 1999 from Code Enforcement Planner (CEP) to Chandler stating that CS 14-77g expired and Owner needed to apply for a new Community Service Use and Willamette River Greenway permit in order to expand the boat moorage/marina.
- f. Letter dated 6/11/99 from Gerald Black, US Corps of Engineers, to Sprando stating that Owner completed the wetland fill material removal as directed by the Corps and the Corps will take no further action.
- g. Letter date 3/10/99 from Chandler to CEP confirming that 1998 SWO is no longer in force.

- h. Signed Postal Return Receipt sent to Frevach Land Co. dated 5/1799.
- i. Notice of Appeal mailing list.
- j. Returned unopened notice to Gordon Empey.
- k. Printouts from Mult. Co. A&T database.
- l. Lot Maps.
- m. GEC 20-97 Administrative Decision.
- n. Site map dated 5/20/97.
- o. Letter dated 10/2/97 from Susan Muir (Muir), Mult. Co. then Senior Planner, to McCaulley granting an extension of the deadline for completion of the permitted work and a reminder that all other conditions listed in the permit remained in effect. The letter also stated that dredge spoils may come from off site as long as all other permit conditions are met.
- p. Letter dated 7/28/97 from McCaulley to Muir describing McCaulley's opposition to several of the permit conditions.
- q. Letter relating to the GEC permit application from the Ferguson Law Firm dated 6/20/97 alleging that the at least 40 yards of fill material had been deposited onto the property and that the fill consisted of rebar, concrete and asphalt in violation of MCC 9.40.40 (A) (1). The letter also alleges land disturbing activities within wetlands in violation of MCC 9.40.40 (A) (2) (e). Additionally, the letter alleges that the Owner altered the Miller Creek bed with Owner's construction of the overflow channel and that this alteration will damage downriver land owners. Thus, requesting that the County require a performance bond for erosion and sediment control measures.
- r. Letter dated 7/19/1999 from Gordon Howard, Multnomah County Senior Planner, to McCulley confirming the results of a prior meeting with County staff and McCaulley. Howard confirmed that the Owner must apply for a GEC permit to raise the parking lot but not a Willamette River Greenway (WRG) permit and that any work regarding the creek must be approved by the requisite state and federal agencies.

- s. Letter dated 8/22/96 from Oregon Division of State Lands to McCaulley outlining the work regarding an overflow channel for Miller Creek.
- t. Letter dated June 2, 1997 from CEP to Owner thanking the Owner for the GEC permit application and adding the 5/12/97 to the application file. The letter also confirms that the County will stay the prosecution of a land use violation during the application review provided no further work is done on the property.
- u. Letter dated 5/23/97 from McCaulley to CEP requesting clarification of various permit issues.
- v. 1997 Letters from various citizens wanting to be kept informed concerning grading and fill work done at Fred's Marina and a fear that Miller's Creek was being diverted with these activities. Some citizens also felt the notice given for the opportunity to comment on the permit was inadequate.
- w. Notice dated 6/11/97 of opportunity to comment on GEC 20-97 permit application.
- x. Owner's GEC 20-97 application
- y. Letter from Sprando authorizing McCaulley to represent Owner.
- z. Letter dated 7/31/97 from Muir to Sprando confirming that removal of 2 clumps of trees was within the permit approval and that the deadline requirement of the deed restriction recording will be waived as long as the recording occurs prior to work beginning in the spoils area.
- aa. Letter dated 9/30/97 from Muir to McCaulley extending the deadline for work on GEC 29-97 and WRG 7-97 and confirming that approval for a commercial dredge spoils area would require a Community Service Use permit application.
- bb. Letter dated 9/19/97 from McCaulley to Muir requesting the use of the dredge spoils area for a long term fill site.
- cc. Letter dated 7/22/97 from McCaulley to Muir protesting several conditions of the GEC 20-97 permit.
- dd. Site map.

- ee. Site fill map dated 4/20/97.
 - ff. Pictures of what appears to be flooding of the marina.
6. Information Requested and Submitted After Comment Period
- a. Photo Legends submitted by the Code Enforcement Planner for Field inspection notes and photos dated 3/8/99, 3/14/99, 5/5/99, 5/7/99.
7. No other interested persons filed evidence.

CONCLUSIONS OF LAW:

Based upon the above findings of fact, the Director finds that the photos, particularly Numbers 6 through 9 of 3/8/99, 1, 3 of 3/14/99 and several of 5/5/99, demonstrate that a grading of a ramp occurred from the permitted fill area on the southeastern corner sloping to the south west. McCaulley circled that area on the map with his submittals for this appeal. Nothing on that map nor in the narrative for the GEC 20-97 permit application indicates that additional grading for the ramp would occur in conjunction with the work approved for that permit.

Chandler said he believed the ramp should have been implicitly permitted because "It is ridiculous to assume that a marina would raise a parking lot to create a mesa with no access to the water." The ramp in question provides no access to the water. The ramp's purpose is to provide access from the permitted fill area to another area on the property.

McCaulley and Sprando in their affidavits also allege that the ramp was implicitly permitted because it existed at the old elevation at the time of the permit application. The Director finds this argument in error because, if the ramp has been in existence as claimed, then the ramp would have been included in the application. Further, the administrative decision would have included a discussion of the ramp and, more than likely, conditioned its construction, if allowed at all, because of the ramp's proximity to the water. In fact, Applicant's narrative for the GEC permit specifically states on page 5 that the fill will not encroach the watercourses unless approved. Further, in her letter of July 31, 1997 to Sprando, Muir specifically reminds Owner that the work to be done is only that submitted on the site plan. No ramp work was indicated on the site plan or in the application narrative. Therefore, the raising of the ramp was done in violation of the 1997 GEC permit and MCC 29.302(A) as stated in the Notice in Support of Stop Work.

As for the Code Enforcement Planner's (CEP) charge that fill and grading occurred near Marina Way in violation of Condition No. 2 of GEC 20-97, McCaulley contends that all material stockpiled on the property is that removed from the wetlands. The Director finds that the photos, particularly Numbers 10 through 12 of 3/8/99, 2 and 3

of 3/14/99 and 22 of 5/12/99, demonstrate materials other than materials from the wetlands have been stockpiled on the property in violation of the permit.

Further, McCaulley and Sprando also claim the Owner has not been developing a new parking area near Marina Way because a parking area has existed there since the 1960's. The Director finds that while the area may have unlawfully been used for parking, the Owner must apply for a Grading and Erosion Control permit and, as stated in the Notice, Design Review approval prior to any additional work in the area such as grading.

The Director concurs with the CEP that work has occurred in the area in violation of Condition No. 2 of the GEC permit. That condition permitted no work in the area other than the storage of the materials removed from the wetlands. The photos, particularly those of 5/5/99, 5/7/99 and 5/12/99, demonstrate that grading work has occurred in the area.

Finally, Page 8, item (m) of the GEC approval specifically requires all materials to be located at a sufficient distance from streams or drainage ways, covered with mulch or to have sufficient sediment reduction measures. Although, as Sprando's affidavit states, some erosion control fencing of the permitted area exists and is covered with vegetation, the photos, particularly those of 5/5/99, 5/7/99 and 5/12/99 illustrate that inadequate and often no erosion control measures exist in various areas including the ramp at issue and the area of the grading near Marina Way. Therefore, the Director concurs with the CEP that the Owner is in violation of MCC 11.15.7815.

DECISION:

The Stop Work Order issued to Frevach Land Company dba Fred's Marina (Owner) dated May 7, 1999 in the matter of ZV 99-23 is **UPHELD**.

The Owner shall comply in full with the Stop Work Order within seven (7) days of the date of this decision by applying for a new Grading and Erosion Control permit for the above listed violations. No grading or filling work shall occur on the ramp or non-permitted parking lot area until such time as all of the necessary permits are obtained.

Pursuant to Multnomah County Code Section 11.15.9052(D)(4)(g) and 11.15.9053 a civil penalty in the amount of \$500.00 is hereby assessed for violation of Multnomah County Code.

Pursuant to Multnomah County Code Section 11.15.9052(D)(4)(h) and 11.15.9053 if full compliance with the Stop Work Order is not achieved within seven (7) days of the date of this decision, the Owner shall be subject to additional penalties of up to \$500.00 per day.

Director's Decision
SWO ZV 99-21
07/23/99
Page 7

Upon approval of all required permits, the property owner shall comply completely with all conditions of approval and all requirements of their permits or be subject to additional code enforcement proceedings and civil penalties.

Failure to comply with the Stop Work Order may also result in this case being turned over to Multnomah County Office of County Counsel for legal action.

Pursuant to Multnomah County Code 11.15.9053(G), review of this Decision on Appeal shall be by Writ of Review as provided in Or. Rev. Stat. 34.010 - 34.100.

DATED this 23 day of July, 1999.

KATHY BUSSE, PLANNING DIRECTOR
FOR MULTNOMAH COUNTY, OREGON



Exhibit List for Frevach Land Company

Exhibit #	Description	Comments	Date	Bates #s
1	Findings of Fact, Conclusions of Law and Decision		7/23/99	
2c	Letter from Kelly Clark to Ms. Busse regarding reopening of the record	Not Shown in the Director's Exhibit List	7/19/99	
2b	Letter from Ms. Busse to Frevach Land Company	Not Shown in the Director's Exhibit List	7/15/99	
2a	Memo/Letter from Ms. Busse to the Code Enforcement Planner, Lisa Estrin regarding charting the location of the code enforcement photographs	Exhibit is missing from record	7/99	
4e	Letter from Chandler dated July 6, 1999 alleging that the ramp was in place in 1998 and should have been resolved in the 1998 Stop Work Order and that the materials stockpiled near Marina Way are those removed from the wetlands.		Submitted 7/6/99	
4f	Affidavit of Jay McCaulley (McCaulley), consultant for Owner alleging that the ramp was in place at the time of the 1998 Stop Work Order (SWO) and since that SWO is no longer in effect, the ramp issued should be assumed to be resolved. The affidavit also alleges that the materials stockpiled near Marina Way are only those removed from the wetlands. Finally, the affidavit alleges that parking has occurred near Marina Way since the 1960's.		Submitted 7/6/99	
4g	Owner's application for GEC permit 20-97 and applicant's supportive narrative, labeled by Owner as Exhibit A, 1 of 10.		Submitted 7/6/99	
4h	Site map of area dated 2-28-1992 with a circle allegedly indicating a ramp, labeled by Owner as Exhibit A, 7 of 10.		Submitted 7/6/99	
4i	Site map of area dated 4-29-96 and revised 7-20-96 and 5-15-97, labeled by Owner as Exhibit A, 8 of 10.		Submitted 7/6/99	
4j	Drawings of cross sections and profiles of fill area, labeled by Owner as Exhibit A, 9 of 10.		Submitted 7/6/99	
4k	Plan view map, labeled by Owner as Exhibit A, 10 of 10.		Submitted 7/6/99	
4l	Multnomah County Stop Work order issued 3-12-98, labeled by Owner as Exhibit B, 1 of 1.		Submitted 7/6/99	
4m	Copy of color photos of site dated 3-18-98, labeled by Owner as Exhibit C, 1 of 1.		Submitted 7/6/99	
4n	Black & white aerial photograph of site, dated, according to Jay McCauley, June 19, 1972, labeled by Owner as Exhibit D, 1 of 1.		Submitted 7/6/99	
4o	Affidavit of Cherie Sprando (Sprando), co-owner of Frevach Land Co., dba Fred's Marina. The affidavit alleges that the ramp has existed for many years and that the Owner raised that ramp when the parking lot was raised. The affidavit also alleges that, with the lack of effect of the 1998 SWO, Sprando assumed that the ramp was no longer an issue. Finally, the affidavit alleges that erosion control actually exists at the toe of the slope between Marina Way and the creek.		Submitted 7/6/99	
2d	Copy of the Stop Work Order issued on 3/12/98 for violation of Condition No. 12 of GEC 20-97	Not Shown in the Director's Exhibit List	Submitted 7/6/99	
4p	Letter from Chandler dated 3-10-99 confirming with Code Enforcement Planner that 1998 SWO is no longer in force.		Submitted 7/6/99	

Exhibit #	Description	Comments	Date	Bates #'s
4d	Letter from Kelly Clark dated June 22, 1999 demanding a public hearing allowing oral testimony and threatening a lawsuit if one is not provided.		6/22/99	
4c	Letter from Owner's other legal representative, Kelly Clark (Clark) of O'Donnell Clark, dated June 21, 1999. That letter requested clarification of work allowed in the dredge materials disposal site.		6/21/99	
5f	Letter dated 6/11/99 from Gerald Black, US Corps of Engineers, to Sprando stating that Owner completed the wetland fill material removal as directed by the Corps and the Corps will take no further action.		6/11/99	
5j	Returned unopened notice to Gordon Empey.	Exhibit is missing		
5l	Notice of Appeal mailing list.		5/27/99	
5k	Printouts from Mult. Co. A&T database.		5/26/99	
5l	Lot Maps.		5/26/99	
4a/5d	Appeal form alleging that all work was within existing permit and not outside the scope of the permit.		5/21/99	
4b/5d	Letter from the Owner's legal representative, D. Daniel Chandler (Chandler) of Ramis, Crew, Corrigan and Bachrach, dated May 21, 1999. The letter alleges that the ramp should have been impliedly approved with the GEC 20-97 permit. The letter also alleges that the materials stockpiled on the property near Marina Way are only removed from the wetlands as required by the permit and the U.S. Corps of Engineers. The letter also demands an immediate rescission of the Stop Work Order or a lawsuit for damages will be filed.		5/21/99	
5h	Signed Postal Return Receipt sent to Frevach Land Co. dated 5/17/99.		5/17/99	
5a	Notice in Support of Stop Work Order dated May 13, 1999 stating that a dirt ramp was constructed from the permitted parking lot area down near the water edge within 100 feet of a waterbody or watercourse which was not authorized under the Owner's GEC 20-97. Additionally, the Notice states that the Owner placed fill piles and continues to develop a new parking area up near Marina Way in violation of Condition No. 2 of the GEC permit.		5/13/99	
5b	Stop Work Order dated 5/7/99.		5/7/99	
5c/6a	Field inspection notes and photos dated 5/7/99 & 5/12/99.	Exhibit 6a is the locational chart for the field inspections. They were added to the record in 7/99 after the Planning Director's request.*	5/7/99 & 5/12/99	
5c/6a	Field inspection notes and photos dated 5/5/99	*See note above	5/5/99	
5c/6a	Field inspection notes and photos dated 3/14/99	*See note above	3/14/99	
5g	Letter date 3/10/99 from Chandler to CEP confirming that 1998 SWO is no longer in force.		3/10/99	
5c/6a	Field inspection notes and photos dated 3/8/99		3/8/99	
5e	Letter dated October 29, 1999 from Code Enforcement Planner (CEP) to Chandler stating that CS 14-77g expired and Owner needed to apply for a new Community Service Use and Willamette River Greenway permit in order to expand the boat moorage/marina.	Wrong date listed. Letter actually went out in 1998.	10/29/98	

Exhibit #	Description	Comments	Date	Bates #'s
5o	Letter dated 10/2/97 from Susan Muir (Muir), Mult. Co. then Senior Planner, to McCaulley granting an extension of the deadline for completion of the permitted work and a reminder that all other conditions listed in the permit remained in effect. The letter also stated that dredge spoils may come from off site as long as all other permit conditions are met.		10/2/97	
5aa	Letter dated 9/30/97 from Muir to McCaulley extending the deadline for work on GEC 29-97 and WRG 7-97 and confirming that approval for a commercial dredge spoils area would require a Community Service Use permit application.		9/30/97	
5bb	Letter dated 9/19/97 from McCaulley to Muir requesting the use of the dredge spoils area for a long term fill site.		9/19/97	
5z	Letter dated 7/31/97 from Muir to Sprando confirming that removal of 2 clumps of trees was within the permit approval and that the deadline requirement of the deed restriction recording will be waived as long as the recording occurs prior to work beginning in the spoils area.		7/31/97	
5p	Letter dated 7/28/97 from McCaulley to Muir describing McCaulley's opposition to several of the permit conditions.		7/28/97	
5cc	Letter dated 7/22/97 from McCaulley to Muir protesting several conditions of the GEC 20-97 permit	Letter is actually dated 7/28/99 and is exhibit 5p		
5m	GEC 20-97 Administrative Decision.		7/1/97	
5n	Site map dated 5/20/97.		5/20/97	
5v	1997 Letters from various citizens wanting to be kept informed concerning grading and fill work done at Fred's Marina and a fear that Miller's Creek was being diverted with these activities. Some citizens also felt the notice given for the opportunity to comment on the permit was inadequate.	This exhibit includes 4 letters from adjacent neighbors with 3 different dates 6/23/97, 5/13/97 & 5/9/97	6/23/97	
5q	Letter relating to the GEC permit application from the Ferguson Law Firm dated 6/20/97 alleging that the at least 40 yards of fill material had been deposited onto the property and that the fill consisted of rebar, concrete and asphalt in violation of MCC 9.40.40 (A) (1). The letter also alleges land disturbing activities within wetlands in violation of MCC 9.40.40 (A) (2) (e). Additionally, the letter alleges that the Owner altered the Miller Creek bed with Owner's construction of the overflow channel and that this alteration will damage downriver land owners. Thus, requesting that the County require a performance bond for erosion and sediment control measures		6/20/97	
5w	Notice dated 6/11/97 of opportunity to comment on GEC 20-97 permit application.		6/11/97	
5t	Letter dated June 2, 1997 from CEP to Owner thanking the Owner for the GEC permit application and adding the 5/12/97 to the application file. The letter also confirms that the County will stay the prosecution of a land use violation during the application review provided no further work is done on the property.		6/2/97	
5x	Owner's GEC 20-97 application		Submitted 5/30/97	
5dd	Site map		Submitted 5/30/97	

Exhibit #	Description	Comments	Date	Bates #'s
5ee	Site fill map dated 4/20/97.		Submitted 5/30/97	
5ff	Pictures of what appears to be flooding of the marina.		Submitted 5/30/97	
5y	Letter from Sprando authorizing McCaulley to represent Owner.		5/30/97	
5u	Letter dated 5/23/97 from McCaulley to CEP requesting clarification of various permit issues.		5/23/97	
5v	1997 Letters from various citizens wanting to be kept informed concerning grading and fill work done at Fred's Marina and a fear that Miller's Creek was being diverted with these activities.	See above note on 6/23/97 for comment	5/13/97	
5v	1997 Letters from various citizens wanting to be kept informed concerning grading and fill work done at Fred's Marina and a fear that Miller's Creek was being diverted with these activities	See above note on 6/23/97 for comment	5/9/97	
5s	Letter dated 8/22/96 from Oregon Division of State Lands to McCaulley outlining the work regarding an overflow channel for Miller Creek.		8/22/96	
5r	Letter dated 7/19/1999 from Gordon Howard, Multnomah County Senior Planner, to McCulley confirming the results of a prior meeting with County staff and McCaulley. Howard confirmed that the Owner must apply for a GEC permit to raise the parking lot but not a Willamette River Greenway (WRG) permit and that any work regarding the creek must be approved by the requisite state and federal agencies.		7/19/96	



Multnomah County Sheriff's Office

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

DAN NOELLE
SHERIFF

(503) 255-3800
TTY (503) 251-2484

MEMORANDUM

TO: Chair Bev Stein
 Commissioner Lisa Naito
 Commissioner Diane Linn
 Commissioner Serena Cruz
 Commissioner Sharron Kelley

FROM: Sheriff Dan Noelle *[Signature]*

DATE: December 15, 1999

RE: Board Briefing on December 16, 1999
 OLCC License Renewal Application
 Fred's Marina
 12800 NW Marina Way
 Portland OR 97231

In regards to this agenda item, I am personally familiar with the applicants and have personal knowledge in regards to some of the land use issues. The Sheriff's Office has no direct involvement in regards to the testimony, which is primarily directed around a land use issue.

While our agency under the County Ordinance acts as a conduit to pass the information to the Board, due to my conflict of interest, the Sheriff is taking no position on this issue.

Post-it® Fax Note	7671	Date	12/15	# of pages	1
To	Deb Bogsted	From	DAN OLDHAM		
Co./Dept.	Clerk of Board	Co	Sheriff		
Phone #	248-3277	Phone #	251-2519		
Fax #	248-3013	Fax #	251-2428		

99 DEC 15 AM 11:58
 MULTNOMAH COUNTY
 OREGON

RECEIVED
 CLERK OF BOARD
 12/15/99

ph: 503-306-0214

fax: 503-306-0257

O'DONNELL

CLARK LLP
ATTORNEYS AT LAW

1706 NW Olsson Street

Post Office Box 3493

Portland, Oregon 97208

December 13, 1999

Via Facsimile & Mail

Ms. Sandra N. Duffy
Chief Assistant County Counsel
Multnomah County Counsel's Office
1120 SW 5th Avenue, Suite 1530
Portland, Oregon 97204 -1977

RE: *Frevach Land Company, dba Fred's Marina/OLCC License - County Recommendation*

Dear Sandra:

I understand that the County recommendation for Fred's Marina's OLCC license renewal is before the Board on Thursday, December 16, at 9:00 a.m. I am in receipt of the correspondence back and forth between your office and the Sheriff's office, and within your office, regarding the question. I have also reviewed County Code § 15.400-15.408, as well as OAR 845-005-0060, and the relevant provisions of ORS Ch. 471 and 472.

The purpose of this letter is to put you on notice that, in the event that County planning staff or the Sheriff's office upon the recommendation of the County planning staff, continue to recommend denial of Fred's OLCC license renewal, and the Board follows the recommendation, I will seek leave to amend the federal court litigation to add this as yet another due process violation. We will add as damages whatever attorney fees my client has to spend in taking this matter before the OLCC, or appealing it, or whatever monetary damages my client suffers in the event it loses its OLCC license. In the event that the Board does not accept the recommendation I will nonetheless be offering this letter in evidence at the time of trial as an example of the County's deliberate attempts to wreak havoc on Frevach, this time using the OLCC license renewal as "coersion" (sic), to use your phrase, on a totally unrelated licensing question. I will also be offering this letter and the County's staff's conduct in this matter, on the question of the intentionality of staff's conduct, and the need for punitive damages.

I will not here set out the entire legal argument for why a recommendation of denial in this matter is unwarranted. Suffice it to say that it boils down to two fundamental reasons: first, a commonsense reason. Looking at Multnomah County Code 15.400, *et seq.*, as a whole, it is clear that it is intended to govern situations where the applicant for an OLCC license has a history of conduct relating to the liquor license, which justifies a denial. That is obvious from the purpose §15.400, as well as review of §§'s 15.402 (B)(1)-B(6), and 15.404(A)-(L). For the County to attempt to apply this obvious purpose to a zoning question, hotly disputed,

Ms. Sandra N. Duffy
Chief Assistant County Counsel
December 13, 1999
Page 2

completely unrelated to the use of the liquor license, is absurd. Secondly, from a legal standpoint, it is clear that County Code §§'s 15.402 (B)(5) and 15.404(J) do not apply to Fred's Marina. These sections speak only in terms of a "proposed new outlet, or change of location/privilege," and not a renewal of an existing license at the same location. Even your own internal office memoranda note this problem with your approach.

I find it significant that the County Counsel who was previously handling this matter, Mr. Litwak, who was of course fully advised of the ongoing zoning disputes, nonetheless advised against the County recommending denial of the OLCC license. That your staff, and you, have had to do such research, analysis, and stretching in order to conclude that you have the authority and equity to recommend denial shows how far afield the County is in this matter.

It is precisely actions such as this by the County that have so frustrated and infuriated my clients and have led to the litigation against the County. This will only escalate the litigation and increase your client's liability.

I urge you to reconsider the advice you have given to the Sheriff's office, and that the Planning office is prepared to give to the Board for its Thursday meeting.

Very truly yours,



Kelly Clark

KC/rck

cc: Frevach Land Company (via facsimile)
Sgt. Brett Elliott, Multnomah County Sheriff's Office (via facsimile)
Ms. Bev Stein, Multnomah County Board Chair (via facsimile)
Mr. Thomas Sponsler, Multnomah County Counsel (via facsimile)
Oregon Liquor Control Commission (via facsimile)



MULTNOMAH COUNTY OREGON

DEBORAH BOGSTAD, BOARD CLERK
OFFICE OF BEVERLY STEIN, COUNTY CHAIR
1120 SW FIFTH AVENUE, SUITE 1515
PORTLAND, OREGON 97204-1914
TELEPHONE • 248-3277
FAX • (503) 248-3013

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN •CHAIR • 248-3308
DIANE LINN •DISTRICT 1 •248-5220
SERENA CRUZ •DISTRICT 2 • 248-5219
LISA NAITO •DISTRICT 3 • 248-5217
SHARRON KELLEY •DISTRICT 4 • 248-5213

FAX COVER SHEET

TO: KELLY CLARK FROM: DEB BOGSTAD
Board Clerk

PHONE: 306-0224 PHONE: (503) 248-3277

FAX: 306-0257 FAX: (503) 248-3013

Process for public testimony
ATTACHED

Sending a total of 2 pages, including this cover sheet.

DATE: December 10, 1999



MULTNOMAH COUNTY OREGON

DEBORAH BOGSTAD, BOARD CLERK

OFFICE OF BEVERLY STEIN, COUNTY CHAIR
1120 SW FIFTH AVENUE, SUITE 1515
PORTLAND, OREGON 97204-1914
TELEPHONE • (503) 248-3277
FAX • (503) 248-3013

BOARD OF COUNTY COMMISSIONERS

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LISA NAITO •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

MULTNOMAH COUNTY COMMISSION MEETINGS

The Multnomah County Board of Commissioners welcomes you to your County government at work!

The Board meets in the Multnomah County Courthouse, Boardroom 602 on Tuesday and Thursday mornings and upon proper notification, other days and locations as necessary.

The Board convenes to hear land use planning issues, briefing and work sessions with staff and invited others reporting on various issues of interest to the County. Except for executive sessions, all meetings are open to the public.

The Board meets Thursday mornings to conduct regular County business, and votes on consent calendar items such as citizen appointments to boards and commissions and annual renewal and/or amendments to existing intergovernmental agreements, as well as regular agenda items, public hearings and other matters requiring formal Board approval or action.

An agenda book containing information on the current matters before the Board, as well as copies of the published Board Rules, weekly agenda, proposed ordinances and other items, are available for you. You are welcome to speak to any issue before the Board or on other issues you wish to bring before the Board at the Thursday regular meeting. Please fill out a speaker card available at the back table and present it to the Clerk. Public comment and/or testimony are usually limited to three minutes per person.

Thank you for becoming an active participant in your County government!

An Equal Opportunity Employer

ph: 503.306.0224
fax: 503.306.0257

O'DONNELL

CLARK LLP
ATTORNEYS AT LAW

1706 NW Glisan Street
Post Office Box 3495
Portland, Oregon 97208

Via facsimile and mail

December 10, 1999

Deb Bogstad
Clerk, Multnomah County Board
1120 SW 5th Ave, Suite 1515
Portland, OR 97204

99 DEC 14 AM 8:40
MULTNOMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

RE: *Fred's Marina's OLCC license application hearing*

Ms. Bogstad:

This letter confirms a conversation my law clerk, Ross Day, had with you this morning regarding the agenda at the above referenced hearing. You indicated if representatives of Fred's Marina wished to be heard on the OLCC license application, they would be required to fill out a card just prior to the hearing indicating their desire to speak on behalf of Fred's Marina. There is no formal agenda which affected or interested parties can have their names placed on prior to the hearing. Please notify me as soon as possible if there are any changes to the Board's procedures.

Thank you for your courtesies and assistance.

Very truly yours,


Kelly Clark
KC/rad

cc: Fred's Marina

ph: 503-306-0224

fax: 503-306-0257

O'DONNELL

CLARK LLP
ATTORNEYS AT LAW1706 NW Gilliam Street
Post Office Box 3495
Portland, Oregon 97208*Via facsimile and mail*

December 10, 1999

Deb Bogstad
Clerk, Multnomah County Board
1120 SW 5th Ave, Suite 1515
Portland, OR 97204RE: *Fred's Marina's OLCC license application hearing*

Ms. Bogstad:

This letter confirms a conversation my law clerk, Ross Day, had with you this morning regarding the agenda at the above referenced hearing. You indicated if representatives of Fred's Marina wished to be heard on the OLCC license application, they would be required to fill out a card just prior to the hearing indicating their desire to speak on behalf of Fred's Marina. There is no formal agenda which affected or interested parties can have their names placed on prior to the hearing. Please notify me as soon as possible if there are any changes to the Board's procedures.

Thank you for your courtesies and assistance.

Very truly yours,


Kelly Clark
KC/rad

cc: Fred's Marina

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Wednesday, December 08, 1999 3:02 PM
To: BOGSTAD Deborah L
Cc: OLDHAM Daniel H; MUIR Susan L
Subject: RE: Fred's Marina Liquor License Application

1. Fred's Marina.

I will not repeat the material in my December 1, 1999, e mail about the regulatory scheme for OLCC license renewals. However, in that memo I indicate that a land use violation is a basis for the Sheriff recommending a denial of a license renewal. The Code Enforcement Officer has issued a Violation to Fred's Marina for failure to obtain Grading & Erosion Control permits prior to grading land for parking lot purposes. Thus, a Sheriff recommendation to the Board of denial is appropriate under the County code.

2. Brickhaven Bed & Breakfast.

The Code Enforcement Officer is still investigating whether Brickhaven is operating outside of its land use permit to run a bed and breakfast establishment. Such a permit does not allow the use of the property for conducting wedding parties and other large catered events. Brickhaven owners have asserted that any such activity has been solely related to family functions. The investigation is continuing.

Originally the County believed that Brickhaven needed an OLCC license only if it was conducting the large catered events. In fact, Brickhaven needs an OLCC permit to serve alcohol to its Bed and Breakfast guests.

Since there has as yet been no determination that Brickhaven is in violation of any zoning code provision; and, since an OLCC license is needed for service of alcohol in conjunction with a legal use of the property, the Sheriff does not have a basis to recommend denial of the renewal of the OLCC license. Thus a recommendation of approval of the OLCC license renewal is appropriate.

I will attend the meeting on the 16th to answer any questions the Board may have.

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Wednesday, December 01, 1999 10:56 AM
To: FORD Carol M; BOWMAN JoAnn A; WEIT Ramsay; BOGSTAD Deborah L
Cc: SPONSLER Thomas; WEBER Jacquie A; MUIR Susan L; RAPPOLD Kerry F; ARMSTRONG Jeff
Subject: FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

I had Jeff Armstrong research the statutory and county code provisions which regulate how OLCC approvals are processed. (See his email to me set out below.)

ORS 471.210 (3) gives the OLCC the authority to require a recommendation from a local governing body for the granting, or renewal of a liquor license. The commission takes "such recommendation into consideration before granting or refusing the license." ORS 471.210 (4) authorizes local government's to adopted licensing guidelines. The County has done so in MCC 15.400 et. seq. MCC 15.404 sets out the bases for the SHERIFF recommendation of a denial to the Board. The one that is relevant to the two matters removed from the consent agenda relate to land use violations in Subsection (J). That sections allows the Sheriff to recommend denial of an OLCC application:

If the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the zoning code. However, the applicant may file an application for the change of zone, conditional use which would permit such use;

This provision is rather ambiguous. It is unclear whether ANY land use violation related to the property justifies a "denial recommendation," or, whether only a violation related to a use in the particular zone (the property isn't zoned for the OLCC related use, or the applicant failed to obtain a required conditional use permit) can be the basis for a denial recommendation. Either interpretation is within the authority of the Sheriff and the Board.

In any event, the role of the Land Use Department is to report zoning violations to the Sheriff. Here, there is clearly a violation related to Fred's Marina. A violation notice was issued for failure to obtain grading and erosion control permits for parking lot grading next to the Multnomah Channel. A stop work order was issued. Fred's Marina has filed a lawsuit against us which is being litigated in Federal Court.

Regarding the Brickhaven OLCC application, there is an investigation taking place to determine whether there is a land use violation. It appears that Brickhaven is conducting commercial activity on the premises (catered weddings and parties). Brickhaven has asserted to the Land Use Dept. that the activities have been solely related to family functions. While the Land Use Dept. could not report to the Sheriff that there IS a land use violation on the property, it could have reported that an OLCC license is not appropriate for the premises because, if it is only conducting family activities, it does not NEED an OLCC license. If Brickhaven NEEDS an OLCC license then it is conducting commercial activities which IS in violation of county zoning code. In either event the Sheriff should use this information to recommend denial to the Board of County Commissioners. It is the role of the Land Use Dept. to give the facts regarding land use violations to the Sheriff, not to make OLCC application recommendations.

The Sheriff's role in this is set out in MCC 15.402, MCC 15.403 and MCC 15.404, and they appear to be somewhat inconsistent. MCC 15.402 and .403 provide:

15.402 "The Sheriff SHALL coordinate and conduct an investigation of each application for the purpose of determining what recommendation SHALL be made to the Board, using the procedures set forth in division (B) of this section."

15.403 "Upon completion of the investigation procedures, the Sheriff SHALL forward to the Board a recommendation of approval or denial..."

The two provision quoted above make it MANDATORY for the SHERIFF to form a recommendation to the Board. However, MCC 15.404 confuses the issue.

15.404 "The Sheriff MAY make a recommendation of denial to the Board regarding any application if: [list of bases for denial]"

This wording of this portion of the code gives the Sheriff the discretion to make, or not make a recommendation. I understand the Board WANTS a recommendation. I think the existence of two code provisions mandating the Sheriff make a recommendation shows the Board's intent to have the Sheriff fulfill that function.

I would recommend that the agenda material be returned to the Sheriff's office and that the above information be used by the Sheriff to make specific recommendations to the Board on these two matters.

Also note in Jeff's material to me that the 1999 legislature requires OLCC to draft new rules (after January 1, 2000) regulating local governments' ability to recommend denials. I question whether such a legislative delegation is constitutional in light of the Oregon Constitution Article XI Section 2 which gives the citizens of a municipality "the exclusive power to license, regulate or to suppress or prohibit the sale of intoxicating liquors [and such powers are] ... vested in such municipality."

I recommend a review of the OLCC rules when they are published, and a Board review to determine whether they comport with its values. The County can use the constitutional argument to negotiate with OLCC as to the form of the rules, or, can seek court review to determine whether liquor licenses are a matter of state or local concern.

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

From: ARMSTRONG Jeff
Sent: Tuesday, November 30, 1999 2:52 PM
To: DUFFY Sandra N
Subject: RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Sandy,

The legal structure for liquor license approval appears to be a labyrinth of mythic proportions. In fact, the 1997 Legislature directed the OLCC to simplify the current licensing structure. (Section 8, chapter 803, Oregon Laws 1997). This appears, in turn, to have led to around 21 bills being proposed this last legislature, at least seven of which were signed.

ORS 471.290 - 471.355 is the starting point for licensing requirements from the OLCC. The statutes are further filled out by OAR Chapter 845. However, more germane to our discussion is ORS 471.210, which provides for a local government recommendation, at least until January 1, 2000. (The local government recommendation requirements were removed from ORS 471.210 by HB 2892, 1999 OR law ch. 351, and re-created in a yet-to-be determined-place in ch. 471, with the additional requirements that local governments respond within 30 days of notice of application for a new license, 60 days for a renewal, subject to a requestable grace period (no recommendation = favorable recommendation), and that the OLCC must by rule establish grounds for unfavorable recommendations.)

In a nutshell, the local government recommendation function is given to the governing body in question. In Multnomah County, the Board has in turn delegated to the Sheriff the function of investigating and recommending whether an application should receive a favorable recommendation. The relevant Code section is MCC 15.400 - 15.408. MCC 15.404 (J) specifically provides that the Sheriff may make a recommendation of denial if "the zoning section finds that the [business] is found to be in violation of the zoning code." At the moment, I have been unable to locate any state statutory or regulatory law that would prohibit the Sheriff from using zoning or tax status as bases for recommendations of denial. Moreover, there does not appear to be a great deal of case law on the local government recommendation issue, possibly in light of the fact that "the commission **may** take such recommendation into consideration." [ORS 471.210(3)]. However, there is no guarantee that the OLCC will find that zoning or tax status are valid grounds for unfavorable recommendations. So, at the moment, recommending a denial of an application based on zoning and/or tax status is specifically contemplated in the County Code and there is no indication that this practice is countermanded by state law.

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

From: DUFFY Sandra N
Sent: Monday, November 29, 1999 4:26 PM
To: ARMSTRONG Jeff
Cc: SPONSLER Thomas
Subject: FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda
Importance: High

Can you find out the legal structure (statutes, OARs or County Code) for liquor license approvals? In the past the Board has denied discretionary approvals (of various kinds) for non-compliance with totally unrelated county regulatory schemes. Can you do some research and see if that kind of coercion has been upheld. If it has been invalid, under what legal theory? I'll talk with Jeff L. tomorrow about his reason for recommending that the LUP Dept. not make land use violations a reason for recommending denial of a liquor license.

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

From: SPONSLER Thomas
Sent: Monday, November 29, 1999 3:31 PM
To: DUFFY Sandra N
Subject: FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda
Importance: High

There seem to be role, process and factual issues. The first was addressed with the Board a few months ago; the process between planning, sheriff and our office seems deficient and probably request for Board action on 12/2 premature; and I know nothing about facts from planning perspective, though Deb seems to believe Jeff concluded they would not support negative recommendation.

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

From: BOGSTAD Deborah L
Sent: Monday, 29 November, 1999 3:22 PM
To: FORD Carol M; SPONSLER Thomas
Cc: WEIT Ramsay; BOWMAN JoAnn A
Subject: RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda
Importance: High

We went over all of this a few months ago with the Viewpoint Inn - Jeff Litwak was the attorney who prepared the letter to the OLCC advising of the Board's recommend refusal. It is my understanding Jeff looked at these before he left and felt the land use violations did not warrant a recommend denial in these instances. I have been e-mailing Tom Sponsler about this all morning.

Deb Bogstad

Multnomah County Board Clerk

(503) 248-3277

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

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

From: FORD Carol M
Sent: Monday, November 29, 1999 3:16 PM
To: BOGSTAD Deborah L
Cc: WEIT Ramsay; BOWMAN JoAnn A
Subject: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Since there is no specific action requested (OTHER is checked; it is not clear if the Sheriff's Office is recommending denying the license), Board staff wants to have the two items pulled off the Consent Agenda.

We would like clarification from County Counsel on the Board's role/criteria for approving liquor licenses when there are outstanding zoning violations or the owners are currently under litigation with the County.

Kerry Rappold, Land Use Planner, needs to come to meeting to give the BCC more detail into the land use/zoning issues for these two cases.

Also, a Sheriff's representative needs to be there to discuss how to process these cases (where there are outstanding land use issues) with County Counsel before coming to the Board. Question - should it come to the Board without a specific **Action Requested**.

Carol Ford

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

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999

License Type: Package Store	District: 1	County/City: 2600	RO#: R06953A	421/203
------------------------------------	--------------------	--------------------------	---------------------	----------------

FREVACH LAND COMPANY
 12800 NW MARINA WAY
 PORTLAND OR 97231

Licensee(s) FREVACH LAND COMPANY

Tradename FRED'S MARINA
 12800 NW MARINA WAY
 PORTLAND OR 97231

Instructions:

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 13, 1999 to avoid late fees.

Operational Questions:	Responses:
(1) Please list a daytime phone number.	Phone Number: <u>503-286-5537</u>
(2) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name _____ Offense _____ Date _____ City/State _____ Result _____ <u>na</u>
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.
 The County of MULTNOMAH recommends that this license be GRANTED _____ REFUSED _____ on (date) _____
 Signed: _____ Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Package Store	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<	50.00
Late Fees	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
<u>CHERIE SPRANX</u>	<u>Cherie Spranx</u>	<u>10/14/99</u>	<u>542-52-5643</u>	<u>5/9/50</u>
<u>ALEXANDER FREDRICK</u>	<u>Alexander Fredrick</u>	<u>10/29/99</u>	<u>510-12-2697</u>	<u>12/13/20</u>
<u>VEDA FREDRICK</u>	<u>Veda M. Fredrick</u>	<u>10/29/99</u>	<u>543-16-6771</u>	<u>7/17/22</u>

BARNETT Rick J

From: HUFF Deborah R
Sent: Friday, November 05, 1999 8:56 AM
To: BARNETT Rick J
Subject: Past Due Taxes

The following are names of Businesses and their tax status.

Fred's Marina / Frevach Land Company
12800 NW Marina Way

NO TAXES OWING

Springdale Tavern
32302 E Crown Point Hwy

NO TAXES OWING

Big Bear Crown Point Market
31815 E Crown Point Hwy

NO TAXES OWING

BARNETT Rick J

From: RAPPOLD Kerry F
Sent: Monday, November 15, 1999 8:50 AM
To: BARNETT Rick J; LABERGE Evalyn J
Subject: OLCC Renewals

Rick and Evalyn:

I need to do some additional research (e.g. obtain a copy of the applications from OLCC) on the businesses listed below, but I want to give you some information for the BCC agenda. Both businesses are being investigated by the Code Enforcement Section.

- 1) Brickhaven Bed & Breakfast
38718 E Columbia River Hwy

This site is under review for possible code violations. They have a land use permit which allows specific uses, but they have apparently done things outside the scope of their approval. More investigation is required.

- 2) Fred's Marina/Frevach Land Company
12800 NW Marina Way

This site is under litigation with the County. It also has a zoning violation, which needs to be resolved.

If you have any questions, call me at 248-3043, or send an e-mail.

Kerry Rappold
Land Use Planner

MEETING DATE: DEC 16 1999
AGENDA NO: R-3
ESTIMATED START TIME: 9:10

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: NOTICE OF INTENT to Apply to the U.S. Department of Justice/Bureau of Justice Assistance 1999 Open Solicitation for \$150,000 Local Criminal Justice Planning Grant to Create a Mental Health Docket in Multnomah County

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

REGULAR MEETING: DATE REQUESTED: December 16, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Sheriff's Office DIVISION: Law Enforcement

CONTACT: Val Owen TELEPHONE #: 736-6736
BLDG/ROOM #: 155/MCRC

PERSON(S) MAKING PRESENTATION: Val Owen or Sheri Humble

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

NOTICE OF INTENT to Apply to the U.S. Department of Justice/Bureau of Justice Assistance 1999 Open Solicitation for \$150,000 Local Criminal Justice Planning Grant to Create a Mental Health Docket in Multnomah County

CLERK OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 DEC - 8 AM 9:53

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Mel Hudgrett 12/7/99

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Sheri Humble, Sheriff's Office
DATE: December 10, 1999
RE: Notice of Intent to apply to the US Department of Justice/Bureau of Justice Assistance "1999 Open Solicitation" for a \$150,000 grant to partially fund a mental health docket in Multnomah County

1. Recommendation/Action Requested:

Request Board approval of grant submission

2. Background/Analysis:

It has widely known that jails and prisons have replaced state hospitals as the institutions most likely to deal with the mentally ill. A recent Department of Justice survey states that 16% of the nation's prison population suffers from disabling persistent mental illness. In Multnomah County, the figure is somewhat lower, but 13% is still a sizeable proportion of the jail population. An article in the Oregonian points out that state hospitals' population dropped from 560,000 patients in 1955 to 70,000 in 1995 at a time when the general population has obviously grown tremendously. Community mental health services, which were to have replaced state services, have not filled the gap. As the article points out "For many people with severe mental illness, it's easier to land in jail than it is to get treatment. But a handful of progressive communities across the country are experimenting with diversion sentencing that channels non-violent offenders into treatment." (Oregonian editorial, Disorder in the Court, Sept. 24, 1999). These communities include Broward County, Florida and King County in Washington. Both communities have explored the "mental health court" treatment option with favorable results. The judge who handles the mental health docket for King County has already visited our group and offered the benefit of his experience.

The core of this concept is that a judge familiar with the problems of the mentally ill offender will administer a special docket, supported by personnel with expertise in this area. The mentally ill offender who commits misdemeanors or other non-violent offenses will be given the option of appearing before this judge or going through the established criminal justice system. They may change their minds at any point up to trial. If they choose the mental health docket option, they will be

diverted into treatment rather than serving jail time for their offense. Other issues and problems with the client may also be addressed, such as assistance in obtaining housing or proper health care. Upon successful completion of treatment, the offender's record will be expunged.

In Multnomah County, the mental health docket concept is developing as a partnership between the Sheriff's Office, the DA's Office, Adult and Community Justice, state and county mental health services, defense attorneys and some non-profit advocacy and treatment providers. A group of experts in monitoring high-risk individuals, led by Dr. Bigelow of OHSU, has offered to do the evaluation portion of the program and obtain their own funding for that portion.

3. Financial Impact:

Part of the cost of operating the program can be readily absorbed by reallocation of resources and personnel from the agencies involved. The courts would have to allocate a judge's time to hear cases anyway, for instance. The Sheriff's Office and ACJ could designate specific personnel for the program. There will still be costs involved, however, for set-up. Space allocation and equipment is an issue, but the main problem lies in the cost of planning and program development. It is anticipated that it will take at least one FTE dedicated to this project to coordinate all planning efforts and interagency agreements. The budget for this project is being worked out and is in progress at this time. Both the Broward and King County models have a court administrator who deals with all administrative aspects of the court and is also a trained evaluator. In any event, the infusion of \$150,000 towards realization of this program would certainly be a welcome addition and could be utilized in many different ways without committing the county to future expenditures. There is no match requirement and only a concept paper, rather than a formal budget, is required to apply for the grant.

4. Legal Issues:

Legal issues as impediments have already been addressed by other communities and have been reviewed by our own District Attorney's Office, as well as defense attorneys in the community.

5. Controversial Issues:

Some consumer advocates feel that a "mental health court" stigmatizes the mentally ill and opens the door to forced treatment of the disabled, which may set a dangerous precedent. The task force currently working on this concept has invited participation from consumer groups and is keeping the process open. Other groups back the concept or are changing their minds as the process evolves with their

input. One major factor is the voluntary nature of the program. We also find that familiarizing people with specialized dockets already in existence and referring to the program as a "docket" rather than a "court" helps to reduce the fear of stigmatization. Another objection, from a very different sector, would argue that these are criminals who deserve no special treatment and do not need to be "molly-coddled". They should do their jail time like anyone else arrested for the same offense. The very real problem of matrixing and the fact that we need these beds for offenders who have committed more serious crimes is one way to address this concern. The mentally ill tend to spend much more time in jail than others (convicted for the same offense) because of their inability to navigate the system, so this is a serious problem.

6. Link to Current County Policies:

The Report of the Work Group on the Mental Health Treatment Needs of Offenders, which was published in February of 1997, states "**The Work Group has adopted the following Vision Statement as its guiding premise: Severely mentally ill offenders will be identified and managed by a system of collaborating agencies and jurisdictions. The goals of this system will be to increase public safety, reduce criminal behavior, reduce the number of mentally ill offenders in jail, and manage these offenders cost-effectively.**" The mental health docket project is certainly within the interagency, collaborative model envisioned by the group primarily responsible for carrying out county policy in this area. The Work Group operates under the auspices of the Public Safety Coordinating Council, which leads in developing and implementing county policies related to public safety.

7. Citizen Participation:

The meetings of the task force have been open to the public and we have made a special effort to invite consumer representatives to the table.

8. Other Government Participation:

As mentioned, this is a joint effort between the Sheriff's Office, the DA's Office, Adult and Community Justice and state and county mental health service providers.

MEETING DATE: DEC 16 1999
AGENDA NO: R-4
ESTIMATED START TIME: 9:15

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Rockwood Neighborhood Access Clinic Site

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

REGULAR MEETING: DATE REQUESTED: 12-16-99
AMOUNT OF TIME NEEDED: 5 mins

DEPARTMENT: Health DIVISION: Neighborhood Health

CONTACT: Jan Sinclair / Tom Fronk TELEPHONE #: 248-3674
BLDG/ROOM #: 160/8

PERSON(S) MAKING PRESENTATION: Jan Sinclair / Tom Fronk

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Rockwood Neighborhood Access Clinic

99 DEC - 8 AM 10:13
MULTI-COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lillian Shirley

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
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners
FROM: Lillian Shirley *Lillian Shirley*
VIA: Jan Sinclair / Tom Fronk
TODAY'S DATE: November 12, 1999
REQUESTED PLACEMENT DATE: December 16, 1999
SUBJECT: Rockwood Neighborhood Access site – site purchase

I. Recommendation / Action Requested:

Approve an increase of \$248,000 to the Health Department to purchase house / land for a Neighborhood Access Clinic in the Rockwood neighborhood.

II. Background / Analysis:

This action will authorize an inter-fund loan in the amount of \$248,000 to acquire a house on property at the South 75 feet of the West 160 feet of the North 498 feet of Lot 12, EASTWOOD, EXCEPT that part lying within Rockwood Road, in the City of Gresham, County of Multnomah and State of Oregon. The Health Departments budget has new operating money to open a Neighborhood Access site as close to January 1, 2000 as possible.

III. Financial Impact:

This resolution increases the cost to Multnomah County of \$55,000 for 5 years.

IV. Legal Issues: NA

V. Controversial Issues: NA

VI. Link to County Policies:

All health services to be provided are keeping with Multnomah County Health Department Strategic Plan and Multnomah County Benchmarks.

VII. Citizen Participation:

A Neighborhood Health Access site is a specific action step defined in the Rockwood Action Plan 12/98.

VIII. Other Government Participation:

The City of Gresham will be member of a Task Force for long range development of community services in Rockwood.

- A non-government agency, Wallace Medical Concern, will use this facility for evening / after hours urgency health care.

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

RESOLUTION NO. _____

Authorizing inter-fund loan in the amount of \$248,000 to acquire property described as follows: The South 75 feet of the West 160 feet of the North 498 feet of Lot 12, EASTWOOD, EXCEPT that part lying within Rockwood Road, in the City of Gresham, County of Multnomah and State of Oregon, and authorizing purchase of the property.

The Multnomah County Board of Commissioners Finds:

- a. The Health Department will site a Neighborhood Health Access Clinic at this location in Rockwood. This is an area with a high level of need for health and social services. This is an opportunity to address some of those needs. Services will include: Family Planning, WIC, Mobil Dental Services, Immunizations, Lead Screening and referral, OHP Screening, Childbirth and Parenting classes and most importantly neighborhood outreach, triage and referral services to ongoing health care.

Cost - Purchase price	\$190,000
Remodel	<u>58,000</u>
	\$248,000

- b. Senate Bill 1201, passed by the 1999, legislature authorizes local governments to make inter fund loans for capital as long as the loan is approved by the governing body and the loan is to be repaid over a period not to exceed 5 years.
- c. The County's Financial and Budget Policy, Resolution 99-144, authorizes loans to be made from the Capital Acquisition Fund to enable the County to take advantage of capital acquisition opportunities.
- d. The Health Department has met the requirements of Resolution 99-144, Sale of Unrestricted Property.
- e. The Capital Acquisition Fund has approximately \$400,000 cash on hand for this purpose.

The Multnomah County Board of Commissioners Resolves:

1. A loan of \$248,000 from the Capital Acquisition Fund is authorized for purchase the property described as the South 75 feet of the West 160 feet of the North 498 feet of Lot 12, EASTWOOD, EXCEPT that part lying within Rockwood Road, in the City of Gresham, County of Multnomah and State of Oregon, and to make additions and improvements to the property.
2. Purchase of the above described property is authorized for the sum of \$190,000 subject to receipt of a written appraisal of the property which supports the purchase price.

3. The Health Department will budget and repay the Capital Acquisition Fund, the sum of \$57,600 each year for the next five years, including interest at 5.2%, (current investment pool rate) per annum.
4. The first annual payment is due in fiscal year 2000/2001.
5. The Health Department may prepay the loan principal at any time during the term of this loan without penalty as long as the appropriate budget action is taken.

ADOPTED this 16th day of December, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

Reviewed:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By



John Thomas, Assistant County Counsel

BUDGET MODIFICATION NO. DSS 4

(For Clerk's Use) Meeting Date DEC 16 1999

Agenda No. R-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR December 16, 1999
(Date)

DEPARTMENT Support Services DIVISION Emergency Management

CONTACT Maria Kintaro TELEPHONE 618-2363

*NAME (s) OF PERSON MAKING PRESENTATION TO BOARD Mike Gilsdorf

SUGGESTED

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

Budget Modification requesting authorization to recognize \$10,000 in revenues to be received from Oregon Emergency Management for the Consequences of Terrorism Grant.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the 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

Funding to be received from Oregon Emergency Management. Funds will be placed under the Professional Services which will be used to hire a consultant who will develop a plan to prepare, respond, and recover from acts of terrorism.

MULTNOMAH COUNTY
 CLERK OF COUNTY COMMISSIONERS
 99 DEC - 8 PM 12: 12

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

A total of \$10,000 revenue will be received.

4. CONTINGENCY STATUS (to be completed by Finance/budget)

_____ Contingency before this modification (as of _____) \$ _____
(Specify Fund) (Date)

_____ After this modification \$ _____

Originated by <i>Whitney</i>	Date <i>11/14/99</i>	Department Manager <i>Vickie S. Galt</i>	Date <i>Nov. 15, 99</i>
Budget Analyst <i>J. Mark Campbell</i>	Date <i>11-26-99</i>	Personnel Analyst	Date
Board Approval <i>DEBORAH C. BOSTAD</i>	Date <i>12/16/99</i>		Date

DSS 4

EXPENDITURE

TRANSACTION EB GM []

TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		156	070	7301			6110	2,000	12,000	10,000		
		156	070	7301			7100	8,139	8,512	373		
		100	070	9130			7608	169,349	169,722	373		
TOTAL EXPENDITURE CHANGE										10,746		

REVENUE

TRANSACTION RB GM []

TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	RSRC	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		156	070	7301					10,000	10,000		Oregon Emergency Management
		156	070	7301			7601	169,349	169,722	373		
		100	075	7410			6602			373		
TOTAL REVENUE CHANGE										10,746		



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET AND QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97293
PHONE (503) 248-3883

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: J. Mark Campbell, Budget and Quality Division *JMC*

DATE: November 26, 1999

RE: Budget Modification – DSS # 4

1. Recommendation/Action Requested:
Approve the attached Budget Modification.
2. Background/Analysis:
The Emergency Management Division will be receiving a “Consequences of Terrorism” grant from the Oregon Emergency Management Department. This budget modification recognizes the grant revenue and provides for the develop a plan to prepare, respond to and recover from acts of terrorism.
3. Financial Impact:
The grant award is \$10,000 and is being authorized on a one time only basis.
4. Legal Issues:
N/A
5. Controversial Issues:
N/A
6. Link to Current County Policies:
N/A
7. Citizen Participation:
N/A
8. Other Government Participation:
N/A

MEETING DATE: _____

AGENDA NO.: _____

ESTIMATED START TIME: _____

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: OEM Terrorism Grant

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: 12/16/99

Amount of Time Needed: 5-MINUTES

DEPARTMENT: Support Services

DIVISION: Emergency Management

CONTACT: Mike Gilsdorf

TELEPHONE #: 618-2363

BLDG/ROOM#: 313/EM

PERSON(S) MAKING PRESENTATION: Mike Gilsdorf

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE

OEM Terrorism Grant

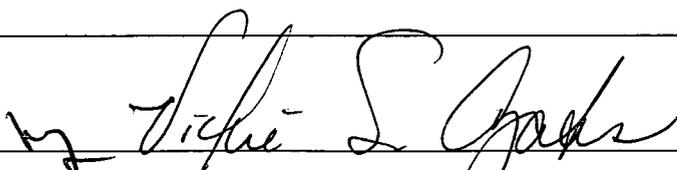
*** NOT BOARD ACTION IGA
12/16/99 ORIGINALS to MARIA KINTARO**

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk @248-3277

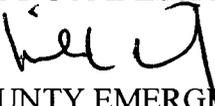
99 DEC - 1 PM 3:03
MULTI-COUNTY
OREGON
COUNTY COMMISSIONERS



MULTNOMAH COUNTY OREGON

OFFICE OF EMERGENCY MANAGEMENT
1333 NW EASTMAN PARKWAY
GRESHAM, OREGON 97030
(503) 618-2363

SUPPLEMENTAL STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS
FROM: MIKE GILSDORF 
MULTNOMAH COUNTY EMERGENCY MANAGEMENT

TODAY'S DATE: 11-8-99

REQUESTED PLACEMENT DATE: 12/16/99

RE: Consequences of Terrorism Grant

I. Recommendation/Action Requested:

Approval of Terrorism Grant from Oregon Emergency Management.

II. Background/Analysis:

FEMA has made funds available for state and local terrorism consequence management planning and training. Oregon Emergency Management has awarded Multnomah County \$10,000 to assist in preparing, responding and recovering from acts of terrorism.

The Office of Emergency Management will develop a terrorism consequence management planning model at the elementary, middle and high school levels. A School Crisis Action Team (SCAT) pilot program will be developed to provide school personnel with critical emergency response skills needed to effectively manage a terrorist incident.

The majority of the project will be performed by a consultant to be hired under a personal services contract in coordination with Emergency Management.

III. Financial Impact:

Multnomah County will receive \$10,000 to fund this program.

IV. Legal Issues:

None

V. Controversial Issues:

None

VI. Link to Current County Policies:

None

VII. Citizen Participation:

School volunteers.

VIII. Other Government Participation:

Oregon Emergency Management; East County School Districts; Fairview, Gresham, Troutdale Police Department's; Multnomah County Sheriff's Office; FD #14; and Gresham Fire Department.



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 0011080

Amendment # _____

<p>CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p>	<p>CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (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>CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement</p>
--	--	--

Department SUPPORT SERVICES Division EMERGENCY MNGMT. Date 11/9/99

Contract Originator MIKE GILSDORF Phone 618-2526 Bldg/Room 313/EM

Administrative Contact MARIA KINTARO Phone 618-2363 Bldg/Room " "

Description of Contract CONSEQUENCES OF TERRORISM GRANT

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is MBE WBE QRF

Contractor Name OREGON STATE POLICE
OREGON EMERGENCY MNGMT

Mailing Address 595 COTTAGE ST NE
SALEM, OR. 97310

Phone 503-378-2911

Employer ID# or SS# _____

Effective Date _____

Termination Date JUNE 30, 2000

Original Contract Amount \$ 10,000.-

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Remittance Address _____
(If Different) _____

Payment Schedule _____ Terms _____

Lump Sum \$ _____ Due on receipt

Monthly \$ _____ Net 30

Other \$ _____ Other _____

Requirements contract - Requisition required.

Purchase Order No. _____

Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager [Signature]

Purchasing Director (Class II Contracts Only) [Signature]

County Counsel [Signature]

County Chair / Sheriff [Signature]

Contract Administration (Class I, Class II Contracts Only) _____

Encumber: Yes No

Date Nov. 15, 1999

Date _____

Date 11/19/99

Date December 16, 1999

Date _____

VENDOR CODE		VENDOR NAME							TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.											
02.											
03.											

* If additional space is needed, attach separate page. Write contract # on top of page.

INSTRUCTIONS ON REVERSE SIDE

INTERGOVERNMENTAL AGREEMENT

This agreement is entered into between the State of Oregon, acting by and through its Department of State Police, Oregon Emergency Management, hereinafter called OEM, and Multnomah County Emergency Management, hereinafter called MCEM.

OEM and MCEM are the only parties to this agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

This Agreement and attached exhibits, if applicable, constitutes the entire Agreement between the parties. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and until all required reviews have been obtained. Such waiver, consent, modification or change if made, shall be effective only in specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.

1. TERMS OF AGREEMENT

The terms of this Agreement were outlined in OEM's August 10, 1999 memo and guidance document.

2. PURPOSE OF AGREEMENT

The purpose of this Agreement is to administer Terrorism Grant Funds. Funds will be used to enhance the response capabilities of the state of Oregon to a weapons of mass destruction event by providing funding for terrorism consequence management planning activities.

3. INDEPENDENT CONTRACTOR: LIABILITY

MCEM shall perform service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement, including but not limited to federal and state income tax withholdings, workers' compensation unemployment taxes, and contributions to the Public Employees Retirement System.

MCEM shall be responsible, to the extent required by Oregon Tort Claims Act, ORS 30.260-30.300, only for the acts, omissions or negligence of its own officers, employees or agents.

4. STATEMENT OF WORK

MCEM proposes to develop an East County terrorism consequence management planning model at the elementary, middle and high school levels to use in preparing for, responding to,

and recovering from acts of terrorism.

The planning model will include:

- SERT tactical pre-planning
- Campus incident
- Identification and use of staging locations for emergency medical units, parents and media
- Incident communications
- School staff response procedures and training
- Post-event consideration

A School Crisis Action Team (SCAT) pilot program will be developed to provide school personnel with critical emergency response skills needed to effectively manage a terrorist incident. SCAT will be modeled after the Incident Command System (ICS) and assist schools to:

- Identify potential school crisis situations/hazards
- Develop an incident action plan
- Prioritize response actions
- Assign specific roles and responsibilities
- Train and exercise SCAT procedures

Deliverables

Model plan for preparing for, responding to, and recovery from an incident of school terrorism (disk format).

School Crisis Action Team (SCAT) model program for developing response procedures and training school teams to handle response actions during an incident (disk format).

5. SCHEDULE OF SERVICES

MCEM shall complete deliverables by June 30, 2000.

6. CONSIDERATION AND PROVISIONS FOR PAYMENT

- A. OEM agrees to reimburse MCEM in the amount of \$10,000 for the above activities. Any expenses related to the completion of the work specified herein shall be included in this amount. All expenses to fulfill the contract are the responsibility of the MCEM and are to be covered by the contract amount of \$10,000.
- B. MCEM will submit to OEM an invoice (with copies of receipts) of applicable charges for verification and approval of expenditure before payment is made by OEM. OEM will have 15 working days from date of receipt of invoice and supporting documentation to review and approve or contest, in writing, expenditures. After 15 working days, uncontested expenditures may be considered as accepted. Contested expenditures will be open to appeal, but the decision of OEM will be final. MCEM will be reimbursed

for approved expenditures within thirty (30) calendar days of approval of all expenditures.

7. SUBCONTRACTS

MCEM may enter into subcontracts for any of the work scheduled under this agreement.

8. FUNDS AVAILABLE AND AUTHORIZED

OEM certifies at the time the agreement is written that sufficient funds are available and authorized for expenditure to finance costs of this agreement within the OEM current appropriation/limitation in the Terrorism grant.

9. AMENDMENTS

The terms of this agreement shall not be waived, altered, modified, supplemented or amended, in any manner, except by written agreement signed by all parties.

10. TERMINATION

This Agreement terminates on June 30, 2000, or upon completion of the statement of work, or unless sooner terminated or extended pursuant to other provisions of this Agreement.

This agreement may be terminated by either party at any time and for any reason by supplying all parties with a 30 day written notice of intent. Any termination shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

OEM may terminate this Agreement effective upon delivery of written notice to MCEM, or at such later date as may be established by OEM, under any condition including but not limited to the following:

- A. If MCEM fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
- B. If MCEM fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from OEM fails to correct such failures within ten (10) days or such longer period as OEM may authorize.
- C. If OEM fails to receive funding or appropriations, limitations or other expenditure authority at levels sufficient to pay for the work provided in this Agreement.
- D. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that the work under this Agreement is prohibited or if OEM is prohibited from paying for such work from the planned funding source.

11. COMPLIANCE WITH APPLICABLE LAW

MCEM agrees to comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320, and 279.555. Without limiting the generality of the foregoing, MCEM expressly agrees to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

12. INDEMNIFICATION

Each party to this Agreement shall be responsible for damage to persons or property resulting from negligence on the part of itself, its employees, its agents or its officers. Neither party assumes any responsibility to the other for the consequences for any act or omission of any person, firm, or corporation, not a party to this Agreement.

13. OWNERSHIP

MCEM must clearly and visibly credit all products resulting from this Agreement as having been "Copied or developed with funding obtained by the Oregon Department of State Police, Oregon Emergency Management Division, through a Federal Terrorism Grant."

14. NONDISCRIMINATION

MCEM agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.

15. ASSIGNMENT

MCEM shall not assign or transfer their interest in this Agreement without the express written consent of OEM.

16. ATTORNEY FEES

In the event a lawsuit of any kind is instituted on behalf of the state to collect any payment due under this Agreement or to obtain performance of any kind under this Agreement, MCEM agrees to pay such additional sums as the court may adjudge for reasonable attorney fees and to pay all costs and disbursements incurred therein.

17. FORCE MAJEURE .

MCEM shall not be held responsible for delay or default caused by fire, riot, acts of God and war which are beyond MCEM's reasonable control.

18. WORKERS COMPENSATION PROVISION

MCEM, its subcontractor's, if any, and all employers working under this Agreement are subject employers under the Oregon Workers Compensation Law and shall comply with ORS 656.017, which requires them to provide worker's compensation coverage for all their subject workers.

19. COMPLIANCE WITH TAX LAWS

The MCEM certifies, under penalty of perjury, they are not in violation of any Oregon Tax Laws. Oregon Tax Laws are Oregon Revised Statutes (ORS) Chapters 118, 119, 314, 316, 317, 318, 320, 321, and 323 and Sections 10 to 20, Chapter 533, Oregon Laws 1981, as amended by Chapter 16, Oregon Laws 1982 (first special session); the Homeowners and Renters Property Tax Relief Program under ORS 310.620 to 310.690; and any local tax laws administered by the Oregon Department of Revenue under ORS 305.620.

20. RECORDS MAINTENANCE AND ACCESS

MCEM acknowledges and agrees that OEM and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives shall have access to all fiscal records and other books, documents, papers, plans and writings of MCEM that are pertinent to this Agreement to perform examinations and audits and make excerpts and transcripts.

21. SIGNATURES

MULTNOMAH COUNTY EMERGENCY MANAGEMENT

Richie S. Goble Nov. 15, 99
Title Date

OREGON STATE POLICE

Kenneth Weese, Director Date
Administrative Services Division

REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY

BY *Thomas Sponsler*
ASSISTANT COUNTY COUNSEL

DATE 11/19/99

#1

SPEAKER SIGN UP CARDS

DATE December 16, 1999

NAME

John Chism

ADDRESS

American Heart Association

1425 NE IRVING #100, PORTLAND, OR 97232

PHONE

503-233-0100

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-6 = Creating Smokefree Workplaces

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 12/16/99

NAME RICHARD NORBYH

ADDRESS 17070 SW RIVENDELL

DURHAM, OR 97224

PHONE 736-6325(B) 968-1520(H)

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC WORKPLACE SMOKING

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME

John Nichols

ADDRESS

8576 N. Polk Av

Portland OR 97203

PHONE

503-286-3206

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

R-6

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 12/16/99

NAME Jono Hildner

ADDRESS 800 NE Oregon St.

Portland

PHONE 503/731-4000

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Smoking Ordinance

GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME

LILLIAN STIRLEY

ADDRESS

2818 NE 15th Ave
Portland OR

PHONE

503-331-7443

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC. Smoking Ordinance.

GIVE TO BOARD CLERK

#6

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME

GARY RANDLE

ADDRESS

3240 SE FIRST #3

GRESHAM, OR

PHONE

(503) 661-2192

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-10 SMOKE IN WORKPLACE

GIVE TO BOARD CLERK

#7

SPEAKER SIGN UP CARDS

DATE

12/16/99

NAME

John McEnroe

ADDRESS

1800 SE Stark St #206

Portland, OR 97214-1500

PHONE

503-232-6918

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

smoking ban

R-6

GIVE TO BOARD CLERK

#8

SPEAKER SIGN UP CARDS

DATE 12/16/99

NAME

BRUCE ALEXANDER KNIGHT

ADDRESS

131 SE 22d Ave Dr

PORTLAND, OR 97214

PHONE

736-1259

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC SMOKING BAN R-10

GIVE TO BOARD CLERK

MEETING DATE: DEC 09 1999
AGENDA NO: R-6
ESTIMATED START TIME: 9:45

DEC 16 1999
R-6

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

9:25

SUBJECT: An Ordinance repealing MCC 27.300 and 27.301, adding new provisions to MCC Chapter 21 relating to workplace hazards, and creating smoke-free workplaces

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

REGULAR MEETING: DATE REQUESTED: December 9, 1999
AMOUNT OF TIME NEEDED: 1 hour

DEPARTMENT: Non-departmental DIVISION: Commissioners Diane Linn and Lisa Naito

CONTACT: Ramsay Weit/Charlotte Comito TELEPHONE #: 248-5220/248-5217
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Commissioners Linn and Naito and invited others

ACTION REQUESTED:

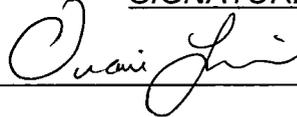
INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

An Ordinance repealing MCC 27.300 and 27.301, adding new provisions to MCC Chapter 21 relating to workplace hazards, and creating smoke-free workplaces

12/20/99 copies to SCC, Wendy Rankin, Ordinance Distribution list

SIGNATURES REQUIRED:

ELECTED OFFICIAL: 
(OR)
DEPARTMENT
MANAGER: _____

99 NOV 30 PM 4:42
MULTIPLIPLY COUNTY
OREGON
OFFICE OF
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



Diane Linn, Multnomah County Commissioner

DISTRICT ONE

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioners Linn and Naito

DATE: November 30, 1999

RE: Smoke-free workplace ordinance

1. Recommendation/Action Requested:

Approval on First Reading of the ordinance establishing smoke-free workplaces in Multnomah County.

2. Background/Analysis:

Documented health risks attached to the prevalence of secondhand smoke in the workplace create a matter of county concern. As the public health authority, Multnomah County is specifically charged with providing services to reduce tobacco consumption. Many workers are routinely exposed to personal health hazards resulting from others' smoking habits on the job. This ordinance, with noted exemptions, requires every employer in the County to provide a place of employment free of tobacco smoke for all employees.



3. Financial Impact:

No identified financial impact to the County. Multnomah County already provides a smoke-free workplace to its employees and the public at all County facilities. Moreover, the cost of any enforcement and/or educational activities that result from adoption of the Ordinance will be absorbed by the health Department.

4. Legal Issues:

Regulation of smoking is consistent with the County's public health authority.

5. Controversial Issues:

Smoking is not an illegal activity, and some argue that regulating secondhand smoke is a violation of smokers' "right to smoke."

6. Link to Current County Policies:

This ordinance expands the existing policy prohibiting smoking in County facilities.

7. Citizen Participation:

The Multnomah County Tobacco Prevention Coalition represents a cross-section of the community whose goals include preventing tobacco-related illness and promoting projects that prevent and reduce tobacco use.

8. Other Government Participation:

Public employers are subject to the provisions of the Ordinance.

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. _____
4

5 An ordinance repealing MCC 27.300 and 27.301 and adding new provisions to MCC
6 Chapter 21 relating to workplace hazards.

7 **The Multnomah County Board of Commissioners Finds:**

8 a. Health hazards brought about by breathing second-hand smoke include lung
9 cancer, heart disease, respiratory infection, and decreased respiratory function, including
10 bronchoconstriction and bronchospasm.

11 b. Children exposed to second hand smoke suffer increased rates of bronchitis, ear
12 infections, asthma, allergies and meningococcal meningitis.

13 c. Thirty-two percent (32%) of Multnomah County workers report being exposed to
14 second-hand tobacco smoke in the workplace. (1997) Tobacco Baseline Survey, Multnomah
15 County Respondent, Oregon Health Division.

16 d. Forty-three percent (43%) of food service workers in Multnomah County report
17 being exposed to second-hand smoke while they are working. (1998) Multnomah County Food
18 Service Worker Survey.

19 e. Multnomah County is the local public health authority, under ORS 431.375(2),
20 charged with providing public health services in Multnomah County.

21 f. As the local public health authority, Multnomah County is charged with assuring
22 the "activities necessary for the preservation of health or prevention of disease in the area under
23 its jurisdiction." ORS 431.416(2).

24 g. The Multnomah County Department of Health has established a county-wide
25 network of education and clinical services available to all residents of Multnomah County.
26

1 h. As the public health authority, Multnomah County is specifically charged with
2 providing services to reduce tobacco consumption. ORS 431.832 and OAR 333-010-330.

3 i. Multnomah County Home Rule Charter Chapter 2.10 grants the county authority
4 over matters of county concern.

5 j. The Board of County Commissioners declares that this ordinance is to protect
6 the public health and welfare by prohibiting smoking in places of employment.

7

8 **Multnomah County Ordains as follows:**

9 **Section 1.** MCC Chapter 21 is amended to add:

10 **§ 21.500 SMOKE-FREE WORKPLACES**

11 **§ 21.501 DEFINITIONS.**

12 For the purpose of this subchapter, the following definitions shall apply unless the
13 context requires a different meaning.

14 **BAR.** An area devoted to the serving of alcoholic beverages for consumption by guests
15 on premises and where the serving of food is only incidental to the consumption of such
16 beverages.

17 **BUSINESS.** Any sole proprietorship, partnership, joint venture, corporation, or other
18 business entity, including retail establishments where goods or services are sold, as well as
19 professional corporations and other entities where professional services are delivered.

20 **EMPLOYEE.** Any person who is employed by any employer in the consideration for
21 direct or indirect monetary wages or profit, and any person who volunteers his or her services to
22 a non-profit entity.

23 **EMPLOYER.** Any person or entity who employs the services of one or more individuals.

24 **ENCLOSED AREA.** All space between a floor and a ceiling that is enclosed on all sides
25 by solid walls or windows (exclusive of door or passageways) that extend from the floor to the
26 ceiling, including all space therein screened by partitions that do not extend to the ceiling or are

1 not solid, such as "office landscaping" or similar structures. Enclosed areas do not include
2 breakrooms designated for smoking (smoking room) by employers if the following conditions are
3 met:

4 1. The smoking room is not accessible to minors.

5 2. Air from the smoking room is exhausted directly to the outside by an exhaust fan
6 and not recirculated to other parts of the building.

7 3. The smoking room is in compliance with ventilation standards established by the
8 Department of Health by administrative rule.

9 4. The smoking room is located in a non-work area where no one, as part of his or
10 her work responsibilities, is required to enter. For purposes of this paragraph, "work
11 responsibilities" does not include custodial or maintenance work carried out in the smoking room
12 when it is unoccupied.

13 5. There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

14 **PLACE OF EMPLOYMENT.** Any enclosed area under the control of a public or private
15 employer that employees normally frequent during the course of employment, including, but not
16 limited to, work areas, employee lounges and rest rooms, conference and class rooms,
17 cafeterias and hallways. A private residence is not a "place of employment" unless it is used as
18 a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS
19 410.490 or a health care facility as defined in ORS 442.015.

20 **RETAIL TOBACCO STORE.** A retail store utilized primarily for the sale of tobacco
21 products and accessories and where the sale of other products is secondary.

22 **SMOKING.** Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette,
23 weed, plant, or other tobacco-like product or substances in any manner or in any form.

24 **TOBACCO PRODUCT.** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco
25 or any other form of tobacco which may be utilized for smoking, inhalation, or other means of
26 ingestion.

1 **§ 21.502 SMOKING PROHIBITED IN PLACES OF EMPLOYMENT.**

2 Every employer shall provide a place of employment free of tobacco smoke for all
3 employees.

4 **§ 21.503 PLACES WHERE SMOKING IS NOT REGULATED.**

5 Notwithstanding any other provision of this section to the contrary, the following areas
6 shall not be subject to any smoking restrictions contained within this subchapter:

7 (A) Private residences, unless the private residence is used as a child care facility as
8 defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care
9 facility as defined in ORS 442.015;

10 (B) Rented motel or hotel rooms that are designated in some manner as smoking-
11 allowed rooms by the owners of the establishment renting the rooms;

12 (C) Private rooms rented for an occupancy that exceeds one month and that are not
13 located in a private residence used as a child care, adult day care or health facility;

14 (D) Bars, if the Oregon Liquor Control Commission requires posting the premises to
15 prohibit the presence of minors;

16 (E) Bar portions of bar and restaurant combinations if the Oregon Liquor Control
17 Commission requires posting the premises to prohibit the presence of minors;

18 (F) Bingo operations licensed pursuant to ORS 464.250 et seq. and race courses
19 operated by a licensee licensed under ORS chapter 462;

20 (G) Retail tobacco stores.

21 **§ 21.504 POSTING "NO SMOKING" SIGNS.**

22 "No smoking" signs or the international "no smoking" symbol (consisting of a pictorial
23 representation of a burning cigarette enclosed in a circle with a bar across the cigarette) shall be
24 clearly, sufficiently, and conspicuously posted in every building or other area where smoking is
25 prohibited by this subchapter, by the owner, manager, or other person having control of such
26

1 building or other area, including private residences used as a child care, adult day care or health
2 care facility.

3 **§ 21.505 OTHER VIOLATIONS.**

4 It shall be a violation of this subchapter for every day any person, who owns, manages,
5 operates or otherwise controls the use of any premises, subject to regulation under §§ 21.500 et
6 seq., fails to comply with any provisions therein. Each day shall be a separate violation.

7 **§ 21.506 SMOKING IN WORKPLACE PROHIBITED**

8 It shall be a violation of §§ 21.500 et seq. for any person to smoke in any area where
9 smoking is prohibited by the provisions of §§ 21.500 et seq.

10 **§ 21.507 OTHER LAWS**

11 This subchapter shall not be interpreted or construed to permit smoking where it is
12 otherwise restricted by other applicable laws.

13

14 **Section 2.** MCC § 21.999 is amended to add:

15 **§ 21.999 PENALTY.**

16

17 (D) *Smoke-Free workplace violations*

18 Any person who violates §§ 21.500 et seq. shall be subject to the following penalties
19 imposed by the Multnomah County Department of Health:

20 (1) For a first violation, a notice and warning, with educational materials and
21 a referral phone number for the Tobacco Prevention Program. The Tobacco Prevention
22 Program shall provide technical assistance to achieve compliance upon request.

23 (2) For a second violation within a 12 month period, the employer and
24 Tobacco Prevention staff will jointly develop a smoke-free workplace remediation plan.

25

26

1 (3) For subsequent violations, a civil fine consistent with the fine schedule
2 adopted by the Director of the Department of Health by administrative rule.

3 (4) Fines imposed under (3) may be appealed in writing to the Director of the
4 Multnomah County Department of Health. The Director's decision shall be final.

5
6 **Section 3.** MCC §§ 27.300 and 27.301 are repealed and this ordinance is effective
7 April 3, 2000.

8
9 FIRST READING: _____

10 SECOND READING AND ADOPTION: _____

11 MULTNOMAH COUNTY COMMISSIONERS
12 FOR MULTNOMAH COUNTY, OREGON

13
14 By _____
15 Beverly Stein, Chair

16 REVIEWED:

17 THOMAS SPONSLER, COUNTY COUNSEL
18 FOR MULTNOMAH COUNTY, OREGON

19 By  _____
20 Katie Gaetjens, Assistant County Counsel

21
22 h:\data\advisory\gaetjens_advisory\ordinances\smoke-free workplace11-29final.doc

23

24

25

26

MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

COMMISSIONER SHARRON KELLEY
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MEMORANDUM

TO: Board of County Commissioners

FROM: Commissioner Sharron Kelley

RE: Proposed Amendments to R-8 (smoke-free workplaces)

DATE: December 9, 1999

Deletions are [bracketed]; additions are underlined.

1. Amend Section 3 (page 6, lines 6-7) to read as follows:

MCC sections 27.300 and 27.301 are repealed and this ordinance is effective [April 3] July 1, 2000[.], except as provided in Section 4.

2. Add Section 4 (page 6) to read as follows:

Section 4. Sections 21.999 (3)-(4) are effective on July 1, 2001.

3. Add Section 21.503(H) (page 4) to read as follows:

(H) Employers with a total of five or fewer employees, either full or part-time, may permit smoking where all of the following conditions are met:

1. The smoking area is not accessible to minors.
2. All employees who enter the smoking area consent to permit smoking. No one, as part of his or her work responsibilities, shall be required to work in an area where smoking is permitted.
3. Air from the smoking area is exhausted directly to the outside by an exhaust fan and not recirculated to other parts of the building.
4. The smoking area is in compliance with ventilation standards established by the Department of Health by administrative rule.

1 h. As the public health authority, Multnomah County is specifically charged with
2 providing services to reduce tobacco consumption. ORS 431.832 and OAR 333-010-330.

3 i. Multnomah County Home Rule Charter Chapter 2.10 grants the county authority
4 over matters of county concern.

5 j. The Board of County Commissioners declares that this ordinance is to protect
6 the public health and welfare by prohibiting smoking in places of employment.

7
8 **Multnomah County Ordains as follows:**

9 **Section 1.** MCC Chapter 21 is amended to add:

10 **§ 21.500 SMOKE-FREE WORKPLACES**

11 **§ 21.501 DEFINITIONS.**

12 For the purpose of this subchapter, the following definitions shall apply unless the
13 context requires a different meaning.

14 **BAR.** An area devoted to the serving of alcoholic beverages for consumption by guests
15 on premises and where the serving of food is only incidental to the consumption of such
16 beverages.

17 **BUSINESS.** Any sole proprietorship, partnership, joint venture, corporation, or other
18 business entity, including retail establishments where goods or services are sold, as well as
19 professional corporations and other entities where professional services are delivered.

20 **EMPLOYEE.** Any person who is employed by any employer in the consideration for
21 direct or indirect monetary wages or profit, and any person who volunteers his or her services to
22 a non-profit entity.

23 **EMPLOYER.** Any person or entity who employs the services of one or more individuals.

24 **ENCLOSED AREA.** All space between a floor and a ceiling that is enclosed on all sides
25 by solid walls or windows (exclusive of door or passageways) that extend from the floor to the
26 ceiling, including all space therein screened by partitions that do not extend to the ceiling or are

1 not solid, such as "office landscaping" or similar structures. Enclosed areas do not include
2 breakrooms designated for smoking (smoking room) by employers if the following conditions are
3 met:

4 1. The smoking room is not accessible to minors.

5 2. Air from the smoking room is exhausted directly to the outside by an exhaust fan
6 and not recirculated to other parts of the building.

7 3. The smoking room is in compliance with ventilation standards established by the
8 Department of Health by administrative rule.

9 4. The smoking room is located in a non-work area where no one, as part of his or
10 her work responsibilities, is required to enter. For purposes of this paragraph, "work
11 responsibilities" does not include custodial or maintenance work carried out in the smoking room
12 when it is unoccupied.

13 5. There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

14 **PLACE OF EMPLOYMENT.** Any enclosed area under the control of a public or private
15 employer that employees normally frequent during the course of employment, including, but not
16 limited to, work areas, employee lounges and rest rooms, conference and class rooms,
17 cafeterias and hallways. A private residence is not a "place of employment" unless it is used as
18 a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS
19 410.490 or a health care facility as defined in ORS 442.015.

20 **RETAIL TOBACCO STORE.** A retail store utilized primarily for the sale of tobacco
21 products and accessories and where the sale of other products is secondary.

22 **SMOKING.** Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette,
23 weed, plant, or other tobacco-like product or substances in any manner or in any form.

24 **TOBACCO PRODUCT.** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco
25 or any other form of tobacco which may be utilized for smoking, inhalation, or other means of
26 ingestion.

1 **§ 21.502 SMOKING PROHIBITED IN PLACES OF EMPLOYMENT.**

2 Every employer shall provide a place of employment free of tobacco smoke for all
3 employees.

4 **§ 21.503 PLACES WHERE SMOKING IS NOT REGULATED.**

5 Notwithstanding any other provision of this section to the contrary, the following areas
6 shall not be subject to any smoking restrictions contained within this subchapter:

7 (A) Private residences, unless the private residence is used as a child care facility as
8 defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care
9 facility as defined in ORS 442.015;

10 (B) Rented motel or hotel rooms that are designated in some manner as smoking-
11 allowed rooms by the owners of the establishment renting the rooms;

12 (C) Private rooms rented for an occupancy that exceeds one month and that are not
13 located in a private residence used as a child care, adult day care or health facility;

14 (D) Bars, if the Oregon Liquor Control Commission requires posting the premises to
15 prohibit the presence of minors;

16 (E) Bar portions of bar and restaurant combinations if the Oregon Liquor Control
17 Commission requires posting the premises to prohibit the presence of minors;

18 (F) Bingo operations licensed pursuant to ORS 464.250 et seq. and race courses
19 operated by a licensee licensed under ORS chapter 462;

20 (G) Retail tobacco stores.

21 **§ 21.504 POSTING "NO SMOKING" SIGNS.**

22 "No smoking" signs or the international "no smoking" symbol (consisting of a pictorial
23 representation of a burning cigarette enclosed in a circle with a bar across the cigarette) shall be
24 clearly, sufficiently, and conspicuously posted in every building or other area where smoking is
25 prohibited by this subchapter, by the owner, manager, or other person having control of such
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1 building or other area, including private residences used as a child care, adult day care or health
2 care facility.

3 **§ 21.505 OTHER VIOLATIONS.**

4 It shall be a violation of this subchapter for every day any person, who owns, manages,
5 operates or otherwise controls the use of any premises, subject to regulation under §§ 21.500 et
6 seq., fails to comply with any provisions therein. Each day shall be a separate violation.

7 **§ 21.506 SMOKING IN WORKPLACE PROHIBITED**

8 It shall be a violation of §§ 21.500 et seq. for any person to smoke in any area where
9 smoking is prohibited by the provisions of §§ 21.500 et seq.

10 **§ 21.507 OTHER LAWS**

11 This subchapter shall not be interpreted or construed to permit smoking where it is
12 otherwise restricted by other applicable laws.

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14 **Section 2.** MCC § 21.999 is amended to add:

15 **§ 21.999 PENALTY.**

16

17 (D) *Smoke-Free workplace violations*

18 Any person who violates §§ 21.500 et seq. shall be subject to the following penalties
19 imposed by the Multnomah County Department of Health:

20 (1) For a first violation, a notice and warning, with educational materials and
21 a referral phone number for the Tobacco Prevention Program. The Tobacco Prevention
22 Program shall provide technical assistance to achieve compliance upon request.

23 (2) For a second violation within a 12 month period, the employer and
24 Tobacco Prevention staff will jointly develop a smoke-free workplace remediation plan.

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1 (3) For subsequent violations, a civil fine consistent with the fine schedule
2 adopted by the Director of the Department of Health by administrative rule.

3 (4) Fines imposed under (3) may be appealed in writing to the Director of the
4 Multnomah County Department of Health. The Director's decision shall be final.

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6 **Section 3.** MCC §§ 27.300 and 27.301 are repealed and this ordinance is effective
7 July 1, 2000, except as provided in Section 4.

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9 **Section 4.** MCC §§ 21.999(3)-(4) are effective July 1, 2001.

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11 FIRST READING: December 9, 1999

12 SECOND READING AND ADOPTION: December 16, 1999

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14 MULTNOMAH COUNTY COMMISSIONERS
15 FOR MULTNOMAH COUNTY, OREGON

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By _____
Beverly Stein, Chair

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REVIEWED:

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THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

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By 
Katie Gaetjens, Assistant County Counsel

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1. Amend Section 1 (page 2, lines 14-16) with respect to MCC §21.501, Definitions, to delete the definition of "Bar" as follows:

[**BAR.** An area devoted to the serving of alcoholic beverages for consumption by guests on premises and where the serving of food is only incidental to the consumption of such beverages.]

2. Amend Section 1 (page 4, lines 14-20) with respect to MCC §21.503, Places Where Smoking Is Not Regulated, to read as follows:

(D) [Bars, if] Any facility licensed by the Oregon Liquor Control Commission to serve alcohol by the drink for consumption on the premises that is posted [requires posting the premises] to prohibit the presence of minors;

[(E) Bar portions of bar and restaurant combinations if the Oregon Liquor Control Commission requires posting the premises to prohibit the presence of minors;]

[(F)](E) Bingo operations licensed pursuant to ORS 464.250 et seq. and race courses operated by a licensee licensed under ORS chapter 462;

[(G)](F) Retail tobacco stores.

3. Amend Section 2 (page 5, line 24) to add a sentence to MCC §21.999 (D) (2) Smoke-Free workplace violations to read as follows:

(2) For a second violation within a 12 month period, the employer and Tobacco Prevention staff will jointly develop a smoke-free workplace remediation plan. If a person other than the employer commits a second violation, the Tobacco Prevention Program staff will provide additional services and referral information designed to achieve compliance by that person.

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An ordinance repealing MCC 27.300 and 27.301 and adding new provisions to MCC
6 Chapter 21 relating to workplace hazards.

7 **The Multnomah County Board of Commissioners Finds:**

8 a. Health hazards brought about by breathing second-hand smoke include lung
9 cancer, heart disease, respiratory infection, and decreased respiratory function, including
10 bronchoconstriction and bronchospasm.

11 b. Children exposed to second hand smoke suffer increased rates of bronchitis, ear
12 infections, asthma, allergies and meningococcal meningitis.

13 c. Thirty-two percent (32%) of Multnomah County workers report being exposed to
14 second-hand tobacco smoke in the workplace. (1997) Tobacco Baseline Survey, Multnomah
15 County Respondent, Oregon Health Division.

16 d. Forty-three percent (43%) of food service workers in Multnomah County report
17 being exposed to second-hand smoke while they are working. (1998) Multnomah County Food
18 Service Worker Survey.

19 e. Multnomah County is the local public health authority, under ORS 431.375(2),
20 charged with providing public health services in Multnomah County.

21 f. As the local public health authority, Multnomah County is charged with assuring
22 the "activities necessary for the preservation of health or prevention of disease in the area under
23 its jurisdiction." ORS 431.416(2).

24 g. The Multnomah County Department of Health has established a county-wide
25 network of education and clinical services available to all residents of Multnomah County.

1 h. As the public health authority, Multnomah County is specifically charged with
2 providing services to reduce tobacco consumption. ORS 431.832 and OAR 333-010-330.

3 i. Multnomah County Home Rule Charter Chapter 2.10 grants the county authority
4 over matters of county concern.

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21 direct or indirect monetary wages or profit, and any person who volunteers his or her services to
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1 not solid, such as "office landscaping" or similar structures. Enclosed areas do not include
2 breakrooms designated for smoking (smoking room) by employers if the following conditions are
3 met:

4 1. The smoking room is not accessible to minors.

5 2. Air from the smoking room is exhausted directly to the outside by an exhaust fan
6 and not recirculated to other parts of the building.

7 3. The smoking room is in compliance with ventilation standards established by the
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9 4. The smoking room is located in a non-work area where no one, as part of his or
10 her work responsibilities, is required to enter. For purposes of this paragraph, "work
11 responsibilities" does not include custodial or maintenance work carried out in the smoking room
12 when it is unoccupied.

13 5. There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

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26 prohibited by this subchapter, by the owner, manager, or other person having control of such

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24 Tobacco Prevention staff will jointly develop a smoke-free workplace remediation plan. If a
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21 REVIEWED:

22 THOMAS SPONSLER, COUNTY COUNSEL
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26 Katie Gaetjens, Assistant County Counsel

Northwest Oregon Region
1425 Northeast Irving, Suite 100
Portland, Oregon 97232
Tel 503 233 0100 800 452 9445
Fax 503 233 4464
www.americanheart.org

January 16, 1999

To: Multnomah County Commissioners
From: John Chism
Re: Testimony in Support of the Multnomah County Workplace Ordinance

Ms. Chairwoman, County Commissioners, I am John Chism. I am a staff member with the American Heart Association and a Multnomah County resident. I am here today to address concerns raised by county Commissioners during the hearing on Thursday, December 9, proposing that protecting workers is best done through education, outreach, and incentives to businesses to establish a smoke-free workplace voluntarily.

Since the early 1980s the American Heart Association, American Cancer Society and American Lung Association, individually and jointly, have developed workplace education programs and vigorously pursued businesses to establish smoke-free environments.

The American Heart Association developed the Heart-At-Work program. A major component of the program was a step by step method to establish a smoke-free work place. The program provided employer guidelines and employee materials and a stop smoking program. The program continues to be a priority.

More recently in 1998 the American Heart Association worked on a yearlong program with a goal to have restaurants go smoke free on "World No Tobacco Day". Over 450 restaurant were provided information and 250 received personal follow-up. Only 25 participated. The program included educational materials, owner/manager orientation and free advertising/publicity.

The American Cancer Society has developed similar programs. The "Great American Smoke-Out" is a national event that educates smokers and non-smokers about the health risk associated with smoking and the dangers of second-hand smoke.

The American Lung Association, for the past 19 years, has provided an adult smoking cessation program for adults in work-sites called Freedom From Smoking. It is one of the major components of their work-site wellness program that provides technical assistance to businesses wanting to establish a smoke-free workplace.

In the early 1990s the three organizations joined together to develop a program designed to help businesses establish smoke-free workplace policies. The program included recognition and awards for businesses that participated. The project was not as successful as anticipated.

In closing I want to say that our three organizations as well as the Local County coalition and other groups have had some success encouraging businesses to become smoke-free. Unfortunately there are a large number that have ignored our efforts and are unwilling to move towards a smoke-free environment workplace voluntarily. We need an ordinance to protect their employees.

TESTIMONY BEFORE THE MULTNOMAH COUNTY COMMISSION

My name is John Nichols. I reside at 8576 N. Polk Av. in Portland. I am neither a smoker nor a bingo player, however, as Executive Director of the Oregon State Rifle Association, I am charged with the oversight of our Association's Class "A" bingo operation which is played at the Disabled American Veterans Bingo Hall in Portland.

I have studied the smoking issue at some length since this ordinance was originally proposed and have come to the inescapable conclusion that if bingo halls are not exempted, the approximately 30 not-for-profit organizations that operate games in Multnomah County will either wither and die or be forced to move to another county. The reason for this is simple: unlike the general population which is about 3 to 1 non smoker to smoker, bingo players are overwhelmingly not only smokers but are heavy smokers. By actual observation over the last 6 years, the smoker to non smoker ratio at the DAV Hall is about a 9 to 1. With bingo workers it is even higher and in the last 6 years we have operated a bingo game I can only recall two employees who were non smokers.

If bingo operations in Multnomah County are forced to go non smoking, the players will either go across the river to Vancouver, go West to Beaverton or take one of the free shuttles to the Indian casino at Grande Ronde. There are simply not enough non smoking bingo players in Multnomah County to support 1 or 2 games much less 30. This means that the bingo workers, snack bar workers, security personnel, building managers and maintenance workers will all be out of work.

A clear example of what will happen can be seen by the fact that of the two Class "A" bingo operations that existed in Corvallis before their smoking ban, one went out of business while the other one moved to the City of Eugene.

To me the real issue here is freedom of association. No one forces anyone to go into a bingo hall and those who choose to play bingo know that they are going to be exposed to a smoking environment, provided the hall does not have a non smoking room, for a minimum of 2 to 3 hours at a stretch. Moreover, if a person chooses to attend more than one session the individual can expose themselves to smoke to as many as 17 to 18 hours a day, 7 days a week.

I understand that there is to be a task force formed to study the issue. I would appreciate the Commission considering me for a position on the task force. Thank you for the opportunity to speak this morning.

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**

2 **FOR MULTNOMAH COUNTY, OREGON**

3 **ORDINANCE NO. 937**

4
5 An ordinance repealing MCC 27.300 and 27.301 and adding new provisions to MCC
6 Chapter 21 relating to workplace hazards.

7 **The Multnomah County Board of Commissioners Finds:**

8 a. Health hazards brought about by breathing second-hand smoke include lung
9 cancer, heart disease, respiratory infection, and decreased respiratory function, including
10 bronchoconstriction and bronchospasm.

11 b. Children exposed to second hand smoke suffer increased rates of bronchitis, ear
12 infections, asthma, allergies and meningococcal meningitis.

13 c. Thirty-two percent (32%) of Multnomah County workers report being exposed to
14 second-hand tobacco smoke in the workplace. (1997) Tobacco Baseline Survey, Multnomah
15 County Respondent, Oregon Health Division.

16 d. Forty-three percent (43%) of food service workers in Multnomah County report
17 being exposed to second-hand smoke while they are working. (1998) Multnomah County Food
18 Service Worker Survey.

19 e. Multnomah County is the local public health authority, under ORS 431.375(2),
20 charged with providing public health services in Multnomah County.

21 f. As the local public health authority, Multnomah County is charged with assuring
22 the "activities necessary for the preservation of health or prevention of disease in the area under
23 its jurisdiction." ORS 431.416(2).

24 g. The Multnomah County Department of Health has established a county-wide
25 network of education and clinical services available to all residents of Multnomah County.

1 h. As the public health authority, Multnomah County is specifically charged with
2 providing services to reduce tobacco consumption. ORS 431.832 and OAR 333-010-330.

3 i. Multnomah County Home Rule Charter Chapter 2.10 grants the county authority
4 over matters of county concern.

5 j. The Board of County Commissioners declares that this ordinance is to protect
6 the public health and welfare by prohibiting smoking in places of employment.

7
8 **Multnomah County Ordains as follows:**

9 **Section 1.** MCC Chapter 21 is amended to add:

10 **§ 21.500 SMOKE-FREE WORKPLACES**

11 **§ 21.501 DEFINITIONS.**

12 For the purpose of this subchapter, the following definitions shall apply unless the
13 context requires a different meaning.

14 **BUSINESS.** Any sole proprietorship, partnership, joint venture, corporation, or other
15 business entity, including retail establishments where goods or services are sold, as well as
16 professional corporations and other entities where professional services are delivered.

17 **EMPLOYEE.** Any person who is employed by any employer in the consideration for
18 direct or indirect monetary wages or profit, and any person who volunteers his or her services to
19 a non-profit entity.

20 **EMPLOYER.** Any person or entity who employs the services of one or more individuals.

21 **ENCLOSED AREA.** All space between a floor and a ceiling that is enclosed on all sides
22 by solid walls or windows (exclusive of door or passageways) that extend from the floor to the
23 ceiling, including all space therein screened by partitions that do not extend to the ceiling or are
24 not solid, such as "office landscaping" or similar structures. Enclosed areas do not include
25 breakrooms designated for smoking (smoking room) by employers if the following conditions are
26 met:

- 1 1. The smoking room is not accessible to minors.
- 2 2. Air from the smoking room is exhausted directly to the outside by an exhaust fan
- 3 and not recirculated to other parts of the building.
- 4 3. The smoking room is in compliance with ventilation standards established by the
- 5 Department of Health by administrative rule.
- 6 4. The smoking room is located in a non-work area where no one, as part of his or
- 7 her work responsibilities, is required to enter. For purposes of this paragraph, "work
- 8 responsibilities" does not include custodial or maintenance work carried out in the smoking room
- 9 when it is unoccupied.
- 10 5. There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

11 **PLACE OF EMPLOYMENT.** Any enclosed area under the control of a public or private
12 employer that employees normally frequent during the course of employment, including, but not
13 limited to, work areas, employee lounges and rest rooms, conference and class rooms,
14 cafeterias and hallways. A private residence is not a "place of employment" unless it is used as
15 a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS
16 410.490 or a health care facility as defined in ORS 442.015.

17 **RETAIL TOBACCO STORE.** A retail store utilized primarily for the sale of tobacco
18 products and accessories and where the sale of other products is secondary.

19 **SMOKING.** Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette,
20 weed, plant, or other tobacco-like product or substances in any manner or in any form.

21 **TOBACCO PRODUCT.** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco
22 or any other form of tobacco which may be utilized for smoking, inhalation, or other means of
23 ingestion.

24 **§ 21.502 SMOKING PROHIBITED IN PLACES OF EMPLOYMENT.**

25 Every employer shall provide a place of employment free of tobacco smoke for all
26 employees.

1 **§ 21.503 PLACES WHERE SMOKING IS NOT REGULATED.**

2 Notwithstanding any other provision of this section to the contrary, the following areas
3 shall not be subject to any smoking restrictions contained within this subchapter:

4 (A) Private residences, unless the private residence is used as a child care facility as
5 defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care
6 facility as defined in ORS 442.015;

7 (B) Rented motel or hotel rooms that are designated in some manner as smoking-
8 allowed rooms by the owners of the establishment renting the rooms;

9 (C) Private rooms rented for an occupancy that exceeds one month and that are not
10 located in a private residence used as a child care, adult day care or health facility;

11 (D) Any facility or facility area licensed by the Oregon Liquor Control Commission to
12 serve alcohol by the drink for consumption on the premises that is posted to prohibit the
13 presence of minors;

14 (E) Bingo operations licensed pursuant to ORS 464.250 et seq. and race courses
15 operated by a licensee licensed under ORS chapter 462;

16 (F) Retail tobacco stores.

17 **§ 21.504 POSTING "NO SMOKING" SIGNS.**

18 "No smoking" signs or the international "no smoking" symbol (consisting of a pictorial
19 representation of a burning cigarette enclosed in a circle with a bar across the cigarette) shall be
20 clearly, sufficiently, and conspicuously posted in every building or other area where smoking is
21 prohibited by this subchapter, by the owner, manager, or other person having control of such
22 building or other area, including private residences used as a child care, adult day care or health
23 care facility.

24
25
26

1 § 21.505 OTHER VIOLATIONS.

2 It shall be a violation of this subchapter for every day any person, who owns, manages,
3 operates or otherwise controls the use of any premises, subject to regulation under §§ 21.500 et
4 seq., fails to comply with any provisions therein. Each day shall be a separate violation.

5 § 21.506 SMOKING IN WORKPLACE PROHIBITED

6 It shall be a violation of §§ 21.500 et seq. for any person to smoke in any area where
7 smoking is prohibited by the provisions of §§ 21.500 et seq.

8 § 21.507 OTHER LAWS

9 This subchapter shall not be interpreted or construed to permit smoking where it is
10 otherwise restricted by other applicable laws.

11

12 Section 2. MCC § 21.999 is amended to add:

13 § 21.999 PENALTY.

14 * * * * *

15 (D) *Smoke-Free workplace violations*

16 Any person who violates §§ 21.500 et seq. shall be subject to the following penalties
17 imposed by the Multnomah County Department of Health:

18 (1) For a first violation, a notice and warning, with educational materials and
19 a referral phone number for the Tobacco Prevention Program. The Tobacco Prevention
20 Program shall provide technical assistance to achieve compliance upon request.

21 (2) For a second violation within a 12 month period, the employer and
22 Tobacco Prevention staff will jointly develop a smoke-free workplace remediation plan. If a
23 person other than the employer commits a second violation, the Tobacco Prevention Program
24 staff will provide additional services and referral information designed to achieve compliance by
25 that person.

26

1 (3) For subsequent violations, a civil fine consistent with the fine schedule
2 adopted by the Director of the Department of Health by administrative rule.

3 (4) Fines imposed under (3) may be appealed in writing to the Director of the
4 Multnomah County Department of Health. The Director's decision shall be final.

5
6 **Section 3.** MCC §§ 27.300 and 27.301 are repealed and this ordinance is effective
7 July 1, 2000, except as provided in Section 4.

8
9 **Section 4.** MCC §§ 21.999(3)-(4) are effective July 1, 2001.

10
11 FIRST READING: December 9, 1999

12 SECOND READING AND ADOPTION: December 16, 1999



MULTNOMAH COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

13
14
15
16
17
18
19 REVIEWED:
20 THOMAS SPONSLER, COUNTY COUNSEL
21 FOR MULTNOMAH COUNTY, OREGON

22 By *Katie Gaetjens*
23 Katie Gaetjens, Assistant County Counsel
24
25
26

#1

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME JIM WORTHINGTON

ADDRESS 3232 SE 153 RD

PORTLAND, OR

PHONE (503) 760-2835

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC RESIDENTIAL SITING

R-7

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 12/16/99

NAME DAN SALTZMAN

ADDRESS _____

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-7

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE

12/16/99

NAME

DAVID LANE

ADDRESS

ONI

City of Portland

PHONE

823-4134

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

R-7 - Sity

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME

PAMELA ARDEN

ADDRESS

1817 N. WINCHELL ST.

PORTLAND, OR 97217

PHONE

289-9475

SPEAKING
TOPIC

ON AGENDA ITEM NUMBER OR
R7 Resolution Adopting Community

GIVE TO BOARD CLERK

Residential
Siting
Proposals

#5

SPEAKER SIGN UP CARDS

DATE

12/16/99

NAME

Ray Foetisch

ADDRESS

1833 NW Eastman

Gresham

PHONE

618-2537

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Siting Policy

GIVE TO BOARD CLERK

#6

SPEAKER SIGN UP CARDS

DATE 12/17/99

NAME

Andy Wisetogle

ADDRESS

1333 NW Eastman

Gresham

PHONE

618-2684

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Bring -

GIVE TO BOARD CLERK

#7

SPEAKER SIGN UP CARDS

DATE 12/16/99

NAME

Cynthia Ingebretson

ADDRESS

Fair Housing Council of Oregon

310 SW 4th St 430

PHONE

223-3542

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Facilities Siting

GIVE TO BOARD CLERK

#8

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME Bill West, Case Coordinator

ADDRESS The Arc - Multnomah County
619 SW 11th #234 Pfd.

PHONE 223 7279 x 609 0-

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Resident Sitting Program

GIVE TO BOARD CLERK

#9

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME Jack Bilderback

ADDRESS 15 SE 199th

Portland - 97233

PHONE 665-3440

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Residential siting

GIVE TO BOARD CLERK

#10

SPEAKER SIGN UP CARDS

DATE 12-16-99

NAME Cynthia Peck

ADDRESS 4736 SE 74th
Portland 97206

PHONE 775-3006

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Sitina

GIVE TO BOARD CLERK

#11

SPEAKER SIGN UP CARDS

DATE 12/16/99

NAME MICHAEL M. WARE

ADDRESS P O BOX 14336

PORTLAND OR

PHONE 503-232-7644

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

GIVE TO BOARD CLERK

#12

SPEAKER SIGN UP CARDS

DATE 12/16

NAME NEAL BEROZ

ADDRESS Network Behavioral Health
5415 SE Milwaukee

PHONE 238-0769

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Sting Proposals

GIVE TO BOARD CLERK



Diane Linn, Multnomah County Commissioner

DISTRICT ONE

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioners Linn and Naito

DATE: November 30, 1999

RE: Resolution Adopting the Community Residential Siting Proposals

1. Recommendation/Action Requested:

Approval of the resolution and endorsement of the County's role in implementing the initiatives.

2. Background/Analysis:

Driven in part by the recent siting of a juvenile, post-correction residential facility and the deinstitutionalization movement statewide, some neighborhoods have expressed concerns about the presence of residential programs and treatment facilities in their community. Consistent with the requirements of the federal Fair Housing Act, city and county elected leaders have met with the public, providers, and advocates to craft a package of proposals to mitigate the impact of siting these programs and facilities in neighborhoods. Multnomah County and the City of Portland have joint ventured several of these initiatives, e.g. the information clearinghouse and mediation services.



3. Financial Impact:

The Board of Commissioners has budgeted \$40,000 in Fiscal Year 1999-2000 to support the operational cost of the NISR, the Good Neighbor Certification, and the mediation activities. These funds leverage investments by the City of Portland and the State of Oregon in these programs.

4. Legal Issues:

Providing information about the residents and operations of certain residential facilities may implicate the protections of the federal Fair Housing Act. These proposals are designed to balance the need for privacy with appropriate and timely disclosure of the elements of a planned facility in a given neighborhood.

5. Controversial Issues:

Advocates and providers for special needs populations have monitored these initiatives for compliance with privacy and confidentiality protections. Some neighbors have ongoing concerns about the siting of facilities serving targeted populations, such as those for persons with psychiatric disabilities who have been "convicted" of a crime.

6. Link to Current County Policies:

Multnomah County has a pre-existing "facility siting policy and planning manual" that governs the siting of County programs and related public buildings.

7. Citizen Participation:

These proposals have been through numerous public hearings and workshops countywide over the last twelve to eighteen months, producing a series of rewrites in response to public comment.

8. Other Government Participation:

Implementation of these proposals will be through the City of Portland's Office of Neighborhood Involvement. Funding will be provided in part by Multnomah County along with the State of Oregon.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting the Community Residential Siting Proposals

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County, in partnership with the City of Portland, the State of Oregon and numerous non-profit providers, is committed to providing housing options for special needs populations.
- b. Successful integration of a new residential facility into any neighborhood requires the creation of strong positive relationships from the outset between the newest neighbors and existing residents. Establishing and maintaining effective communication is a key to building and sustaining trust.
- c. Multnomah County endorses the letter and intent of the Federal Fair Housing Act and the Americans with Disabilities Act, both of which protect vulnerable populations from racial discrimination and other activities designed to discourage or prohibit the siting of housing for special needs populations.
- d. Citizens and neighbors who desire to understand or support the needs of these populations or who may have questions about a proposed residential project face a bewildering array of state and county agencies. There currently is no single source of public information on facility siting in the County.
- e. Once a facility is established, good neighbor relations may require the intervention of a neutral third party to assist in problem solving.
- f. Maintaining mutual trust and respect between neighbors, residents, and providers is key to successful siting, and thoughtful outreach to the neighborhood in advance of siting a facility helps to create a climate of openness and acceptance.
- g. The Oregon Legislature, during its most recent session, mandated the appointment of citizen advisory groups and other procedures in communities where certain post-incarceration facilities are to be sited.

The Multnomah County Board of Commissioners Resolves:

1. Multnomah County joins with its colleague, the City of Portland, in creating a community problem solving resource to be located in the Office of Neighborhood Involvement (ONI). Staff at ONI will serve as a contact point for neighbors, providers, and the public who seek information about the siting of residential facilities, including best practices in outreach and education about the proposed programs (consistent with the privacy protections of state and federal law).

2. To address problems in siting or during the eventual operation of the facility, ONI will also make available mediation services to neighbors and providers to promote better communication.
3. Consistent with its responsibility under statute (SB 1104), Multnomah County adopts a "good neighbor certification" process applicable to the siting of post-incarceration residential facilities. ONI will review the siting process proposed by the provider. It is designed to implement and supplement the requirements of state law in promoting best practices in outreach and encouraging early, cooperative communication between neighborhoods and program operators.
4. To promote consistency across the County, the Board commits to coordinate information-sharing, siting activity, and mediation services with our partners in Gresham and the other East County cities.

Adopted this 16th day of December, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Katie Gaetjens, Assistant County Counsel

R-7
12/16/99

99 DEC 14 PM 12:58
MULTNOMAH COUNTY
OREGON

December 10, 1999

To: Chair Stein & County Commissioners
Mayor Katz & City Commissioners
From: M'lou Christ
Re: Residential Siting Proposals

I will be unable to attend your discussion/hearing. Here are some of my thoughts for the record:

I am pleased the county and city are discussing this issue. However, I don't believe the 4 proposals achieve adequate/appropriate resolution.

I think generally, these 4 proposals add process to talk about residential sitings & try to work out agreements re operating them-but that's done now, mainly by District Office & ONI staff (via land use & crime prevention folks thru trainings & outreach & case management).

*I'm not sure there's enough new business re residential sitings to require additional staffers for more of that & I think such assistance should stay out in the neighborhoods, not locate downtown.

*Nor does it appear this version would do anything more to require pre-discussions or enforce any resultant agreements than occurs now.

The major problem for me (& the County's Central CBAC at last night's discussion) is that it does not address the overall problem-the one that has been mentioned for years & that Buckman neighborhood yelled loudly enough about to get this discussion started: Nobody knows how many various services are sited in neighborhoods now & there's no policy proposed to have local jurisdictions spread them around so that the burdens & benefits are evenly distributed.

*Requests for some bureau to map them & keep track of additions/changes have been ignored for years & is still not resolved here. (The usual excuse is that addresses of shelters can't be public knowledge; but all other services could be & probably even the part of town that shelters are in-or not yet available in-could be indicated). I would support funding to gather

that info & set up a tracking system.

*Local governments could use carrots & sticks to get better distribution of all services-so those who need them can get them where they or family/friends are, yet that neighborhood would remain a "normal", balanced community-part of what those clients need around them as well as what those neighbors hope to keep.

The following are parts of the 2 emails I sent when the Oct. DRAFT came out (I can see no text changes in the Dec. DRAFT, but spacing does put some parts on different page #s):

1) to BAmes & Saltzman:

I think proposal #4 concerning City code amendments is a good idea. I realize it would be quite a bit of work-and politically sensitive, at that-but it offers the opportunity to affect/resolve some cases before they become issues or require correction.

RE "saturation" (paragraph 3 p.12). I think defining "saturation" and setting dispersal targets/process is key to resolving this issue.

I also think it's crucial that City and County policies be adopted to ensure that local jurisdictions do not provide funding or other forms of siting/operations support to agencies unless they meet dispersal targets & distance limitations. Providers' arguments of lowest-cost or area familiarity & connections cannot be routinely accepted as criteria for such siting policy waivers. It's government's role to acknowledge and avoid the long-term social & real costs of saturation, for clients as well as neighbors.

And, even though local jurisdictions cannot interfere with siting of programs protected under the Fair Housing Act (ie, must process permits), it does seem that local jurisdictions could withhold their financial assistance (related to purchase, construction/rehab & operation) in cases where providers do not make an effort to comply with saturation targets. Unless legal opinion is forceful to the contrary, I'd like to see that policy adopted too. And if legal opinion is forceful to the contrary, it seems that's an issue Rep. Blumenauer ought to fold in to his current efforts on this topic.

2) to DLane:

RE the Comm. Problem-Solving Action Plan:

Overall, it seems to just ensure that ONI-based mediation & problem-solving assistance & training will include siting situations. Am I reading that correctly?

Regarding its specifics (p.4):

#1 How is this different from existing ONI-based mediation services?

#3 seems already included in #1

#5 seems to be a part of Proposal #3, ie, get them to participate in

Certification. Yes?

RE the NISR:

I can't find the "four-step action plan" referenced in the first sentence (p.5).

I concur with the goals-compiling & disseminating related info, providing referrals, advocating fair treatment, etc. These fit with current ONI workscope, just broaden it to make sure this hot topic is well covered.

Neither of these proposals address the "dispersal/saturation" issue. Could that, however, be part of the "best practices" research & the education efforts of NISR? I see that it is referenced in Prop. #4

Thank you,
M'Lou Christ
904 SE 13th

December 14, 1999

Beverly Stein, Chair
County Commissioners
1120 SW 5th Avenue Suite 1500
Portland OR 97204-1914

Dear Bev,

As you know, The Arc of Multnomah serves individuals with mental retardation and related developmental disabilities and their families through advocacy and core program services. One of the issues that we hear about with great frequency is the critical lack of appropriate housing in our community for people with special needs.

Siting of residential facilities has always been an issue of concern. The Arc maintains that individuals with cognitive and physical disabilities have the same rights to live in the community as anyone else. We also know the kind of discrimination our population faces when it comes to the siting of group homes, and even in obtaining rental units. Each case is individual and unique, of course, but The Arc maintains that our community is richer for its diversity and for the inclusion of people with developmental disabilities.

We wish to encourage your support of all persons with mental retardation and related developmental disabilities living in the community as a part of a fair housing process for all persons. We understand the need for positive community relations with neighbors wherever there is a residential facility sited, and we are in full support of a process to support those community relations.

We also support a process allowing for neighborhood notification, but we stress that such a process not impede the placement of community settings for people with mental retardation and related developmental disabilities. We feel very strongly that people with special needs have equal rights in housing as elsewhere, and we cannot support anything that supercedes those rights. Likewise, we support best practices in housing as in other community issues. We support only those residential programs of the highest quality for any citizens in our community.

In the event of differences with respect to siting residential facilities, we believe there should be a mechanism in place to resolve differences in a fair and equitable manner. If a program which has been sited creates dissention, there should be opportunity for open dialogue within neighborhoods.

Finally, we encourage streamlining the review process for siting of residential programs. A more well defined and less cumbersome process will benefit all citizens in need of housing programs, and ensure that everyone is heard and is fairly treated.

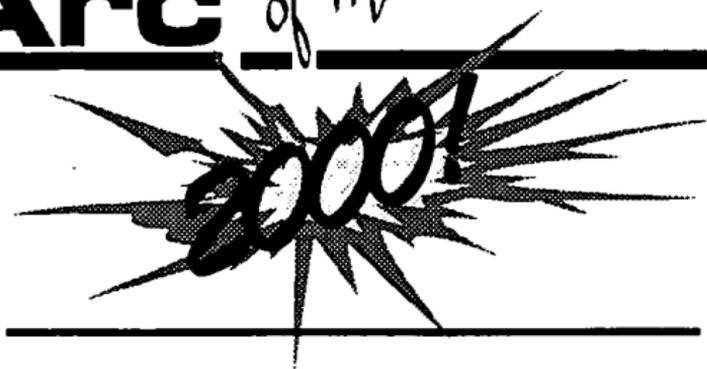
Sincerely,



Gretchen A. Yost
Executive Director



The Arc of Multnomah County



Program Services

Adult Case Coordination

serves adults living independently in the community who require assistance with life management skills from a case coordinator.

Family Advocacy

works with families in which one or both parents have a cognitive disability and require ongoing support to raise their children.

Guardianship Advocacy and Planning Services (GAPS)

provides temporary advocacy assistance to individuals in need, as well as family future planning information. Volunteers make up a GAPS team, which serves children and adults in crisis or without family support who need guardianship.

Information and Referral

provides individuals, families and professionals a resource for specific information on disability issues and offers referrals to appropriate programs and professionals in the metropolitan Portland area.

The Arc of Multnomah County
619 SW 11th Avenue, Suite 234
Portland, OR 97205-2692
www.thearcmult.org
Voice 503-223-7279 Fax 503-223-1488

Respite Care

offers parents who live with and care for a person with a developmental disability access to trained caregivers who provide temporary short-term relief care in private homes or in centers.

Pilot Parents

is a peer support program which matches trained parent volunteers with other parents of children with similar, newly diagnosed disabilities. Activities within the program include Sibshops, an informal group for children whose siblings have disabilities, and Accepting a Difference, a counseling-type workshop which offers parents practical help in dealing with feelings and emotions.

Friend to Friend

is a citizen advocacy program which trains volunteers and matches them in one-on-one friendships with individuals who have a developmental disability. Each friendship is unique, and enhances the lives of both people involved.

EXPLORE

supports and encourages individuals with mental retardation or developmental disabilities to make informed choices regarding personal life goals. Based on the principles of self determination, the EXPLORE program incorporates a variety of group meetings and activities in the community.

Skill Training

helps young adults develop the day-to-day life skills they need to live independently in the community, to be successful in their jobs, and to develop a fulfilling personal and social life.





COMMUNITY LIVING

What is community living?

Community-living refers to the programs, services and other supports that enable children and adults with mental retardation and related disabilities to live much the same way that people without disabilities live. For children, this usually means living with their family in their own home and in their own communities. For adults, it usually means having opportunities and supports to live independently, or as independently as possible, in their own home or apartment, or perhaps in a small group home.

Community living may also include a variety of other supports and services. For example, a family that is caring for a child with mental retardation may need occasional respite services so that they can take a break from caregiving or attend to other needs. Or, an adult living in a small group home may require help finding a job through an employment program.

What types of community services are available?

Community services can take a number of different forms. Community programs in which adults with mental retardation live are usually called supported living or small group home programs.

- **Supported living:** Usually individuals living in homes or apartments of their own. The person may live alone or *choose* to live with a roommate versus being *placed* with others. Supported living often involves partnerships between individuals with disabilities, their families and professionals in making decisions about where and how the person wishes to live. Focus is on giving utmost attention to the desires of the person with a disability in how he or she would like to live, and to support the individual in having control over choices of lifestyle. People in supported living may need little or no services from professionals, or they may need 24-hour personal care. The kind and amount of supports are tailored to the individual's needs.

- **Small group homes:** Small group homes are living environments where six or fewer individuals live, usually with 24-hour staff support. In 1996, Prouty & Lakin found that an average of 3.8 people with mental retardation and related developmental disabilities lived in each residential setting in the U.S. The average number was 22.5 people in 1977, and so has continued to drop over the past 19 years.

Community services also include other non-residential types of services that support adults in their own homes, supplement services to individuals who live in the community and support families in keeping their child with a disability at home. These include, but are not limited to:

- crisis intervention services: on-call support to assist in dealing with crisis situations;

- respite care: temporary relief for full-time, at-home care providers;
- other family support services: states offer a variety of services, from cash subsidies to families so they can purchase their own services, to transportation that enables families to get to services;
- service coordination (case management): professionals that serve as coordinators or "brokers" between services, assisting families and individuals with accessing and benefiting from various programs; and,
- employment programs: services which help adults with mental retardation find jobs.

How much care/support do people with mental retardation need?

Mental retardation affects each individual differently. While some may need 24-hour care, others are able to live independently or with minimal supports. That is why it is so important for individuals and families to be able to choose flexible programs and services that best meet their needs.

Why is it so important for people with mental retardation to be able to live in their own homes and/or communities?

Study after study has shown that community living enables people with disabilities to live happier, healthier and more productive lives. Giving people a real sense of home and community, along with a feeling of independence, can go a long way to contributing to their sense of self-worth and well being. In many cases, community support enables people to live with or near their families. This is particularly important to maintaining a more stable and comforting environment.

Do people with mental retardation have the power to make decisions about institutionalization versus community living? Do their families decide? The state?

People with mental retardation and/or their families are, in theory, free to decide what type of living situation they desire and is best for them. Adults with mental retardation, not under guardianship, are legally responsible for making decisions about and agreeing to participate in certain programs. In some cases, the state may involuntarily commit someone with mental retardation to a program if there is a life-threatening, emergency or similar situation. A family or individual's choice about certain community services is often severely hampered by the lack of availability of community programs in many states. If the services and supports an individual needs are not available, these options suddenly become very few.

Aren't there some people with mental retardation so severe that institutions provide the only real viable option?

Absolutely not. As with anything else, the degree of care needed varies from person to person. Some people with mental retardation manage very well on their own with minimal supports, while others may require 24-hour care. Many communities that are committed to not relegating people with mental retardation to institutions have found that people with the most significant disabilities can safely and happily reside in community, noninstitutional settings. There are community options to meet the needs of all individuals.

What are the economic benefits of community living alternatives?

Community support can save taxpayers a substantial amount of money. In 1996, the average annual cost for a person in a community setting served under the Home and Community Based Services program (flexible Medicaid funding) was \$24,783. The annual average cost per resident in large, state-run institutions in 1996 averaged \$92,345 (Prouty & Lakin, 1997).

Won't increased funding for community programs and supports mean bigger government and higher spending?

Not at all. In fact, just the opposite is true. Community living programs represent an alternative to institutionalization, not an added expense. Further, community alternatives generally save money by providing more cost-effective care. And since the whole point of community support is allowing people with mental retardation to live more independently, either with their families or in small homes, it actually requires fewer state resources.

What about those states that have closed their institutions? How has it affected services for people with mental retardation?

Of the four New England states that have closed institutions, Maine, New Hampshire and Vermont have reduced the size of their waiting lists; Rhode Island has no waiting list. In Connecticut and Massachusetts, states that maintain institutions, the waiting list has increased in numbers.

What are some of the trends that affect the availability and use of community services?

There are several trends that affect the availability and use of community services. Many of these trends inter-relate in how they impact individuals with mental retardation and their families.

Perhaps the most significant trend is the increasing waiting list for community services. Hayden (1992) found an estimated 186,000 people in the U.S. waiting for residential, employment and other services. As states either cap or cutback the number and kinds of services, more and more individuals end up on long waiting lists for necessary services. Many individuals with mental retardation do not receive the full array of services they need to increase their independence, and

there are many who still reside with their families and receive no services whatsoever.

The number of adults with mental retardation still residing with their parents, especially aging parents or parent, is another area of concern. Many parents provide some or all care for an adult son or daughter with mental retardation, but these families increasingly recognize the need to plan for the time when the parents can no longer provide care. As these families begin to explore community residential and other services, they are finding waiting lists for services, sometimes up to several years long. Compounding this problem is the fact that some of these families do not even have access to a support system for providing information and assistance. A recent study in New York found that many of these families are neither in the aging service system or the mental retardation/developmental disabilities service system.

Deinstitutionalization of people with mental retardation has been an extremely positive trend. However, this trend has also increased the need for community services to serve individuals with mental retardation and their families. Many states are not allowing funds to "follow" individuals from institutions to the community. Thus, costly institutions continue to exist while states struggle with funding quality community services.

Dramatic changes in how the service-delivery system for people with mental retardation operates is having a major impact. States are experimenting with service delivery measures -- often referred to as "managed care" -- in an effort to reduce costs for health and long-term care. While managed care and other systemic changes have the potential to reduce costs and improve the quality and quantity of services, the speed and degree at which states are changing systems may create service gaps or result in less than optimal services for some or all people with mental retardation.

Resources

The Arc's *Supported Living Resource List* contains information on books, fact sheets, videos and organizations on supported living and other aspects of community living. For a free copy, send your request and a self-addressed stamped envelope to: The Arc of the United States, 500 East Border St., Suite 300, Arlington, Texas 76010. Information on community living and other topics on mental retardation can also be located on The Arc's World Wide Web site at: <http://TheArc.org/welcome.html>

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Note: Many of the above questions and answers have been adapted from The Arc of Illinois' "Campaign for Community Living Fact Sheet."

The Importance of Friendships Between People With and Without Mental Retardation

by Zana Marie Lutfiyya, Center on Human Policy

Why are friendships between people with and without disabilities important?

Friends are important for several reasons. They support each other emotionally, are willing to see things from the other's point of view and provide assistance and feedback when needed. Friends choose each other and remain close through good times and times of crisis. They provide companionship for community and school activities and help each other enjoy new experiences and appreciate life more fully. Friendships between people with and without disabilities usually enrich the lives of both.

When should friendships begin?

If people with mental retardation are to form friendships and be a part of society as adults, these relationships must develop during childhood. Classmates and neighbors will grow into adult coworkers and friends later in life.

Therefore, integrated classrooms and recreational activities are important. In these settings, children with and without disabilities get to meet each other and form relationships. Unfortunately, many parents have found that even though their children are integrated in school, they have few nondisabled friends.

What makes the development of relationships difficult?

Many individuals with disabilities interact primarily with their family, the people who take care of or provide services to them, and others in the programs in which they participate. These relationships can clearly be significant and should be encouraged. However, outside of family members, people may have no freely given and chosen relationships.

Generally, many people with disabilities face certain disadvantages in meeting and getting to know others.

Opportunity. Many people with disabilities have limited opportunities to take part in activities where they can meet peers. This may be due to physical segregation or being placed in a role as "client" or "special education student." Services may restrict people's chances to get together, through program or funder rules, curfews, transportation restrictions, and other limitations. Whatever the reason, people with disabilities frequently become cut off and isolated from others.

Support. Relationships between people with and without disabilities are not formed by simply grouping people together. Some individuals need assistance with fitting into certain settings and activities. Others may need someone to facilitate their involvement or to

interpret for them. Without supports, some people with and without disabilities may never have the opportunity to know each other.

Continuity. While most people enjoy meeting new people, they are sustained by those they have known over time. The continuity of relationships over the years is an important source of security, comfort and self-worth. Many people with disabilities do not have continuous relationships. Instead, they may leave their families, be moved from one program to another and have to adjust to staff people who come and go.

What are some of the ways to facilitate personal relationships between people with and without disabilities?

It takes effort to help people establish connections. Described below are some of the ways this has been tried:

"Bridge-Building." Facilitators who initiate, support and maintain new relationships are called bridge-builders, as they "...build bridges and guide people into new relationships, new places, and new opportunities in life" (Mount, et al., 1988). Bridge-builders involve people with disabilities in existing groups or with specific individuals.

Circles of Friends or Circles of Support. Groups of people who "meet on a regular basis to help a person with a disability accomplish certain personal visions or goals" (Perske, 1988). Circle members try to open doors to new opportunities, including establishing new relationships.

Citizen Advocacy. Recruited and supported by an independent citizen advocacy office, a citizen advocate voluntarily represents the interests of a person with a disability as if the interests were the advocate's own. Citizen advocates may take on one or several roles (e.g., friend, ally, mentor, protector), and some of these may last for life.

There are different ways that personal relationships between people with and without disabilities may be encouraged. Perhaps more important than the specific method is the supporting, connecting role of one or more people (family members, staff members, friends, neighbors, etc.) who can spend time and energy for this purpose.

What are some important dimensions of friendship?

Genuine friendships between people with and without disabilities do exist. While each friendship is unique, there are some shared ideas and expectations about what friendship means. According to a recent study of pairs of friends (Lutfiyya, 1990), these meanings include:

Mutuality. The people defined their relationship as a friendship and themselves as friends. Although they acknowledge differences between themselves, they clearly found a sense of mutuality in the friendship. Mutuality was expressed in the giving and receiving of practical assistance and emotional support, and enjoyment of each other's company.

Rights, Responsibilities, and Obligations. Once a friendship is established, it is assumed that friends can make certain demands of each other and be assured of a response. Nondisabled friends talked about the obligations that they had assumed for their friend with a disability, such as teacher, mentor, caretaker, or protector. The friends with disabilities assumed certain responsibilities in maintaining the relationship such as keeping in touch or suggesting possible activities.

Feelings, from Companionship to Intimacy. All of the friends held feelings of affection for each other, expressed through their interactions with each other.

Freely Chosen and Given. Friends choose each other. It is this voluntary aspect of friendship that is regarded as the "amazing and wonderful" part of the relationship.

Private and Exclusive Nature. Within the boundaries of each friendship is a private relationship that is inaccessible to others. The friends have a history and an understanding of their connection to each other that separates this from all of their other relationships.

What can families and service providers do to enhance opportunities for friendships?

People can establish friendships with each other, but it is not possible to force friendships upon others. It is possible to create opportunities for people with and without disabilities to meet and share time with each other in ways that encourage friendships to take root and flourish. Families and service providers can do different things to make such opportunities available.

Families can:

Work for the total inclusion of their son or daughter into the regular school system. In addition to being physically present, students with disabilities need adequate supports to enable them to fully participate in classroom and school activities. Parents can also ensure that their child with a disability takes part in a variety of integrated recreation and leisure activities after school hours. A consistent physical presence in each others' lives helps lead to friendships between children with and without disabilities.

Ensure social participation. How people with disabilities are supported within integrated settings is important. Students need to be enabled to participate as much as possible, and to do so in ways acceptable to other people. People without disabilities need the opportunity to meet their counterparts with disabilities as peers, not as objects of tutoring or volunteer service.

Involve and trust others. All parents feel protective toward their children. While there may be differences in how independent people can become, parents can come to believe that there are people in the community who would, if given the opportunity, enjoy and welcome a friendship with their son or daughter.

Service providers can:

Reduce barriers to friendship. The way in which support services are provided to people with disabilities and their families can enhance or reduce the opportunities for friendships to develop. Segregated programs dramatically lessen the chances for contact between people with and without disabilities.

Even in integrated settings, students with disabilities may not be able to take part in extracurricular activities (e.g., choir, clubs, sports) because of lack of transportation from school.

When efforts are made to bring people with and without disabilities together, the people without disabilities are often treated as volunteers responsible to the teacher or program coordinator rather than as peers.

Encourage people who seem to like one another to pursue friendships. Service providers can review practices, such as curfews, lack of privacy and so on, which limit opportunities for people to meet and form friendships with each other.

With an awareness of and commitment to facilitating friendships between people with and without disabilities, all people can have the opportunity to form relationships which allow them to live life more fully.

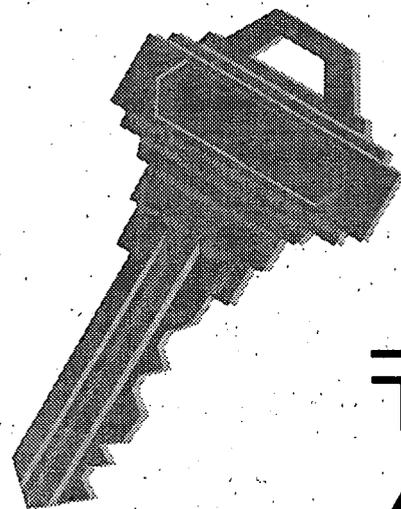
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The Arc of Oregon Legislative Calendar is dedicated to the thousands of individuals throughout Oregon who have developmental disabilities and their families who continue to wait for services.

19



***Unlock the
Waiting
List!***

***The
Arc***

99

"When we see the long waiting list and the older people with disabilities being made to live at home without support, it is depressing. I have watched our daughter overcome many hurdles, only to be slapped back down as she nears the finish line. Let's give hope to ALL people."

Charlotte, mother of Christina, who is waiting for housing and support for independent living.



The Arc of Oregon

As we near the close of the century, almost 4,000 Oregonians who have developmental disabilities continue to wait for services that would ensure them of a place to live, a job to go to, transportation, appropriate leisure activities, attention to their health care needs and respite care for families who bear the strain of their care. Others wait, too, their names not on any formal lists because their families knew the wait would be interminable.

Some have been on the waiting list for just a few years, but some have waited for 20 years or more! In some cases, they wait for multiple services - a home to call their own, a job to give their life purpose, and help accessing appropriate health care. Perhaps the most desperate wait is for those parents whose own aging process is downright frightening, for they are convinced they cannot die until their adult child has services necessary to his/her well-being.

Oregon has the fourth-largest waiting list per capita in the nation. Other states have successfully taken on initiatives to assure that no one in their state must wait for services. Their successes push Oregon even closer to the top. Oregonians with developmental disabilities and their families are counting on us to forever end the waiting.

The committee for the Campaign to End the Waiting List:

Chapters of The Arc in Oregon
Oregon Developmental Disability Council
Oregon Rehabilitation Association

and other partners in the
Developmental Disability Coalition:

Community Partnerships
Oregon Advocacy Center
Oregon Technical Assistance Corporation
United Cerebral Palsy
The Tresidder Company
Jerry Bieberle

Please join us in acknowledging the birthdays of legislators, whose special days are listed in black type, and of individuals waiting for services, whose birthdays are indicated in blue type.

The Arc of Oregon advocates to enhance the dignity, expand the opportunities, and protect the rights of persons with mental retardation and related developmental disabilities and their families.

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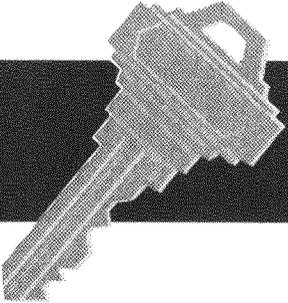
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The Campaign to End The Waiting List



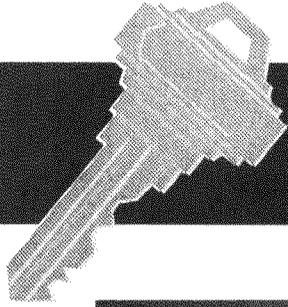
**Lara Pagni
22 years old
Waiting for housing, job
training, psychological services.
Now living in Nevada.**

Lara is breaking her parents' hearts. You see, the Pagnis knew that they faced the possibility of a 30-year wait if they put Lara on a waiting list for services in Oregon. They also knew that unless she received residential and vocational services, her future was very bleak.

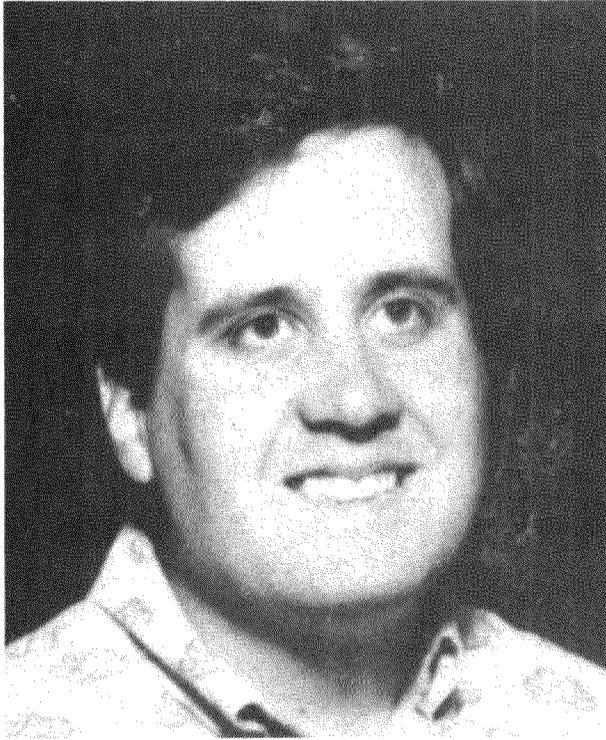
Mr. and Mrs. Pagni had to make a very difficult decision. They placed Lara in a private housing facility for people with mental retardation in Nevada. She also receives employment training there.

"This has caused a great deal of emotional trauma for Lara and for our family," Mrs. Pagni says. "We see her every two months, and the pain of separation is nearly unbearable. But even more unbearable would be to watch her languish in Oregon for want of necessary services, and to be afraid for her future."

***2,380 individuals wait for services to
help them with finding and keeping a job.***



The Campaign to End The Waiting List



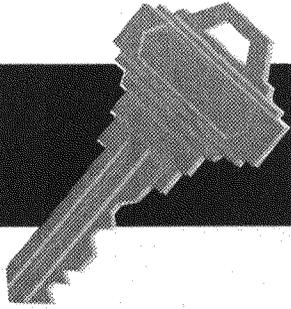
Michael Cogburn
34 years old
Waiting for a group home.

Eva and Jack Cogburn, both in their 60s, are not getting any younger. Neither is Michael. At 34 years old, he continues to live with his parents, but they wonder how long they can continue to meet his needs themselves.

Michael has autism and needs to be in a group home or other residential setting. He and his parents have been waiting for 15 years, and they wonder if they will be forced to leave their home in Oregon to get adequate housing in another state for Michael.

"We have waited and waited for the state to take on some responsibility for Michael, but it seems as if no one cares," they said. "We judge a society by how it cares for the disabled and the old. Oregon doesn't rate very highly."

Almost 25% of the persons identified as primary caregivers of people with developmental disabilities are 65 years of age or older.



The Campaign to End The Waiting List



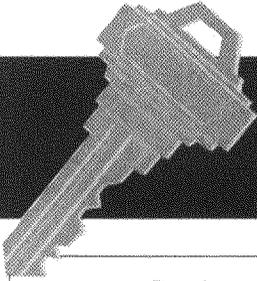
**Jeffrey Wynne
23 years old
Waiting 7 years for
residential services**

Life isn't too bad for Jeff. One of the lucky ones, he works and uses after-work services through The Arc of Washington County. He lives with his mother and brother, who maintain very tight schedules to make certain that someone is always home in the morning and evening when Jeff is there.

But there are no vacations and few evenings out for Jeff's family. They first must make arrangements for his care. This wears on the Wynne family, and Mrs. Wynne worries about her sons. "I feel that at times his brother loses patience with Jeff. His brother also feels frustrated that he can't get on with his own life because he is too often tied down with his brother. This manifests sometimes in a bad attitude towards Jeff and myself."

Jeff's care has become a day-to-day grind in which they never seem to make progress. "It would be wonderful for Jeff to be in a loving and safe environment with people his age - a place that would provide stimulation and challenges for growth."

2,913 people are waiting for residential services.



The Campaign to End The Waiting List

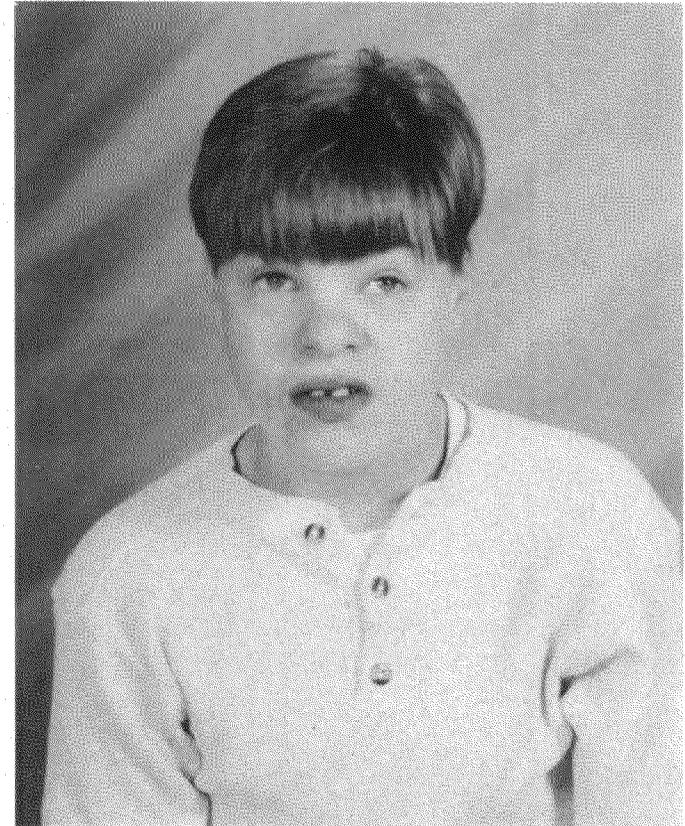
Caring for David, who has cerebral palsy, autism, orthopedic impairments, a central nervous system disorder, is legally blind and has seizures, is a full time round-the-clock job. There are no holidays, no vacations, no days off, and little semblance of a normal family life for the Allphins.

David's entire family has been providing care and advocacy for him at great personal sacrifice. His older siblings have shared the burden of caring for David, and in so doing missed out on many important aspects of normal childhood.

Today, serious health problems plague both David's mother, who has migraine headaches and high blood pressure, and his father, who has a heart condition.

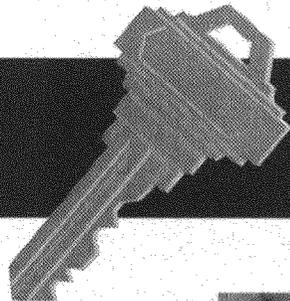
For a few short years, the Allphins had the privilege of living in Alaska where services were available to them, and where David's mom was able to work outside the home. Returning to Oregon in 1997, however, meant a return to the waiting process for David.

David's family is struggling. "The stress of trying to care for David leaves no time for quality fun time spent with him," Mrs. Allphin says. "I just want for David to receive the services necessary to lead a quality, dignified and enriched life - like we all deserve."



David Allphin
20 years old
Waiting for personal care,
respite, community living
services, relative foster care

Current funding strategies will remove no one from the waiting list.



The Campaign to End The Waiting List



Arthur T. Harris
67 years old
Waiting for 12 years
Needs transportation, help
finding and keeping a job,
and other supports.

Arthur Harris, who is 67 years old, has mental retardation. Art attended Portland Community College where he received his certificate as a culinary assistant. Although Art's verbal skills are minimal, his attitude is very cheerful, and he is able to make himself understood. Art has had a number of food service jobs over the years, and currently works a few hours three days a week at the Red Robin restaurant in northeast Portland. Art's sister found the job for him, and she is also, at age 70, Art's primary caregiver.

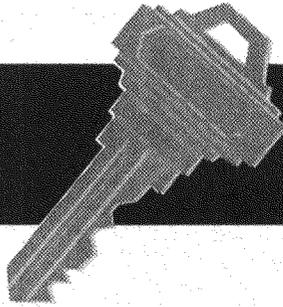
In fact, Glenda is everything to Art. They live together in her home, and she is constantly seeking recreational opportunities for him, and has devoted much of her life to caring for him. Because of his sister's devotion, Art has a good life. She makes certain all his needs are met. That doesn't leave much time for Glenda to have a life of her own, though.

What will happen if Glenda is no longer able to care for Art? Will there be a residential placement for him?

340 individuals on the waiting list are 50 years of age or older.

19 May 99

	S	M	T	W	T	F	S
day	monday	tuesday	wednesday	thursday	friday	saturday	sunday
						<i>The Arc of Oregon Convention, Eugene</i>	1
	2 U.S. Sen. Ron Wyden	3 Rep. Betsy L. Close	4	5	6 Rep. Mike Lehman	7 <i>National Day of Prayer</i>	8 Rep. Ken Messerle
<i>Mothers' Day</i>	9	10	11 Rep. Bob Jenson	12	13	14	15
Sen. Gene Timms	16	17 Sen. Tony Corcoran	18	19	20	21	22
	23 Sen. Gene Derfler Sen. Mae Yih	24	25 U.S. Sen. Gordon H. Smith	26	27 U.S. Rep. Peter DeFazio	28	29 Rep. Vicki L. Walker Rep. Chris Beck
	30	31 <i>Memorial Day</i>					The Arc

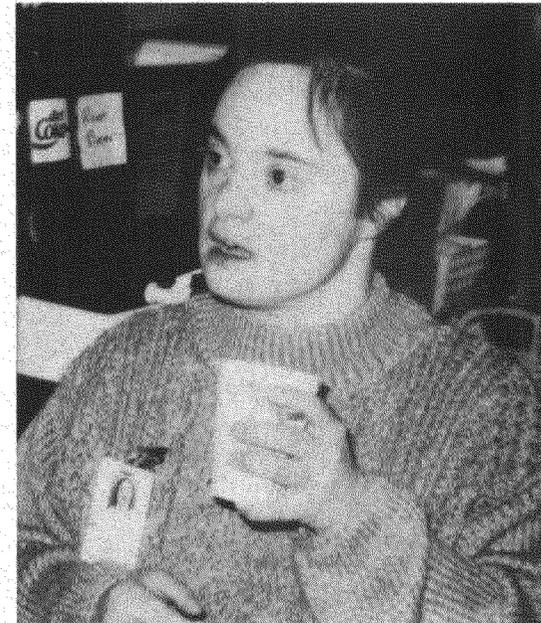


The Campaign to End The Waiting List

Helen can work. She has proven how capable she is. Despite having Down Syndrome and few communication skills, Helen worked at Kaiser Permanente for nine years doing filing and other clerical tasks. Then a year and a half ago Helen lost her job.

When she was only 17 years old, Helen's mother, Susan, placed her on a waiting list for a group home. For 16 years Helen has dreamed of living on her own like other young women her age. Her mom dreams about it, too, knowing it is in the best interest of both of them for Helen to be an active, contributing member of society.

Will they wait for another 16 years? Susan hopes not, for that would take her beyond retirement. Helen needs a home and a job, today.



Helen Rosemarie Healy
33 years old
Waiting for residential
and vocational services

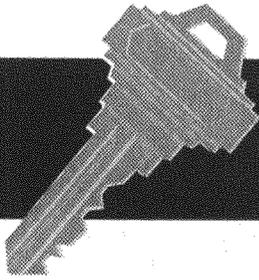
1,380 individuals waiting for services are between the ages of 30 and 49. Many live at home with aging parents.

19

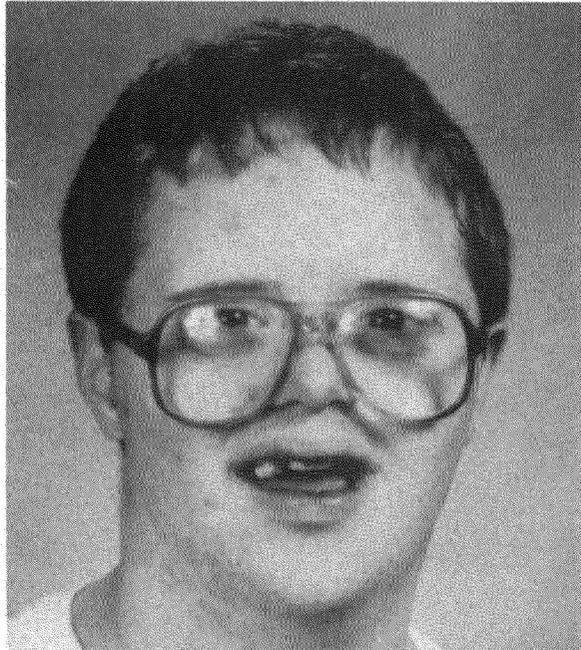
June

99

	S	M	T	W	T	F	S
sunday	monday	tuesday	wednesday	thursday	friday	saturday	
			1	2	3	4	5
					Sen. Lee Beyer		
6	7	8	9	10	11	12	
					Sen. Tom Hartung		
13	14	15	16	17	18	19	
	Flag Day				Sen. Peter Courtney		
Fathers' Day	20	21	22	23	24	25	26
	Sen. Kate Brown		Sec. of State Phil Keisling		Supt. Public Instruction Stan Bunn		
27	28	29	30	Statewide Developmental Disabilities In-Service, Corvallis			
Rep. Lynn Snodgrass							The Arc



The Campaign to End The Waiting List



Christopher W. Kircher
28 years old
**Waiting for day services,
respite care**

Frances Kircher worries about her son who has Down Syndrome. Since Chris graduated from high school, he spends his time watching television all night and sleeping all day. Not much of an existence for a young man who could be active and productive given the chance.

Caring for Chris is a challenge for Frances, who was in a jobs program at one time, but she worried that no one would care for her son like she does if she left him each day to go to work.

Plagued by behavioral problems, Chris is a good person, but sometimes difficult to get along with. His mother gets out rarely, because Chris is just too hard for her to manage in public. A relative takes her out once a month to shop for groceries and other household necessities.

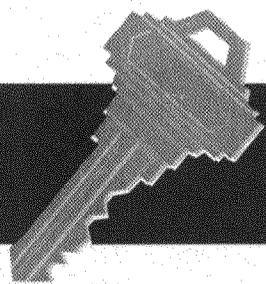
"I don't think some people realize a person needs a little time of their own to do things," Mrs. Kircher says, "or to shop for special occasions like Christmas." Chris has two brothers and one sister, and when the time comes, their mom wants one of them to take him.

Is that the solution? Or must Christopher continue to wait for appropriate services?

***2,109 people have been waiting for services for
more than 4 years, some as long as 20 years!***

19 July 99

S	M	T	W	T	F	S
sunday	monday	tuesday	wednesday	thursday	friday	saturday
				Canada Day 1	2	3
Sen. Lenn Hannon Independence Day 4	5	Rep. Kitty Piercy 6	Rep. Carl Wilson 7	Sen. Neil Bryant 8	9	10
11	12	13	14	15	16	17
18	19	Rep. Karen Minnis 20	21	22	23	24
Rep. Bob Montgomery 25	Americans with Disabilities Act passed into law 1990 26	Rep. Anitra Rasmussen Sen. Cliff Trow 27	28	29	Andy Owens, Waiting 30	31
31						The Arc



The Campaign to End The Waiting List



Kristine Jacobsen
17 years old
Waiting for vocational training, day activities

A student at Tillamook High School, Kristine is doing well for now. She lives with her mom, and works about three hours a week at Marie Mills Center, where she is gaining skills she and her mom hope will be useful to her in the future.

At this time, however, there are few job opportunities on the north end of Tillamook County. Her mother is concerned for Kristine's future, for after high school there will be even fewer services for young adults like Kristine. "It would be ideal to have a job trainer to help set up work in local businesses," Gladys Jacobsen says, "or create work for the summer months."

Of course, Kristine will need other assistance such as residential services in the future, as well. How long will that wait be?

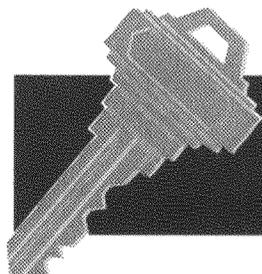
3,880 people have their names on formal waiting lists. As many or more are not on any formal lists, yet they, too, are waiting for services.

19

August

99

S	M	T	W	T	F	S
sunday	monday	tuesday	wednesday	thursday	friday	saturday
					Rep. Judy Uherbelau Sen. Susan Castillo	1 2
1	Helen Rosemarie Healy, Waiting	2	3	4	Rep. Jim Hill	5
					Sen. David Nelson	6
8	9	10	Kristine Jacobsen, Waiting	11	12	Rep. Randall Edwards
						13
15	Sen. Rick Metsger	16	17	U.S. Rep. Earl Blumenauer	18	Rep. Deborah Kafoury
						19
						20
22	23	24	25	26	27	28
29	Rep. Randy Leonard	30	31			
						The Arc



The Campaign to End The Waiting List



Angela Keim
23 years old
Waiting for residential
and vocational services
and transportation

Angela has been on the waiting list since she was in high school ... but waiting for what? Because Angela has a supportive family, and because there is always someone with emergent need, her position on the waiting list has changed very little in the last six years.

Angela's parents know that the longer a person waits, the more they lose. When Angela graduated from high school she was fresh and ready. But waiting breeds apathy, self-esteem dwindles, and finally television characters become friends.

Angela currently receives no services. After a five-year wait, she does have a job, but that is only once piece of the pie. Although her parents have the flexibility to provide transportation for her, Angela needs to be independent, she needs to be the best she can be. Her mom understands this well. "She needs to be able to continue to grow," Mom says. "And she's not alone. There are hundreds of people in Oregon just like Angela."

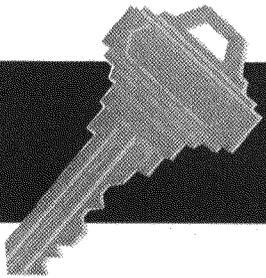
Individuals like Angela deserve to live in an environment that meets their needs and provides them with a safe haven from this harsh world.

1.900 individuals on the waiting list are between the ages of 19 and 29.

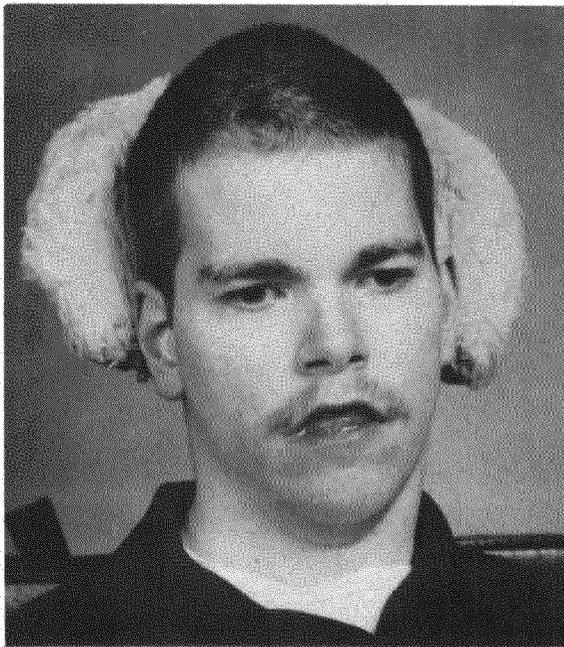
19 September 99

sunday	monday	tuesday	wednesday	thursday	friday	saturday
			Rep. Susan Morgan	1	2	Rep. Ben Westlund
					3	Rep. Max Williams
	5	<i>Labor Day</i>	6	Sen. Marylin Shannon Rep. Jeff Kruse	7	8
					9	Rep. Richard Devlin
						10
						11
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						30

The
Arc



The Campaign to End The Waiting list



**James Thomas
23 years old
Waiting for residential
services**

Ralph and Jean Thomas are both getting on in years. They are concerned about what will happen to their grandson, James, without them. James is medically fragile and needs a lot of stimulation to be happy and to stay alive.

For now, James thrives on having many persons involved in his life, and he craves exercise and other activities. Without that stimulation, James lies in bed and vegetates, pooling secretions into his lungs which could result in pneumonia, a condition which could easily take his life.

The Thomases don't want that to happen - not to James nor to any other medically fragile individuals. When they pass on, they want Jim to be in housing in Washington County, not somewhere else in the state. They want him near his advocates and they want him to have a range of activities.

Both 70 years of age, the Thomases hope they can "outwait" the waiting list. There are 220 names ahead of them.

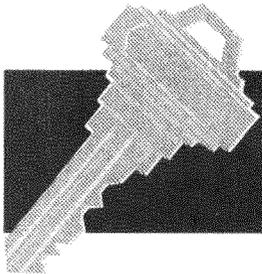
2,220 people on the waiting list receive no support services at all.

19

October

99

S	M	T	W	T	F	S
sunday	monday	tuesday	wednesday	thursday	friday Sen. Joan Dukes Sen. Charles Starr	saturday
					1	2
3	4	5	6	7	8	9
10	Columbus Day 11	12	13	14	Rep. Jo Ann Bowman 15	16
Sen. Gary George 17	Rep. William E. Morrisette 18	Rep. Steve Harper Rep. Kurt Schrader Rep. Lane Shetterly Rep. Jim Welsh Christopher Kircher, waiting 19	20	The Arc National Convention, Nashville TN		Comm. of Labor Jack Roberts 23
Rep. Jeff Merkley 24	Attorney General Hardy Myers 25	Rep. Floyd Prozanski 26	27	28	29	30
Halloween Daylight Savings Time Ends 31						The Arc



The Campaign to End The Waiting List

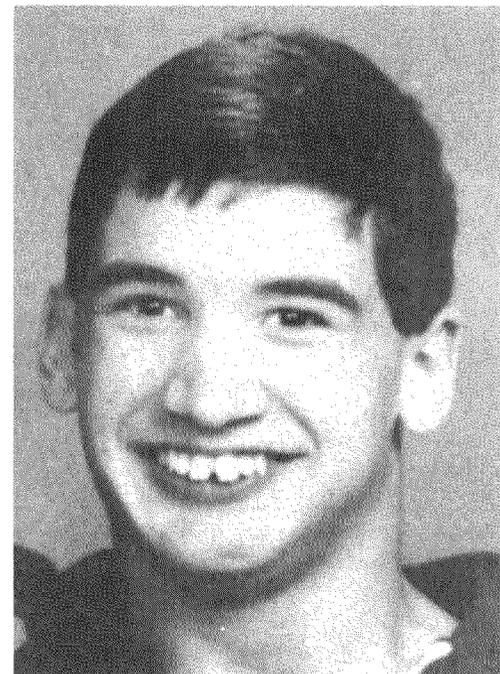
Families are what makes this world a stronger and better place to live in. No one knows that better than the Owens family.

Andy was born a perfectly normal child. At 22 months of age, he had a near drowning accident and went from being a perfect child to one who requires 24-hour care, tube feedings and diapering. Andy's mom says that none of us know what life has in store for us. She sure knows that!

Cynthia and David Owens know they are among the more fortunate ones. Andy has a computer, and they know they are lucky to live in a time when technology can improve their son's life. "What joy it brought to us," Cynthia said, "to hear Andy's computer voice talk to us after hearing nothing for 12 years!"

Still, they feel that all the years they have cared for their son have taken a toll on their family. "If we were to give our son to a foster family, they would receive help from the state to care for him. We would like the same kind of support."

They know, too, that the divorce rate is much higher in families like theirs. Respite care and help with medical costs not covered by insurance would make all the difference in keeping families together.

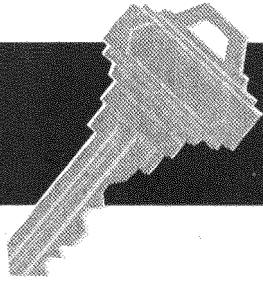


Andy Owens
18 years old
Waiting for family
support, respite care,
health care needs

2,061 individuals and families wait for family support services.

19 November 99

sunday	monday	tuesday	wednesday	thursday	friday	saturday
		1 <i>Election Day</i>	2 Rep. Jason A. Atkinson Rep. Lynn Lundquist	3	4	5
6	7	8	9	10 <i>Veterans' Day</i>	11	12
13	14	15 Rep. Rob Patridge	16	17	18	19
20	21	22 Rep. Dan Gardner	23	24 <i>Thanksgiving</i>	25 Rep. Diane Rosenbaum Rep. Kevin L. Mannix	26
27	28	29	30	The Arc		



The Campaign to End The Waiting List

Brenda has been out of high school for 12 years. Finally, last year, her family began receiving 20 hours of personal care a month to assist with Brenda's daily needs.

Since her high school graduation, Brenda has lived with her parents, who provide all of her care. Because there has been no day program to keep her occupied, Brenda has regressed in many areas, losing most of the skills she gained while in school.

Mr. and Mrs. Anderson have finally given up on an out-of-home placement for their daughter. Already they have waited so long. "We just want Brenda to have somewhere to go, even a few days a week."

Must the Andersons, and so many other families like them, settle for so little?



**Brenda Anderson
33 years old
Waiting 20 years
for residential
services and
and day program**

Waiting sucks!

19 December 99

S sunday	M monday	T tuesday	W wednesday	T thursday	F friday	S saturday
The Arc			Dec. 1, 1908 Fairview Training Center opened its doors in Salem to accept its first patients	1	2 Sen. Ginny Burdick Hanukkah Begins at sunset	3 4
5	6	7	8	9	Sen. Randy Miller 10	11
Rep. Bill Witt 12	13	14	15	16	17	18
19	20	21	22	Sen. John Lim 23	24	Rep. Ken Strobeck Christmas 25
26	27	28	Rep. Terry Thompson 29	30	31	

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The Arc of Oregon 1999 Calendar

Designed by Judy Kearney

The
Arc of Multnomah County

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Portland OR 97205-2692
Voice 503-223-7279, Fax 503-223-1488
www.thearcmult.org

Research by Cynthia Lee Owens



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Office of Neighborhood Involvement

Proposed Community Residential Siting Program

Type of Participation

December, 1999

All Special Needs Populations

Alternative to Incarceration / Post-Incarceration Offenders

<p>#1 Community Problem Solving Program</p> <ul style="list-style-type: none"> ◆ Mediated Discussions and Cooperative Agreements 	<p><i>VOLUNTARY PARTICIPATION</i></p>	<p><i>VOLUNTARY PARTICIPATION</i></p>
<p>#2 Neighborhood Information on Siting and Referral Process (NISR)</p> <ul style="list-style-type: none"> ◆ Outreach, Information Assistance & Coordinated Referral System ◆ Advisory Panel to develop "Best Practices" ◆ Network with providers, client advocates, neighborhood leaders 	<p><i>VOLUNTARY PARTICIPATION</i></p>	<p><i>VOLUNTARY PARTICIPATION</i></p>
<p>#3 Good Neighbor Certification Process</p> <ul style="list-style-type: none"> ◆ Citizen Advisory Committees to review facility proposals 	<p><i>NOT APPLICABLE</i></p>	<p><i>ASSIST PARTICIPATION MANDATED BY SB 1104</i></p>
<p>#4 Amendment of City Code</p>	<p><i>NOT APPLICABLE</i></p>	<p>The planning process will define any new use categories for facilities.</p>



CITY OF PORTLAND, OREGON

OFFICE OF
NEIGHBORHOOD INVOLVEMENT

Dan Saltzman, Commissioner
David Lane, Ph.D., Director
1221 S.W. Fourth Avenue, Room 110
Portland, Oregon 97204
(503) 823-4519
FAX (503) 823-3050
TDD (503) 823-6868
e-mail: oni@ci.portland.or.us

NEWS

For Immediate Release
December 14, 1999

Contact: David Lane, Ph.D.
(503) 823-4134

City of Portland Neighborhood Mediation Center Selected
To Join National Democracy Initiative

The Office of Neighborhood Involvement's Neighborhood Mediation Center has been chosen as one of ten diverse agencies to participate in a national project to enhance democracy-building skills. Representatives from Portland joined colleagues from across the country to learn about consensus-building, public participation, collaborative problem-solving and cultural competency. In addition to the core competencies training held in October, each site will receive on-going mentoring, support and additional skills training.

In Portland, technical assistance and training will support the Neighborhood Mediation Center's Community Problem Solving Program designed to mediate disputes, facilitate dialog and build collaborative agreements in residential and social service issues. "We are honored and excited to be chosen by Partners – US to share our experience and learn from other national leaders who are helping their communities to collaboratively manage change," said Dr. David Lane, Director of the Office of Neighborhood Involvement.

"We have a particular interest in working with our site communities to ensure that issues of race and culture – and inclusion generally – are directly addressed in the design

City Information
and Referral
823-4000

Crime
Prevention
823-4519

Neighborhood
Mediation
823-3152

Metropolitan Human
Rights Center
823-5136

Neighborhood
Associations
823-4519

Outreach
Coordination
823-3044

Refugee/Immigrant
Coordination
823-3049

and development of programs such as your Community Residential Siting Proposal,” said Terry Amsler, Director of Partners – United States. “Your approach is inventive, grounded on sound principles of community problem solving, and offers community building outcomes beyond the specific agreements that may be reached.”

The national initiative is sponsored by Partners – United States, a program of Partners for Democratic Change. Established in 1989, Partners is an international non-governmental agency with offices in San Francisco and New York City. Partners’ mission is to build sustainable local capacity, to advance civil society and a culture of change and conflict management worldwide. Partners – United States is funded by the Rosenberg Family Foundation, Surdna Foundation and Wallace Alexander Gerbode Foundation.

Participating agencies include three community mediation centers, two youth-serving agencies, three health and environmental organizations, and two civic improvement organizations. They are: Conciliation Forums of Oakland (Oakland, CA), Neighborhood Mediation Center (Portland, OR), Community Mediation Center (Knoxville, TN), Youth Force (Bronx, NY), St. John’s Educational Thresholds Center (San Francisco, CA), Louisiana Public Health Institute, NICOS Chinese Health Coalition (San Francisco, CA), Cross Community Coalition (Denver, CO), Focus St. Louis (St. Louis, MO) and Fresno Leadership Foundation (Fresno, CA).

#



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DEC 16 1999

COMMISSIONER
DAN SALTZMAN

310 SW Fourth Avenue, Suite 430 • Portland, Oregon 97204
503/223-8295 • Toll Free 1-800/424-3247 (TDD) • Fax 503/223-3396

December 9, 1999

Mayor Vera Katz
Commissioner Jim Francesconi
Commissioner Charles Hales
Commissioner Dan Salzman
Commissioner Erik Sten
City of Portland
1550 S.W. Fifth Avenue
Portland, OR 97204

Chair Beverly Stein
Commissioner Serena Cruz
Commissioner Sharon Kelly
Commissioner Diane Linn
Commissioner Lisa Naito
Multnomah County
1120 S.W. Fifth Avenue, Suite 1500
Portland, OR 97204

Dear Commissioner Salzman:

Below are comments regarding the Community Residential Siting Proposals that will have a hearing before City Council on December 15 and the County Commission of December 16.

I write these comments as a spokesperson for the Fair Housing Council of Oregon, an organization that seeks to increase access to housing for all by fighting illegal housing discrimination. I also write as a member of the Housing and Community Development Commission. Both bodies are concerned about the impact of public policies on the availability of housing to people with special needs.¹

I would like to go on record as endorsing the first three proposals as long as safeguards prevent negative impacts on people with disabilities, families with children, and other vulnerable populations. However, I am concerned that all four proposals have the potential to limit the amount of housing available to people with special needs, and in particular to decrease availability of housing that provides supportive services. Therefore, I ask that the resolution include a statement that the City of Portland recognizes that housing for people with special needs is an

¹Specific populations that have been named at least once during this process include: people who have been involved with the criminal justice system, people with mental illness, people with developmental disabilities, people in recovery from drug or alcohol abuse, gang-affected youth, and victims of domestic violence. Not all participants have expressed concern about all of these populations. Discrimination based on disability or familial status is illegal under fair housing laws.

asset to our communities and meets an important housing need.

Enhanced communication is good for our communities. The Community Problem Solving Action Plan, the Neighborhood Information on Siting and Referral Process (NISR), and the Good Neighbor Certification Process address the need for processes that facilitate communication among providers, neighbors, and funders of this type of housing and provide accurate information. We are pleased that the first two proposals are voluntary for providers and residents, and that proposal three only applies to the residences defined in SB 1104. We are pleased that the proposal for NISR addresses our concern that some information can violate residents' right to privacy by creating an advisory group that will oversee legal and ethical guidelines, protocols, and "best practices" for giving out information. We appreciate that the Good Neighbor Certification Process is not "intended to create legally enforceable or appealable rights or obligations, but is intended to provide guidance to neighbors and providers on what is expected." We are pleased that the Community Problem Solving Program does not mediate hypothetical impacts, but uses a facilitation model in the pre-siting stages.

As stated above, I want to emphasize our concern that our city and county have enough appropriate housing to serve special needs populations. In testimony given to HCDC in its current work on the Five Year Comprehensive Plan, we have heard that the greatest affordable housing shortage is that for people at or below 30% of median income. We have also heard about many populations that need some type of support services to successfully maintain tenancy and avoid homelessness. Although group living is not ideal for everyone, it meets a very real need in our community. It would be counter-productive for our city and county to set up processes that impede development of such housing, particularly when we hear over and over that this type of housing offers residents the best chance to regain a productive lifestyle. For that reason, I am concerned about amending the zoning code is amended to require an "alternatives to incarceration/post-incarceration use category." If this fourth proposal goes forward, it is important that such a use be permitted outright in some residential zones.

I appreciate the opportunity the Fair Housing Council has had to voice concerns throughout this process. I am pleased that our elected officials strongly endorse fair housing. I am strongly believe that with care proposals one, two, and three can result in more and better opportunities for all members of our communities.

Sincerely,


Cynthia Ingebretson
Executive Director

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

421 S.W. 6th Avenue
Suite 1100-A
Portland, Oregon 97204-1966

Memorandum

RECEIVED BY

DEC 15 1999

COMMISSIONER
DAN SALTZMAN

To: Mayor Vera Katz, City of Portland
Commissioner Dan Saltzman, City of Portland ✓
Commissioner Diane Linn, Multnomah County
Commissioner Lisa Naito, Multnomah County

From: Diane Meisenhelter, Co-chair, Housing and Community Development Commission
Mike Silver, Co-chair, Housing and Community Development Commission

MS
DL

Date: December 15, 1999

Re: *Community Residential Siting Proposals dated 12/1/99*

The Housing and Community Development Commission (HCDC) appreciates the opportunity to comment on the revised Draft Community Residential Siting Proposals ("the Draft Proposals")¹. The *Consolidated Plan 1995-2000*, prepared by HCDC and duly adopted by the City of Portland and Multnomah County, recognizes that both jurisdictions are required to affirmatively further fair housing as a condition of receiving federal housing and community development funds. HCDC takes an active interest in siting issues, because poor siting policy can obstruct individuals from locating affordable, suitable housing in the neighborhood of their choice.

HCDC generally supports the Draft Proposals, but has some concerns, described below. If these concerns can be addressed, HCDC would be glad to give the Draft Proposals its enthusiastic endorsement.

Overall Concerns

HCDC believes that it is important that city and county officials take the lead in recognizing the important contribution made by group residential housing for people unable to live independently, and for those who need assistance making a transition into being responsible community members. All county residents benefit from the availability of group residential housing. Therefore, siting policy at the local level must foster the development of this type of housing.

¹ We are addressing our comments to the Draft Proposals issued 12/1/99, which appear to be identical to the Draft Proposals issued 9/1/99.



Clear language is essential to a good siting policy. Vague language can transform a sound policy into an unfair one, by broadening the situations where it may be applied beyond those for which it was intended. HCDC is concerned that the Draft Proposals do not use clear language to describe the covered housing or the covered populations. For example, the word "facilities" is used without definition. What makes a building a "facility"? Is it the "special needs" of the residents? Is it the menu of support services offered on site? Is it the sponsor of the building? Another example of vagueness in drafting may be found in the Draft Proposals relating to populations that will be receiving housing as part of an alternative to incarceration or post-incarceration. These proposals should state specifically whether persons on probation are covered.

Community Problem Solving Action Plan

HCDC supports community problem solving. However, HCDC thinks it is the duty of government to consider, on a case by case basis, whether a particular "residential group home" or "facility" will have problematic impact on the neighborhoods where it are sited. A blanket assumption that there will be a negative impact is an unfounded stereotype.

Neighborhood Information on Siting and Referral Process Action Plan

HCDC supports the concept of facilitated efforts to link citizens with providers for the purpose of sharing information. HCDC believes it is important to strike the appropriate balance between the concerns of the neighborhood and the right of privacy owed to residents of group housing. This proposal should also contain safeguards against releasing confidential information inappropriately.

Good Neighbor Certification Process

HCDC supports this proposal insofar as it fosters voluntary communication. HCDC supports the goal of public participation through the formation of a citizen advisory committee. However, recommendations of the advisory committee should receive scrutiny before they become public policy. For example, program adequacy should not be determined strictly by a lay group, without review by people qualified to assess the adequacy of a provider's program plan. There is a real risk that a committee could devise standards that would, in effect, screen out all group residential housing.

City Code Amendments

HCDC has serious concerns about this proposal as currently described. Alternatives to incarceration and post-incarceration facilities are a growing concern to the community precisely because as a community we are getting "tougher" on lawbreakers. Persons with criminal justice involvement are a growing segment of our population. We must, as a community, make a place for persons who have been released from jails and prisons. The draft Needs

Assessment prepared by City and County staff as part of the Consolidated Plan 2000-2005 identifies persons with a criminal justice background as one of three groups at high risk of homelessness.

HCDC thinks the City should consider whether there ought to be certain zones where alternative-to-incarceration and post-incarceration facilities would be allowed by right.

HCDC again thanks you for the opportunity to comment on the Draft Proposals. If you have any questions, please contact our lead staff person, Beth Kaye, at 823-2393. She can tell you how to reach us directly.

**The
Arc**

of Multnomah County

*Advocating for Individuals
with developmental disabilities
in Multnomah and Clackamas Counties*

December 14, 1999

Dan Saltzman
Commissioner of Public Affairs
1221 SW 4th Avenue Room 230
Portland OR 97204

RECEIVED BY

DEC 15 1999

**COMMISSIONER
DAN SALTZMAN**

Dear Commissioner Saltzman,

As you know, The Arc of Multnomah serves individuals with mental retardation and related developmental disabilities and their families through advocacy and core program services. One of the issues that we hear about with great frequency is the critical lack of appropriate housing in our community for people with special needs.

Siting of residential facilities has always been an issue of concern. The Arc maintains that individuals with cognitive and physical disabilities have the same rights to live in the community as anyone else. We also know the kind of discrimination our population faces when it comes to the siting of group homes, and even in obtaining rental units. Each case is individual and unique, of course, but The Arc maintains that our community is richer for its diversity and for the inclusion of people with developmental disabilities.

We wish to encourage your support of all persons with mental retardation and related developmental disabilities living in the community as a part of a fair housing process for all persons. We understand the need for positive community relations with neighbors wherever there is a residential facility sited, and we are in full support of a process to support those community relations.

We also support a process allowing for neighborhood notification, but we stress that such a process not impede the placement of community settings for people with mental retardation and related developmental disabilities. We feel very strongly that people with special needs have equal rights in housing as elsewhere, and we cannot support anything that supercedes those rights. Likewise, we support best practices in housing as in other community issues. We support only those residential programs of the highest quality for any citizens in our community.

In the event of differences with respect to siting residential facilities, we believe there should be a mechanism in place to resolve differences in a fair and equitable manner. If a program which has been sited creates dissention, there should be opportunity for open dialogue within neighborhoods.

Finally, we encourage streamlining the review process for siting of residential programs. A more well defined and less cumbersome process will benefit all citizens in need of housing programs, and ensure that everyone is heard and is fairly treated.

Sincerely,



Gretchen A. Yost
Executive Director



Community Development Network

December 14, 1999

To: Office of Mayor Vera Katz
Office of City Commissioner Dan Saltzman
Office of County Commissioner Diane Linn
Office of County Commissioner Lisa Naito

Fr: Amanda McCloskey, CDN, 335-9884, fax 335-9862

Re: Comments for December 15, 1999 6 p.m. Portland City Council Hearing on Community Residential Siting Proposals

As we are unable to attend the Dec. 15 hearing, please accept this as our comments.

The Community Development Network (CDN) is an association of nonprofit housing developers in the Portland Metro Area. We have 25 voting members nonprofits, and 58 affiliate members, including financial institutions, local government and technical assistance providers. CDN members have produced about 5000 units of affordable housing, contributing to the livability and stability of Portland's neighborhoods for all of its residents.

Non-profits developing
affordable housing and
revitalizing neighborhoods

We have two main concerns that have been consistent throughout this entire, lengthy, "facilities siting" process:

1) The definition of "facilities" remains unclear. Proposals three and four clearly deal with only post-incarceration facilities. However, proposals one and two, which refer to "residential group homes and facilities" may very well include the work of CDN nonprofits, especially providers of "special needs" housing. If one or both of these proposals is adopted, clarification is needed about what kinds of projects will be covered.

2) It's our understanding that both proposals one and two, the Community Problem Solving Action Program and the Neighborhood Information on Siting and Referral Process Action Plan, would have advisory committees for those programs. We assume that a full range of stakeholders would be included on those advisory committees, but we'd like to it made explicit that providers of nonprofit housing would be involved in advising and evaluating any program which involves nonprofit housing facilities siting.

Thank you for your consideration of these issues.

Memorandum

December 15, 1999

To: David Lane

From: Barbara Hart

Subj.: Phone contact with Community Development
Network (CDN)

As you requested, I contacted CDN to discuss with Amanda McCloskey the questions she raised in her 12/14 memo re the CRSP.

I spoke with Tasha Harmon. Amanda is out of the county.

1. We discussed examples of residential and social service facilities. I reviewed the successful work we have done to address affordable housing development issues (Boise / Housing Our Families) and that we look forward to assisting the CDN and individual community development corporations in situations where it will be beneficial to all involved.
2. I confirmed that an advisory committee would be formed that would have broad representation from stakeholder groups, countywide, and that we would encourage involvement from CDN and c.d. corporations.

She was pleased by the call and satisfied with the answers. CDN staff will not be able to attend either hearing.

Dixon, Frank

Subject: FW: Social Service Siting

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

From: Kimura, Arlene [mailto:KimuraA@nabisco.com]
Sent: Wednesday, December 15, 1999 1:24 PM
To: 'dsaltzman@ci.portland.or.us'
Cc: 'Lane, David '
Subject: Social Service Siting

Commission Saltzman, the Hazelwood Neighborhood Association supports the resolution before City Council on the social service sitings. We feel this is a very good first steps in resolving the very difficult issues that arise with housing those who have special needs within the larger community. Our concern is that the resulting solutions must be monitored and evaluated for effectives as an on-going process. Further work, we feel, needs to be done on issues of saturation and the siting of PSRB clients within the community. Your continued involvement and support of this very complex subject has been very helpful.

Thank you.

Dixon, Frank

From: Grumm, Matt
Sent: Monday, December 13, 1999 8:31 AM
To: Dixon, Frank; Saltzman, Dan
Subject: FW: Siting Proposals Resolution

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

From: Mnortie@aol.com [mailto:Mnortie@aol.com]
Sent: Friday, December 10, 1999 4:17 PM
To: dsaltzman@ci.portland.or.us
Subject: Siting Proposals Resolution

Subj: Siting Proposals Resolution
Date: 12/10/99
From: M'Lou Christ

I will be unable to attend your discussion/hearing. Here are some of my thoughts for the record:

I am pleased the county and city are discussing this issue. However, I don't believe the 4 proposals achieve adequate/appropriate resolution.

I think generally, these 4 proposals add process to talk about residential sitings & try to work out agreements re operating them--but that's done now, mainly by District Office & ONI staff (via land use & crime prevention folks thru trainings & outreach & case management).

*I'm not sure there's enough new business re residential sitings to require additional staffers for more of that & I think such assistance should stay out in the neighborhoods, not locate downtown.

*Nor does it appear this version would do anything more to require pre-discussions or enforce any resultant agreements than occurs now.

The major problem for me (& the County's Central CBAC at last night's discussion) is that it does not address the overall problem --the one that has been mentioned for years & that Buckman neighborhood yelled loudly enough about to get this discussion started: Nobody knows how many various services are sited in neighborhoods now & there's no policy proposed to have local jurisdictions spread them around so that the burdens & benefits are evenly distributed.

*Requests for some bureau to map them & keep track of additions/changes have been ignored for years & is still not resolved here. (The usual excuse is that addresses of shelters can't be public knowledge; but all other services could be & probably even the part of town that shelters are in --or not yet available in--could be indicated). I would support funding to gather that info & set up a tracking system.

*Local governments could use carrots & sticks to get better distribution of all services--so those who need them can get them where they or family/friends are, yet that neighborhood would remain a "normal", balanced community--part of what those clients need around them as well as what those neighbors hope to keep.

The following are parts of the 2 emails I sent when the Oct. DRAFT came out (I can see no text changes in the Dec. DRAFT, but spacing does put some parts on different page #s):

1) to BAmes & Saltzman:

I think proposal #4 concerning City code amendments is a good idea. I realize it would be quite a bit of work--and politically sensitive, at that--but it offers the opportunity to affect/resolve some cases before they become issues or require correction.

RE "saturation" (paragraph 3 p.12). I think defining "saturation" and setting dispersal targets/process is key to resolving this issue.

I also think it's crucial that City and County policies be adopted to ensure that local jurisdictions do not provide funding or other forms of siting/operations support to agencies unless they meet dispersal targets & distance limitations. Providers' arguments of lowest-cost or area familiarity & connections cannot be routinely accepted as criteria for such siting policy waivers. It's government's role to acknowledge and avoid the long-term social & real costs of saturation, for clients as well as neighbors.

And, even though local jurisdictions cannot interfere with siting of programs protected under the Fair Housing Act (ie, must process permits), it does seem that local jurisdictions could withhold their financial assistance (related to purchase, construction/rehab & operation) in cases where providers do not make an effort to comply with saturation targets. Unless legal opinion is forceful to the contrary, I'd like to see that policy adopted too. And if legal opinion is forceful to the contrary, it seems that's an issue Rep. Blumenauer ought to fold in to his current efforts on this topic.

2) to DLane:

RE the Comm. Problem-Solving Action Plan:

Overall, it seems to just ensure that ONI-based mediation & problem-solving assistance & training will include siting situations. Am I reading that correctly?

Regarding its specifics (p.4):

#1 How is this different from existing ONI-based mediation services?

#3 seems already included in #1

#5 seems to be a part of Proposal #3, ie, get them to participate in Certification. Yes?

RE the NISR:

I can't find the "four-step action plan" referenced in the first sentence (p.5).

I concur with the goals--compiling & disseminating related info, providing referrals, advocating fair treatment, etc. These fit with current ONI workscope, just broaden it to make sure this hot topic is well covered.

Neither of these proposals address the "dispersal/saturation" issue. Could that, however, be part of the "best practices" research & the education efforts of NISR? I see that it is referenced in Prop. #4

Thank you,
M'Lou Christ
904 SE 13th



December 15, 1999

Mayor Vera Katz
City Commissioner Dan Saltzman
County Commissioner Diane Linn
County Commissioner Lisa Naito

RE: Community Residential Siting Proposals dated 12/1/99

Dear Mayor Katz, Commissioner Saltzman, Commissioner Linn, and Commissioner Naito:

Thank you for this opportunity to comment on the current version of the Community Residential Siting Proposals. Let me begin by stating that Network Behavioral HealthCare is a provider of housing for persons having mental illnesses and/or addictions recovery issues. These persons can be characterized as having extremely low incomes and complex histories that often include periods of institutionalization and/or incarceration. They require various amounts of professional support (from no supervision to 24 hour supervision) to maintain successful tenure in the community.

General

The Consolidated Plan establishes special needs housing as a high priority for the jurisdictions that participate in the Multnomah County Consortium. Proposals that relate to housing should be analyzed in the context of the Consolidated Plan, and this analysis should be articulated.

The proposals as written have the potential to work against that prioritization. Indeed, the proposals may have a disparate impact on special needs housing because the target populations are not well defined. Even proposals three and four, which specifically address post-incarceration facilities and alternatives to incarceration, do not adequately address how populations that have special needs and a criminal justice relationship will be considered.

Community Problem Solving Action Plan

Network supports the community problem solving proposal. We would like to see the proposal challenge the general assumption that "residential group homes" and "facilities", however these terms are defined, have problematic impacts in neighborhoods. The term "facilities" needs to be defined. Does this term refer to apartment buildings that house persons with special needs? Is the provision of support services a trigger for inclusion under this proposal? Is the sponsor of the housing the trigger for inclusion? As written the proposal seems to assume that all "facilities" and their residents are equally suspect of presenting problematic impacts – that tenants of apartment buildings for independent persons having mental illnesses present the same

potential impacts as residents of supervised group homes, etc. This is stereotyping that we believe Government should challenge, not support.

Neighborhood Information on Siting and Referral Process Action Plan

Network supports facilitated efforts to link citizens with providers for the purpose of sharing information. We are somewhat concerned that this proposal would create an agency of government that would maintain a data base that would be "as comprehensive as is practicable, ethically, and legally allowable." We feel that the public interest is served by collecting only as much information as is needed to clarify for citizens which provider and which governmental agency to call to get further information, and by keeping track of an organization's history of responsiveness to community concerns.

Good Neighbor Certification Process Action Plan

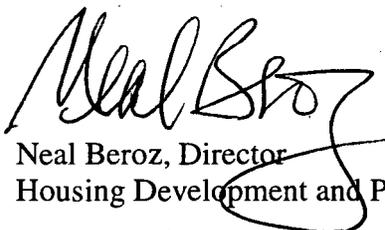
Network supports the intent of this proposal but has some reservations about the powers that appear to be granted to the citizen advisory committee. How will one assure that the committee includes expertise that is qualified to assess the adequacy of a provider's program plan? Is majority rule the proper mechanism for establishing suitability of a proposed facility? Who will determine if information requested by the committee is appropriate?

City Code Amendments

Network is not in favor of this proposal as currently described. Alternatives to incarceration and post-incarceration facilities are a growing concern to the community precisely because as a community we are getting "tougher" on lawbreakers. Persons with criminal justice involvement are a growing segment of our population. We must, as a community, make a place for persons who have been released from jails and prisons or who have been deemed suitable for community corrections. Facilities that provide housing to these individuals perform a valuable service in that they offer supervision to persons who would otherwise be dispersed and reside independently in the community. Government should encourage the development of such facilities by identifying zones in which these facilities would be allowed by right (preferably, in residential and multi-family zones, near appropriate services). To simply make alternatives to incarceration and post-incarceration facilities a conditional use is unacceptable – these residences must be an allowed use somewhere.

Thank you again for the opportunity to comment, and for your attention to this difficult issue. Should you have questions, please contact me at 238-0769 x125.

Sincerely,



Neal Beroz, Director
Housing Development and Property Management

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-241

Adopting the Community Residential Siting Proposals

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County, in partnership with the City of Portland, the State of Oregon and numerous non-profit providers, is committed to providing housing options for people with special needs and to supporting diversity in neighborhoods.
- b. Successful integration of a new residential facility into any neighborhood requires mutual respect and the creation of strong positive relationships from the outset between the newest neighbors and existing residents. Establishing and maintaining effective communication is a key to building and sustaining trust.
- c. Multnomah County endorses the letter and intent of the Federal Fair Housing Act and the Americans with Disabilities Act and is committed to preventing discrimination against people with mental illness, substance addictions or other disabilities. Nothing in this resolution is intended to restrict or regulate the siting of facilities designed to serve people who are protected from discrimination by virtue of their race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, source of income or political affiliation.
- d. Citizens and neighbors who desire to understand or provide support to people with special needs or who may have questions about a proposed residential project face a bewildering array of state and county agencies. There currently is no single source of public information on facility siting in the County.
- e. Once a facility is established, good neighbor relations may require the intervention of a neutral third party to assist in problem solving.
- f. Maintaining mutual trust and respect between neighbors, residents, and providers is key to successful siting, and thoughtful outreach to the neighborhood in advance of siting a facility helps to create a climate of openness and acceptance.
- g. Senate Bill 1104, passed by the 1999 Oregon Legislature, requires the appointment of advisory committees to assist in the siting of certain post-incarceration facilities.

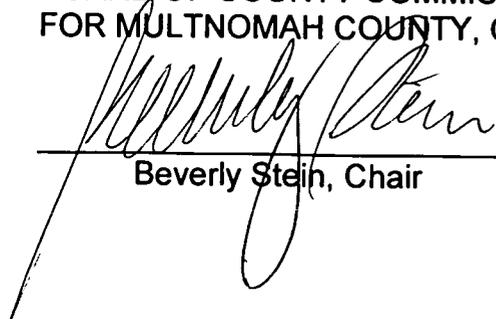
The Multnomah County Board of Commissioners Resolves:

1. Multnomah County joins with its colleague, the City of Portland, in creating a community problem solving resource to be located in the Office of Neighborhood Involvement (ONI). Staff at ONI will serve as a contact point for neighbors, providers, and the public who seek information about the siting of residential facilities, including best practices in outreach and education about the proposed programs (consistent with the privacy protections of state and federal law). ONI will appoint an advisory committee to be approved jointly by the Mayor of Portland and the Chair of Multnomah County.
2. To address problems in siting or during the eventual operation of the facility, ONI will also make available mediation services to neighbors and providers to promote better communication.
3. ONI will specifically assist with the implementation of Senate Bill 1104, passed by the 1999 Oregon State Legislature, and will provide information and models for Good Neighbor Agreements that may be developed through the mutual consent of providers and neighborhood organizations.
4. ONI will also provide advice and services related to these issues to residents and providers outside the City of Portland but within the boundaries of Multnomah County. Any services will be coordinated with other municipalities as appropriate.
5. ONI will report to the Board of County Commissioners after 6 months regarding implementation of these programs and will provide an annual report identifying the number, nature and resolution of issues raised, and any learnings from those processes.

Adopted this 16th day of December, 1999.



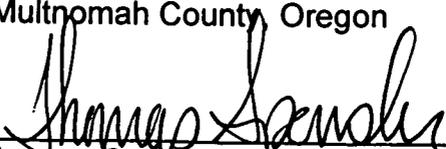
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Thomas Sponsler, County Counsel

OFFICE OF MAYOR VERA KATZ

OFFICE OF CITY COMMISSIONER DAN
SALTZMAN

OFFICE OF COUNTY COMMISSIONER DIANE
LINN

OFFICE OF COUNTY COMMISSIONER LISA
NAITO

COMMUNITY RESIDENTIAL SITING PROPOSALS

DECEMBER 1, 1999

NOTICE OF CITY AND COUNTY PUBLIC HEARINGS:

Public hearings to consider the adoption of resolutions implementing the proposals contained in this document are scheduled for:

December 15, 1999 at 6 PM before the Portland City Council at City Hall—
1221 SW 4th Avenue, Portland;

December 16, 1999 at 11:30 AM before the Multnomah County Board of
County Commissioners at the Multnomah County Courthouse, Boardroom
602, 1021 SW Fourth Avenue, Portland.

1. THE COMMUNITY PROBLEM SOLVING ACTION PLAN

Contact Person: David Lane, Ph.D. 823-4134

Email: dlane@ci.portland.or.us

The Community Problem Solving Program would help citizens in Portland and Multnomah County, neighborhood associations, providers and agencies discuss questions, issues and concerns related to existing or proposed siting of residential group homes and facilities. Staff would triage inquiries to assess the most appropriate type of assistance, which may include facilitation, mediation and/or assistance in the development of good neighbor agreements and similar consensus agreements. The program would be staffed by a combination of a Senior Community Relations Specialist and trained volunteer mediators in the Neighborhood Mediation Center.

Goals of the Community Problem Solving Program:

To meet the needs of citizens, neighborhood associations, providers and agencies for issues, questions, and concerns related to the siting and operations of residential group homes and facilities;

To increase the satisfaction of citizens, neighborhood associations, providers and agencies in siting of residential group homes and facilities;

To increase the skills of citizens, neighborhood associations, providers and agencies in problem solving around issues related to residential group homes and facilities.

Public need / demand:

Citizens in Portland and Multnomah County have expressed their frustration with the processes by which residential group homes and facilities are sited. Citizens say that they often feel there is not enough information shared in advance with neighbors and that neighbors' questions, concerns, and interests may not be understood or considered by providers. Neighbors also have concerns about the on going operations of such residential group homes and facilities and do not always feel they have an effective means of engaging in dialogue and problem solving with the providers. Providers similarly have expressed that the needs of and respect for their clients are not always recognized, understood or respected by neighbors.

The main goal of the Community Problem Solving Program would be to facilitate addressing questions, concerns, and issues related *before* the issue was elevated to a severe problem. In the past, it has often been relatively late in the siting process that the parties are brought together to discuss issues and express frustration. At that late stage, very often, the parties have established their "positions," trust, and openness between the parties can be quite low. Thus, the opportunity for effective dialogue and problem solving is diminished. This Community Problem Solving Program will facilitate productive dialogue and problem solving and improve the siting process.

Brief description of services:

This program would provide mediation services for the proposed siting and operations of residential group homes and facilities. The types of services appropriate and available for a particular case would vary on a case-by-case basis. The volume and complexity of active cases would directly affect how many cases can be handled and the timeliness of responding to requests for services.

Specifically, the Community Problem Solving Program will:

1. Provide a range of mediation services to neighbors, agencies, County agencies, providers and others involved in proposed siting or on-going operations of existing residential group homes and facilities. These services would include the development of good neighbor agreements and similar consensus documents.
2. Facilitate problem solving, discussion and resolution of specific issues that arise before and during the siting process.
3. Mediate siting issues that arise after a facility has been sited including ongoing concerns around operations.
4. Train community members, neighborhood staff and providers in problem solving and conflict resolution related to residential group homes and facilities.
5. Work with State and County Agencies to resolve issues relating to siting before siting plans are made.

2. THE NEIGHBORHOOD INFORMATION ON SITING AND REFERRAL (NISR) PROCESS ACTION PLAN

Contact Person: David Lane, Ph.D. 823-4519

Email: dlane@ci.portland.or.us

The primary impetus for this four-step action plan is to address the issues, questions and concerns of citizens around residential group homes and facilities in neighborhoods. These services are often funded, coordinated, and supervised by State and County agencies. The proposed system and process for addressing these issues would be called the Neighborhood Information on Siting and Referral (NISR) process. NISR would be an outreach and information process developed through an ongoing partnership with citizens, neighborhood associations, providers, social service agencies, public service representatives, and residential group homes and facilities residents and their advocates. NISR would enable assistance for citizens and providers and would be a centralized, coordinated source of information, guidance, referral,

and assistance to citizens, neighborhood associations, providers and agencies with inquiries about siting-related issues and concerns. NISR would be coordinated out of the Office of Neighborhood Involvement (ONI) and the NISR system—developed, adapted, and improved over time—would triage calls and requests to determine the nature of the concern, provide relevant information and make appropriate referrals to a range of respondents.

Goals of the NISR system:

- This proposed action plan is an outreach and communication *process*, coordinated through the Office of Neighborhood Involvement. A careful deliberate process is necessary to address the myriad of issues around siting due to the complexity of the siting process, ethical concerns around client confidentiality, legality of various siting issues, fairness issues, and lack of any national protocols or established governmental procedures addressing this issue. Consequently, as a process, NISR will be developed with the advice and guidance of an advisory group convened by ONI. However, in a broad sense, NISR will:
- Develop legal and ethical guidelines, protocols, and “best practices” to address citizen questions and issues involved in residential group homes and facilities siting. These guidelines would be developed using a broad-based and balanced advisory group comprised of neighborhood association representatives, providers, residents of residential group homes and facilities, advocates, legal experts, public service officials and other citizens. These practices and guidelines would form the basis for the outreach and information provided through the NISR process, would be framed within legal and ethical practice, and would ensure the fair treatment of all citizens.
- Provide information on a broad range of questions and issues related to proposed siting of residential group homes and facilities and the operations of existing residential group homes and facilities using the above guidelines.
- Advocate for the fair treatment of all citizens, including residential group homes and facilities and all other neighborhood residents, in Portland and Multnomah County around siting issues.
- Develop networks of County and State agency contacts, providers, residential group homes and facilities advocates, and public agency contacts that citizens and neighborhood associations would be linked to for addressing specific concerns, questions and issues. Respondents for

citizen inquiries might include: appropriate agency or residential group homes and facilities contacts (based on the guidelines developed by NISR), elected officials, program funders, neighborhood and coalition leaders, and the managers of Multnomah County Public Affairs, the City of Portland's crime prevention program, the Community Problem Solving Program, and a wide variety of social service agencies and providers.

- Provide information and feedback about the issues and types of requests for information and assistance on siting-related issues for NISR advisors, elected officials, residential group homes and facilities providers, and other agencies to develop new or improve existing programs designed to meet these needs.
- Maintain a library of research, good practices, suggestions for addressing specific concerns, referral information, etc. which would be provided to citizens, neighborhood associations and residential group homes and facilities providers to inform them about specific questions.
- Facilitate implementation of the Good Neighbor Certification process and Senate Bill 1104, which will require neighborhood associations to assist providers in siting residential group homes and facilities for offenders.
- Address citizen concerns, specific complaints, questions, etc through a triage system developed in partnership with the advisory group. This system would address a citizen's question while maintaining the confidentiality of the residential group homes and facilities (where necessary and appropriate) and its residents.

Public need / demand:

In a variety of ways, people across Portland and Multnomah County have voiced their concerns about the siting and operation of residential group homes and facilities in their neighborhoods. A main frustration is the complex network of agencies and service providers, the lack of coordination among these entities, and the lack of accurate, complete and timely information about proposed siting and existing residential group homes and facilities. Ordinarily these services originate or are coordinated with State agencies or Multnomah County agencies. Neighbors with concerns about a proposed siting or the on-going operations of existing residential group homes and facilities are often unclear or confused about which provider or even which governmental agency to call to get information.

In addition, citizens are unclear about which types of residential group homes and facilities and services are protected by the Fair Housing Act, confidentiality laws and other regulations. The lack of clear facts and information about the siting process or a particular residential group homes and facilities may cause or increase citizen concerns, fear, or sense of powerlessness that could unnecessarily heighten the tensions among neighbors and providers.

The proposed NISR process will serve as a gateway for citizen, neighborhood association and provider inquiries around siting issues. The process will provide a County/City governmental liaison among citizens, neighborhood associations, providers, social service agencies, public service representatives and residential group homes and facilities residents and their advocates. It will advocate for best practices among the full range of siting issues present in Portland and Multnomah County.

Brief description of services:

The NISR process would operate in the City of Portland's Office of Neighborhood Involvement (ONI) with the full support of Multnomah County officials, staff and providers. The program would be staffed by one community relations staff person whose main responsibility would include providing information and outreach to neighborhoods and providers around siting issues. The ONI staff person would convene, facilitate, and coordinate the advisory process for developing the NISR. In addition, this position would develop the guidelines, best practices and protocols in partnership with the advisory group. Other responsibilities for the staff person might include gathering research and information about existing Federal, State, and local statutes, best practices, protocols from social service agencies, and lists of residential group homes and facilities providers who had agreed or were mandated to report providing service in Portland and Multnomah County.

The staff person would advocate for best practices, answer calls and inquiries, provide information, make referrals to appropriate contacts, and develop and on-going relations with the full range of constituents, agencies and providers. This staff person would be the primary contact person for agencies and providers to communicate with regarding follow-up and status of all referrals and questions. The staff person would also help citizens and neighborhood associations with concerns, questions, or information they needed regarding specific or general siting-related issues.

Scope of services:

The Neighborhood Information on Siting and Referral (NISR) outreach and communication process would be designed to serve the people of Multnomah County and Portland. The processes and guidelines developed would be related to proposed and existing residential group homes and facilities within Multnomah County and Portland. The types of information maintained and provided would be as comprehensive as is practicable, ethically, and legally allowable.

- This program's primary purpose would be to serve as a conduit to connect citizens and neighborhood associations with the appropriate agencies and providers responsible for notifying, involving and working with neighbors and groups on issues related to proposed siting and existing operation of residential group homes and facilities. The program would advocate for and assist parties in getting information and assistance to ensure a fair, sensitive, and legal process for proposed siting and the on-going operation of existing residential group homes and facilities.

3. THE GOOD NEIGHBOR CERTIFICATION PROCESS ACTION PLAN

*Contact: Commissioner Diane Linn's
Office 248-5220*

E m a i l : RamsayWeit@co.multnomah.or.us

This initiative will function as a certification of the siting process used by a prospective neighborhood provider, designed to verify that the process used meets threshold community standards and lays the groundwork for ongoing good neighbor relations. The outlined process incorporates provisions of SB 1104 (effective October 23, 1999) which mandates the creation of citizen advisory committees to review proposed neighborhood facilities.

The certification process is not designed to create legally enforceable or appealable rights or obligations but is intended to provide guidance to neighbors and providers on what is expected during the siting process. The assumption throughout is that there is a mutual responsibility of providers and neighbors to participate and cooperate in good faith toward the goal of effective communication.

Who is covered:

The Oregon Dept. of Corrections, Oregon Youth Authority, Oregon Office of Services to Children and Families, and any other city, county, or public agency establishing a post-incarceration "facility," either directly or through a contract agency.

Which programs:

A halfway house, work release center or any domiciliary facility for persons released from any penal or correctional facility but still in the custody of the public agency; and youth care centers or other facilities authorized to accept youth offenders under ORS 419C.478.

How to earn certification:

- Contact the Office of Neighborhood Involvement (ONI) to review the proposed site in the context of existing facilities and to inform staff of program plans. ONI will make available best practice materials to aid in designing an outreach plan.
- As soon as possible after site control is obtained and the population to be housed is known to the provider, provide documented evidence that the agency has approached the appropriate neighborhood and business associations, as well as the district coalition office, offering to make a presentation on the proposed program and the agency outreach strategy.
- Provide notice to property owners within 400 feet of the site by sending a mailer to all households, containing a description of the proposed program, the provider organization with contact names and numbers, and a Q&A sheet on the program. Include a preliminary drawing of the proposed building if possible.
- Make door-to-door contact with these same households, presenting program staff to explain facility operation and answer questions.
- Conduct a personal meeting with immediate neighbors to discuss building design, landscape issues, fencing.
- Send a courtesy notice to selected facilities beyond 400 feet, e.g. schools, churches.

- Ask the neighborhood association to nominate a citizen advisory committee (required by SB 1104). (If there is no neighborhood organization or they do not take on the task, either the City of Portland or Multnomah County will appoint a committee selected from area residents).
- Provide the appointed citizens advisory committee information on:
 1. The proposed location, estimated population, size, hours of operation and use of the site;
 2. The number and qualifications of resident professional staff;
 3. The proposed rules of conduct and discipline to be imposed on residents; and
 4. Other aspects of the program as considered appropriate or as requested by the committee.
- Considered written input from the committee (if a majority view) on the suitability of the proposed facility and changes in the proposal. If the advice is rejected, provide written explanation to the committee.
- ONI with the full support of Multnomah County will:
 1. Provide staffing to implement and monitor the providers in partnership with local, County and State Agencies;
 2. Assist in the process of nominating members to the committee;
 3. Facilitate dialogue between the agency and the committee;
 4. Provide resources on best practices in good neighbor siting; and
 5. Check to see if the required documentation is in order
 6. Evaluate the time/resources required for providers to comply with the certification process.

4. AMEND PORTLAND CITY CODE TO INCLUDE AN "ALTERNATIVES TO INCARCERATION/POST- INCARCERATION" USE CATEGORY

Contact Person: Betsy Ames 823-4799

Email: bames@ci.portland.or.us

The City of Portland Bureau of Planning could develop a new land use category for "alternatives to incarceration/post-incarceration." Code language would be adopted through the legislative process. City Code has a number of Use Categories including, among others: Group Living and Household Living under Residential Uses; Community Service; and Detention Facilities.

Uses may be allowed outright, limited, allowed as conditional uses or prohibited in different zones. Use regulations for single-dwelling, multi-family, commercial, and industrial and employment zones would need to be amended to include how uses falling under the "alternatives to incarceration/post-incarceration" use category would be treated in these zones.

These uses could be treated as conditional uses in some or all residential, commercial, industrial and employment zones. Conditional use approval criteria, based on land use impacts, would need to be developed.

The City Code could also define "saturation" for these uses to encourage the even dispersal of facilities throughout the City. Distance limitations between similar uses or between these uses and sensitive areas such as schools could also be developed.

Conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

Goal of the City Code Changes:

The goal would be to regulate facilities that house residents under the supervision and authority of the Oregon Youth Authority, Multnomah

County Community Corrections, or other corrections departments or agencies, as alternatives to detention facilities. The facilities would house residents who would be on parole or probation, serving out the remainder of court-ordered detention, either found guilty or who had pled guilty to felonies or misdemeanors, and are still under the jurisdiction of the State or the County. The use category would not include facilities, such as group homes for the disabled or alcohol treatment programs, protected under the Fair Housing Act.

Scope of the Process to Change the City Code:

The scope of the potential zoning code changes would be defined by the elected officials who "send this project" to the Bureau of Planning. The proposed code amendments would only apply to a limited number of facilities (those serving residents guilty of criminal acts) and would not outright prohibit such uses from siting in residential zones.

Code amendments would need to be developed by the Bureau of Planning with public input. Careful consideration would need to be given to the definition of facilities covered to ensure compliance with the Federal Fair Housing Act and to ensure application to all facilities that should be included. Planning staff would need to seek input from state and county correction agencies including the Oregon Youth Authority, and Multnomah County Community Corrections. In addition, the City Attorney would need to advise staff on the legality of any proposals. The Code changes would need to go to the Planning Commission for approval with notification as required before the hearing. Public review of any proposed changes and opportunities to comment would also be required. The Planning Commission would forward their recommended Code changes to the City Council for review and adoption. Additional funding for Planning to conduct research, outreach, and write code may be necessary.

**SPECIAL NOTE REGARDING GROUP HOMES OPERATED BY THE
PSYCHIATRIC SECURITY REVIEW BOARD**

Residential group homes under the supervision of the State of Oregon's Psychiatric Security Review Board (PSRB) pose unique questions for the elected officials. Under these proposals, PSRB homes are only included

within the scope of the first and second Action Plans. There was no consensus reached among the elected officials to include PSRB homes in the third and fourth Action Plans (Good Neighbor Certification and Code Amendments) because of serious legal issues created by the Fair Housing Act (FHA).

No federal or state court has ruled on the question of whether residents under the jurisdiction of the PSRB because of prior dangerous conduct and disease must be protected from discrimination under the FHA.

The PSRB reports that there are no incidents in recent years of persons placed in PSRB residential group homes who have caused injury to persons or property. Also, advocates for the disabled and the PSRB claim that there is no direct threat that such injury may occur in the future because each resident is determined to be adequately controlled by treatment and an appropriate level of supervision when placed in the community by the PSRB.

Questions or comments may be directed to:

David Lane, Director
Office of Neighborhood Involvement
City of Portland
City Hall, 1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

(503) 823-4519

E-Mail: oni@ci.portland.or.us

Web Site: www.ci.portland.or.us/oni



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

STAFF SUPPLEMENTAL MEMORANDUM

TO : Board of County Commissioners

FROM : Bill Farver, Chair's Office Chief of Staff

DATE : December 8, 1999

RE : Resolution to Allocate Public Safety Bond Fund Interest to Specific Capital Projects and Authorization to start construction.

I. Recommendation/Action Requested:

Approval of resolution to allocate Public Safety Bond Fund interest, authorize construction of projects and direct staff to develop options for transition housing for offenders.

II. Background/Analysis:

In May of 1996 the voters of Multnomah County approved Ballot Measure No. 26-45, authorizing the issuing of \$79.7 million in General Obligation Bonds. These bonds were to be used for facilities that would improve public safety, including "ending early unsupervised release of prisoners by constructing, expanding jails, acquiring land" and "secure beds for mandatory substance abuse treatment for offenders".

This resolution allocates the remaining available Public Safety bond interest based on the recent Board briefings and discussions:

PROJECT	INTEREST BALANCE
	\$11,323,419
Rivergate Jail and AD Facility	up to \$3,000,000
Booking Facility	up to \$3,348,344
Child Receiving Center and Multi-Disciplinary Team Facility	up to \$3,000,000
Housing options for offenders developed with community and government partners	up to \$1,975,075



The resolution also:

- Directs the Sheriff and Community Justice Director to proceed with planning and construction of the Rivergate Jail and a 300 bed Alcohol and Drug Treatment Center.
- Directs the Sheriff to proceed with the development of plans for an expanded booking facility. The Sheriff and the Chair will bring to the Board a plan to pay for the additional staffing costs for the temporary facility.
- Directs the Community Justice Director to develop a proposal for Board to consider for the use of up to \$1,975,075 in bond interest to increase alcohol and drug free housing options available to offenders.
- Directs the Community Justice Director to develop a proposal for a public safety levy that includes appropriate follow up continuing care, supervision, and housing support for offenders leaving secure treatment. This proposal will be developed with and based on the research of the Alcohol and Drug System Capacity Work Team.

The Alcohol and Drug System Capacity Workteam identified a workable continuum of services for offenders leaving treatment which includes the need for additional transitional housing. The Alcohol and Drug System Capacity Workteam concluded that "There is considerable evidence in national evaluation literature that continuing care is a critical component for jail based alcohol and drug treatment programs. Because of this evidence, the Work Team strongly recommends that Multnomah County not invest in secure alcohol and drug treatment unless appropriate continuing care is available for persons who complete those programs."

III. Financial Impact:

Attached to the resolution is a worksheet from Dave Boyer that shows how the Public Safety Bond funds and interest have been allocated to date.

IV. Legal Issues:

The projects that the bond interest is being allocated to are eligible expenditures for bond proceeds.

V. Controversial Issues:

The siting process for the Child Receiving Center and MDT offices is underway to collect community input on the project.

A plan needs to be developed for covering the increased operating costs related to the Sheriff's Booking facility project.

VI. Link to Current County Policies:

Linkage to the Reducing Crime benchmark.

VI. Citizen Participation:

Each project will handle citizen involvement as needed.

VIII. Other Government Participation:

Each project will handle partnership and agreements with other jurisdictions as needed.

Cc: Sheriff
District Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-

Allocating Public Safety Bond Fund interest to specific projects; authorizing construction of the Rivergate Jail and Alcohol and Drug Treatment Center and an expanded booking facility; and requesting the Community Justice Director to develop a treatment and housing support proposal for offenders leaving secure treatment.

The Multnomah County Board of Commissioners Finds:

- a. In May of 1996 Multnomah County voters approved Ballot Measure No. 26-45, authorizing \$79.7 million in bonds for public safety, facilities, and on October 1, 1996, the County issued the Public Safety General Obligation Bonds.
- b. On May 6, 1999, the County Board passed Resolution No. 99-76 that authorizes the Chair to execute agreements necessary to purchase the Leadbetter Peninsula Site from the Port of Portland. The property has been purchased. A conditional use has been applied for a 225 bed jail and up to 300 bed alcohol and drug (A&D) treatment center.
- c. The Board has held several policy briefings and discussions concerning the Public Safety Bond. Delays in construction increased projected costs of the new Jail and A&D Treatment Center. The Sheriff recommends a new solution for the inadequate booking facility. The District Attorney, Facilities Management Division, and a Citizens' Siting Committee have identified a site for the co-location of the Child Receiving Center and the Multi-Disciplinary Team.
- d. In October 1999, the Board agreed to not fund planned IDAP program for offenders with alcohol and drug issues. The Board asked the Budget and Quality Office to review the effect of various levels of secure alcohol and drug treatment.

- e. The Alcohol and Drug System Capacity Work Team recommends appropriate continuing care for persons who complete jail based alcohol and drug programs.
- f. The County may operate a 300 bed facility at Rivergate with appropriate follow up services for an estimated additional \$11,000,000. The Board assumes that the Rivergate site will be expanded in stages. This also assumes that the 70 bed treatment center in Washington County is moved to the Rivergate site.
- g. The Finance Director estimates that the County has \$11,323,419 in unallocated interest in the Public Safety Bond Fund. (see attached worksheet: "Public Safety General Obligations Bonds, \$79,700,000 1996B Issue") Additional interest for fiscal year 2002 is not included and will provide a reserve to the fund.

The Multnomah County Board of Commissioners Resolves:

- 1. The interest in the Public Safety Bond Fund will be allocated as follows:

PROJECT	INTEREST BALANCE
	\$11,323,419
Rivergate Jail and AD Facility	up to \$3,000,000
Booking Facility	up to \$3,348,344
Child Receiving Center and Multi-Disciplinary Team Facility	up to \$3,000,000
Housing options for offenders developed with community and government partners	up to \$1,975,075

- 2. The Sheriff and Community Justice Director will proceed with planning and construction of the Rivergate Jail and a 300 bed Alcohol and Drug Treatment Center. The previously authorized budget will to be supplemented by up to \$3,000,000 in interest in the bond fund to pay higher construction costs.

3. The Sheriff will proceed with the development of plans for an expanded booking facility. Up to \$3,348,344 of the cost of the facility will be paid for from the 1996 Public Safety Bond. The Sheriff and the Chair will bring to the Board a plan to pay for the additional staffing costs for the temporary facility.
4. The Director of Environmental Services can use up to \$3,000,000 of the Bond interest for the acquisition and remodeling of the Child Receiving Center and Multi-Disciplinary Team Facility.
5. The Community Justice Director will develop a proposal for Board consideration to use up to \$1,975,075 in bond interest to increase alcohol and drug free housing options available to offenders. The options should be developed in cooperation with local governments and community social service agencies. The County may enter long term contracts with community based agencies, that would be responsible for siting and operating facilities to serve the short and long term needs of ex-offenders.
6. The Community Justice Director will develop a proposal for a levy that includes appropriate follow up continuing care, supervision, and housing support for offenders leaving secure treatment. This proposal will be developed with and based on the research of the Alcohol and Drug System Capacity Work Team.

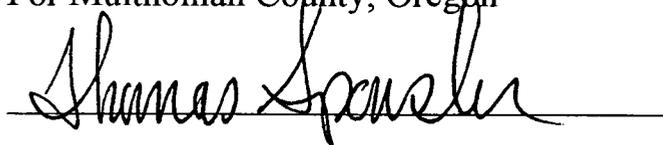
Adopted this 16th day of December, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Allocating Public Safety Bond Fund interest to specific projects; authorizing construction of the Rivergate Jail and Alcohol and Drug Treatment Center and an expanded booking facility; and requesting the Community Justice Director to develop a treatment and housing support proposal for offenders leaving secure treatment.

The Multnomah County Board of Commissioners Finds:

- a. In May of 1996 Multnomah County voters approved Ballot Measure No. 26-45, authorizing \$79.7 million in bonds for public safety, facilities, and on October 1, 1996, the County issued the Public Safety General Obligation Bonds.
- b. On May 6, 1999, the County Board passed Resolution No. 99-76 that authorizes the Chair to execute agreements necessary to purchase the Leadbetter Peninsula Site from the Port of Portland. The property has been purchased. A conditional use has been applied for a 225 bed jail and up to 300 bed alcohol and drug (A&D) treatment center.
- c. The Board has held several policy briefings and discussions concerning the Public Safety Bond. Delays in construction increased projected costs of the new Jail and A&D Treatment Center. The Sheriff recommends a new solution for the inadequate booking facility. The District Attorney, Facilities Management Division, and a Citizens' Siting Committee have identified a site for the co-location of the Child Receiving Center and the Multi-Disciplinary Team.
- d. In October 1999, the Board agreed to not fund planned IDAP program for offenders with alcohol and drug issues. The Board asked the Budget and Quality Office to review the effect of various levels of secure alcohol and drug treatment.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-243

Allocating Public Safety Bond Fund interest to specific projects; authorizing construction of the Rivergate Jail and Alcohol and Drug Treatment Center and an expanded booking facility; and requesting the Community Justice Director to develop a treatment and housing support proposal for offenders leaving secure treatment.

The Multnomah County Board of Commissioners Finds:

- a. In May of 1996 Multnomah County voters approved Ballot Measure No. 26-45, authorizing \$79.7 million in bonds for public safety, facilities, and on October 1, 1996, the County issued the Public Safety General Obligation Bonds.
- b. On May 6, 1999, the County Board passed Resolution No. 99-76 that authorizes the Chair to execute agreements necessary to purchase the Leadbetter Peninsula Site from the Port of Portland. The property has been purchased. A conditional use has been applied for a 225 bed jail and up to 300 bed alcohol and drug (A&D) treatment center.
- c. The Board has held several policy briefings and discussions concerning the Public Safety Bond. Delays in construction increased projected costs of the new Jail and A&D Treatment Center. The Sheriff recommends a new solution for the inadequate booking facility. The District Attorney, Facilities Management Division, and a Citizens' Siting Committee have identified a site for the co-location of the Child Receiving Center and the Multi-Disciplinary Team.
- d. In October 1999, the Board agreed to not fund planned IDAP program for offenders with alcohol and drug issues. The Board asked the Budget and Quality Office to review the effect of various levels of secure alcohol and drug treatment.

- e. The Alcohol and Drug System Capacity Work Team recommends appropriate continuing care for persons who complete jail based alcohol and drug programs.
- f. The County may operate a 300 bed facility at Rivergate with appropriate follow up services for an estimated additional \$11,000,000. The Board assumes that the Rivergate site will be expanded in stages. This also assumes that the 70 bed treatment center in Washington County is moved to the Rivergate site.
- g. The Finance Director estimates that the County has \$11,323,419 in unallocated interest in the Public Safety Bond Fund. (see attached worksheet: "*Public Safety General Obligations Bonds, \$79,700,000 1996B Issue*") Additional interest for fiscal year 2002 is not included and will provide a reserve to the fund.

The Multnomah County Board of Commissioners Resolves:

- 1. The interest in the Public Safety Bond Fund will be allocated as follows:

PROJECT	INTEREST BALANCE
	\$11,323,419
Rivergate Jail and AD Facility	up to \$3,000,000
Booking Facility	up to \$3,348,344
Child Receiving Center and Multi-Disciplinary Team Facility	up to \$3,000,000
Housing options for offenders developed with community and government partners	up to \$1,975,075

- 2. The Sheriff and Community Justice Director will proceed with planning and construction of the Rivergate Jail and a 300 bed Alcohol and Drug Treatment Center. The previously authorized budget will to be supplemented by up to \$3,000,000 in interest in the bond fund to pay higher construction costs.

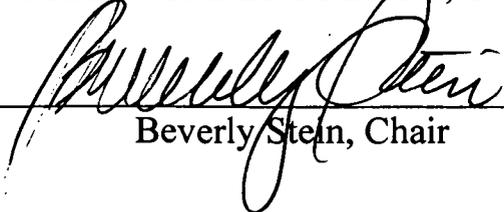
3. The Sheriff will proceed with the development of plans for an expanded booking facility. Up to \$3,348,344 of the cost of the facility will be paid for from the 1996 Public Safety Bond. The Sheriff and the Chair will bring to the Board a plan to pay for the additional staffing costs for the temporary facility.
4. The Director of Environmental Services can use up to \$3,000,000 of the Bond interest for the acquisition and remodeling of the Child Receiving Center and Multi-Disciplinary Team Facility.
5. The Community Justice Director will develop a proposal for Board consideration to use up to \$1,975,075 in bond interest to increase alcohol and drug free housing options available to offenders. The options should be developed in cooperation with local governments and community social service agencies. The County may enter long term contracts with community based agencies, that would be responsible for siting and operating facilities to serve the short and long term needs of ex-offenders.
6. The Community Justice Director will develop a proposal for a levy that includes appropriate follow up continuing care, supervision, and housing support for offenders leaving secure treatment. This proposal will be developed with and based on the research of the Alcohol and Drug System Capacity Work Team.

Adopted this 16th day of December, 1999.

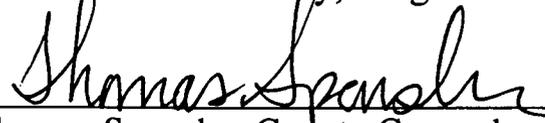


REVIEWED:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon


Thomas Sponsler, County Counsel

MULTNOMAH COUNTY, OREGON
PUBLIC SAFETY GENERAL OBLIGATION BONDS
\$79,700,000 1996B Issue

	Total Amount	Interest Earned	Bond Technology	Inverness Jail	New Jail	A & D Beds	Children's Assessment Center	Juvenile Justice Complex	Ct Hs, Inv Jail Justice Center	Issue Costs
October 1, 1996 Issue										
Proceeds budget	79,700,000	-	7,500,000	11,500,000	30,730,000	13,150,000	4,000,000	7,400,000	4,485,000	935,000
Sub-total Available for Construction	79,700,000	-	7,500,000	11,500,000	30,730,000	13,150,000	4,000,000	7,400,000	4,485,000	935,000
SB 1145 Funds						10,845,000				
Add:	-									
Interest Earned 1996/97	2,966,690	2,966,690								
Interest Earned 1997/98	3,897,812	3,897,812								
Interest Earned 1998/99	3,290,460	3,290,460								
Other Revenue	169	169								
Projected interest for 1999/2000	3,000,000	3,000,000								
Projected interest for 2000/2001	1,500,000	1,500,000								
Less: Rebate Payable	(498,237)	(498,237)								
Total Available for Construction	93,856,894	14,156,894	7,500,000	11,500,000	30,730,000	23,995,000	4,000,000	7,400,000	4,485,000	935,000
Less:										
JJC Letter of credit interest	-	(120,671)						120,671		
Laundry Equip Inverness jail	-	(338,606)		573,061						(234,455)
Capital costs 1995/96	(482,778)	-	-	(451,264)	(704)					(30,810)
Capital costs 1996/97	(10,677,982)	-	(561,070)	(1,717,448)	(158,325)	(180,728)		(7,236,758)	(222,716)	(600,937)
Capital costs 1997/98	(10,483,049)	(111,555) ⁽¹⁾	(1,559,827)	(6,787,713)	(609,879)	(407,324)	(13,348)	(152,690)	(836,607)	(4,106)
Capital costs 1998/99	(7,008,495)	(104,849) ⁽¹⁾	(2,899,410)	(2,819,524)	(807,876)	(75,226)	(77,330)	(72,827)	(150,958)	(495)
Capital costs 1999/2000	(2,810,667)	(141,026) ⁽¹⁾	(1,473,596)	(55,947)	(460,840)	(184,148)		(17,485)	(477,625)	
Capital costs 2000/2001	(143,168)	(143,168) ⁽¹⁾								
Balance Available	62,250,755	13,197,019	1,006,097	241,165	28,692,376	23,147,574	3,909,322	40,911	2,797,094	64,197
Expenditures Authorized by the Board:										
Interest to cover additional bond technology	-	(582,000)	582,000							
Interest to cover MCDC Detention Electronics	-	(1,291,600)							1,291,600	
Subtotal balance available		11,323,419								
Interest to cover New Jail Costs	-	(3,000,000)			3,000,000					
Interest to cover MCDC booking	-	(3,348,344)							3,348,344	
Child Receiving Center	-	(3,000,000)					3,000,000			
Adjusted Total Available	62,250,755	1,975,075	1,588,097	241,165	31,692,376	23,147,574	6,909,322	40,911	7,437,038	64,197

⁽¹⁾ Administrative costs for managing bonds and procurments. (FY 2000/2001 are estimates)

Prepared by Finance Division

Date: 12/2/1999

MEETING DATE: DEC 16 1999
AGENDA NO: R-9
ESTIMATED START TIME: 10:15

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Victim's Impact Panel Presentation, 3D Month Proclamation

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

REGULAR MEETING: DATE REQUESTED: Thursday, December 16, 1999
AMOUNT OF TIME NEEDED: 20 minutes requested

DEPARTMENT: Non-Departmental DIVISION: Commissioner Lisa Naito
CONTACT: Charlotte Comito TELEPHONE #: 248-5217
BLDG/ROOM #: 106-1500

PERSON(S) MAKING PRESENTATION: Joanne Fairchild, Trauma Nurses Talk Tough

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

*Slide show presentation on behalf of the Victim's Impact Panel of the Multnomah County
DUII Advisory Committee and Adoption of a Proclamation Proclaiming December, 1999 as
National Drunk and Drugged Driving Prevention Month and December 17 as National Lights
on for Life Day in Multnomah County*

12/16/99 ORIGINAL TO JOANNE FAIRCHILD

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____



99 DEC - 8 AM 11:47
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONER'S OFFICE

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming December 1999 as "National Drunk and Drugged Driving Prevention Month," and Friday, December 17, as "National Lights on for Life Day" in Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. More than 220 individuals were killed and drinking and drugged drivers in the state of Oregon injured over 2,000 people last year at a financial cost of more than \$250 million
- b. This destruction of lives and personal property can be drastically reduced through a combination of effective laws; community programs that integrate and coordinate the enforcement, prosecution, adjudication, treatment, and education components of the "driving under the influence of intoxicants (DUI) system"; changes in societal attitudes toward drinking and driving
- c. The progress we have seen to date is in part the result of the efforts of millions of committed citizens across the nation including thousands of caring Multnomah County Citizens
- d. By working together toward a common goal of reducing the incidents of drinking and drugged driving and therefore fewer alcohol and drug-related fatal and injury highway crashes, we will enjoy a safer roadway system
- e. National "Lights on for Life Day" is Friday, December 17, when all Americans are asked to drive with their vehicle headlights on throughout the day in remembrance of the thousands of victims of impaired driving and reminding all citizens of the dangers of driving under the influence of alcohol or other drugs.

The Multnomah County Board of Commissioners Proclaims:

1. December 1999 as "National Drunk and Drugged Driving Prevention Month," and Friday, December 17, as "National Lights on for Life Day" in Multnomah County.
2. We call upon all citizens, government agencies, public and private institutions, businesses, hospitals and schools to observe this month.
3. We further ask all motorists to drive with their vehicle headlights on throughout the day on Friday, December 17, as a memorial for the victims of impaired driving and as a reminder of the dangers of drunk and drugged driving.

ADOPTED this 16th day of December, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 99-242

Proclaiming December 1999 as "National Drunk and Drugged Driving Prevention Month," and Friday, December 17, as "National Lights on for Life Day" in Multnomah County

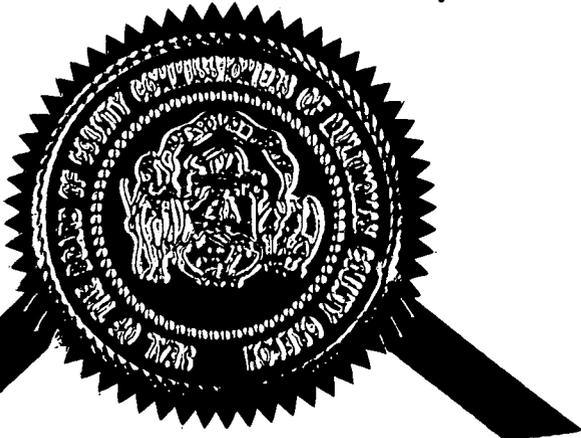
The Multnomah County Board of Commissioners Finds:

- a. More than 220 individuals were killed and drinking and drugged drivers in the state of Oregon injured over 2,000 people last year at a financial cost of more than \$250 million
- b. This destruction of lives and personal property can be drastically reduced through a combination of effective laws; community programs that integrate and coordinate the enforcement, prosecution, adjudication, treatment, and education components of the "driving under the influence of intoxicants (DUII) system"; changes in societal attitudes toward drinking and driving
- c. The progress we have seen to date is in part the result of the efforts of millions of committed citizens across the nation including thousands of caring Multnomah County Citizens
- d. By working together toward a common goal of reducing the incidents of drinking and drugged driving and therefore fewer alcohol and drug-related fatal and injury highway crashes, we will enjoy a safer roadway system
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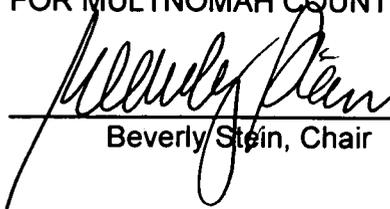
The Multnomah County Board of Commissioners Proclaims:

1. December 1999 as "National Drunk and Drugged Driving Prevention Month," and Friday, December 17, as "National Lights on for Life Day" in Multnomah County.
2. We call upon all citizens, government agencies, public and private institutions, businesses, hospitals and schools to observe this month.
3. We further ask all motorists to drive with their vehicle headlights on throughout the day on Friday, December 17, as a memorial for the victims of impaired driving and as a reminder of the dangers of drunk and drugged driving.

ADOPTED this 16th day of December, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

MEETING DATE: DEC 16 1999
AGENDA NO: R-10
ESTIMATED START TIME: 10:35

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Mental Health Task Force

BOARD BRIEFING:
(at regular meeting)

DATE REQUESTED: December 16, 1999
REQUESTED BY Chair Stein and Lorenzo Poe
AMOUNT OF TIME NEEDED: 1 hour

REGULAR MEETING:

DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: BCC/DCFS

DIVISION: _____

CONTACT: Mike McCracken/Floyd Martinez **TELEPHONE #:** 503-763-9585
BLDG/ROOM #: 166/2

PERSON(S) MAKING PRESENTATION: Elsa Porter, Mike McCracken, Carl Talton and Sandy Hayden

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Briefing to the BCC on Preliminary Information Learned by the Mental Health Task Force and Request for Policy Direction

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Suevy Stein
(OR)
**DEPARTMENT
MANAGER:** _____

99 DEC - 8 PM 12:02
MULTI-COUNTY SECURITY
OREGON
SECURITY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

Mental Health Task Force
Membership Roster
October 13, 1999

Name	Organization	Address	Phone	Fax	E-mail
Chair Elsa A. Porter	Meridian International Institute	2309 SW 1 st Ave. #742 Portland OR 97201	796-6890	226-7280	eporter1@mindspring.com
Members Frank J. Baumeister Jr., MD	Private Physician (internist-gastroenterologist)	1130 NW 22 nd Ave. #610 Portland OR 97210	229-7137 (w) 241-0863 (w) 297-5475 (h)	229-7618 (w) 297-4195 (h)	baumeister@earthlink.net
Sylvia Caley	Oregon Law Center	813 SW Alder, Suite 500 Portland OR 97210	295-2760	295-0676	orlawctr@oregonvos.net
Sandy Hayden	Consumer	PO Box 6623 Portland OR 97228	274-9495		bn791@scn.org
Barry S. Kast, MSW	Director, State MH and DD Services Division	2575 Bittern St. NE Salem OR 97310	503-945-9499	503-378-3796	kastb@mail.mhd.hr.state.or.us
Alfonso López-Vasquez, M.Ed.	Cultural Diversity/ Outreach Coord., OHSU School of Medicine	Dept. of Family Medicine OHSU (FP) 3181 SW Sam Jackson Park Rd. Portland OR 97201	494-1547	494-4496	Lopezvas@ohsu.edu
Michael Loy	Judge, Multnomah County Circuit Court	Multnomah County Courthouse 1021 SW 4 th , Room 222 Portland OR 97204	248-3813	248-3425	michael.s.loy@oid.state.or.us
Jackie Jamieson, then Mel Hedgpeth (after 1/1)	Chief Deputy, Multnomah County Sheriff's Office	Justice Center 1120 SW Third Ave. Portland OR 97204	248-5230	248-3615	jackie.l.jamieson@co.multnomah.or.us
Anne L. Potter, Ph.D.	Consumer	2133 NE Halsey Portland OR 97232	284-0668	282-2630	seeker@aracnet.com
Constance Powell, MD	Private Psychiatrist	2455 NW Marshall, Ste. 12 Portland OR 97210	227-2379 (h) 224-6526 (w)	224-4980	Capowell@earthlink.net
Rev. Eugene Ross	Cent. Pacific Conf. United Ch. of Christ	0245 SW Bancroft, Ste. E Portland OR 97201	228-3178	228-6983	cpcucc@ecunet.org
Carl Talton	Vice Pres. for Economic Development and Governmental Affairs, Portland General Electric	121 SW Salmon 1 WTC 1705 Portland OR 97204	464-7889	778-5566	carl_talton@pgn.com
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Secretary Karen Mayfield		421 SW 6 th Ave. Ste. 600 Portland OR 97204	248-5464 x24045	248-3926	karen.d.mayfield@co.multnomah.or.us

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FR: Beverly Stein, Multnomah County Chair
Lorenzo T. Poe Jr., Director, DCFS

DATE: December 8, 1999

RE: Mental Health Task Force Briefing on December 16, 1999

- I. Recommendation/Action Requested:
The Mental Health Task Force requests that the BCC, after hearing preliminary information about the current mental health system, affirm or alter the direction of the Task Force in preparation for development of final recommendations due March 30, 2000.

- II. Background/Analysis:
The Mental Health Task Force was established at the direction of Chair Stein and the BCC through Resolution 99-160 dated August 5, 1999. Its purpose is to review the public mental health system in Multnomah County (including both strengths and weaknesses), compare it with best practices at the national level, share its preliminary information with the BCC (this briefing), and make recommendations in a final report due March 30, 2000.

- III. Financial Impact:
 - The impact of the reduction in Medicaid revenues to Multnomah County.
 - Financial implications of Task Force recommendations unknown at this time.

- IV. Legal Issues:
Compliance with ORS's and OAR's.

- V. Controversial Issues:
Efforts have been made to hear from all constituencies, and public hearings will continue over the next three months. However, there has been considerable community interest in this process as witnessed by audience attendance at the Task Force meetings, and many people are anxious that their point of view be heard. There was some controversy over the composition of the Task Force but now that is more of a perception that there is a lack of sufficient time for consumer and organizational input. We expect that this concern will be alleviated as more time becomes available for public testimony between now and the end of March.

- VI. Link to Current County Policies:
Addresses the County Benchmark that supports improved access to mental health services.

- VII. Citizen Participation:
There has been and continues to be wide citizen participation in this process. Approximately 180 persons are on the "interested persons" mailing list. The Task Force website also has been publicized widely as a vehicle for public information and input.

VIII.

Other Government Participation:

Key County department directors, managers and staff are included on the mailing list. In addition, the mailing list includes advisory committee members representing Washington County, Clackamas County, the State Mental Health Division, OMAP, Services to Children and Families, education (Portland Public, Gresham-Barlow, and Centennial staff), the Housing Authority of Portland, and the Portland Police Bureau. Also, advisory committees receive regular updates on the progress of the Task Force, and individual/agency participation is encouraged. Further input will be solicited individually from relevant government entities between now and March.

The involvement of other counties in looking for solutions, specifically Washington and Clackamas counties, is important because a significant percentage of Multnomah County's services are delivered to clients from those counties.

Multnomah County Mental Health Task Force
Interim Report to the Board of County Commissioners
December 16, 1999

For discussion

Policy Direction

1. Managed Care and the Oregon Health Plan

Continue to study and make recommendations on organization/administration and mitigation of impacts on service delivery.

2. Cultural Diversity

Study and recommend needed improvements in responsiveness to the growing numbers and cultural sensitivities of ethnic minorities in Multnomah County.

3. Mental Health and the Judicial System

Consider specific proposals to improve case management and supportive services necessary to maintain mentally ill people in the least restrictive environments possible. Make recommendations.

4. Acute Care

Examine the effectiveness of emergency and triage services, including hospital emergency room utilization, the Crisis Triage Center and demands on law enforcement. Make recommendations.

5. Early Childhood Services

Study existing assessment and treatment services and identify service gaps, unmet needs and strategies to support families. Make recommendations aimed at preventing and alleviating emotional disturbance among children.

6. Data Systems

Research models for providing effective management of mental health systems, evaluating performance and measuring outcomes of treatment. Cooperate with state agencies in providing better data and public accountability. Make recommendations.

The task force will look to best practices nationally, in the state and locally in developing recommendations in all areas.

Mental Health Services Dynamics and Dilemmas in Multnomah County

December 14, 1999

Commentary on the Map (beginning in the top left corner)

1. Benefits vs Entitlements. From the beginning, there has been a disconnect between the philosophy underlying the Oregon Health Plan and the philosophy of the Federal/State Medicaid program. Oregon envisioned a benefits based system in which all below the Federal poverty line could get treatment for conditions that meet the test of cost-effectiveness in the use of public funds. For example, prenatal care for women and children which would prevent more costly care later on. The list of approved treatments are established biennially by the Legislature based on recommendations from the Health Services Commission. The intent was to limit benefits to what is cost effective and to what the State can afford. So the ability to establish priorities for treatment and to cut the list (to ration health care) is a central feature of the Oregon program.

The Federal system, in contrast, is an entitlement based system. People receiving Federally subsidized welfare cash assistance, at an income level determined by each state, are entitled to a federally-defined set of services, the cost of which is shared by the Federal and State governments, based on each state's wealth. In Oregon, the State pays 40% and the Federal Government 60%.

2. Managed Care. In addition to limiting benefits, Oregon chose to control costs by implementing a system of "managed care," distributing Medicaid funds on a population basis rather than a per client/patient basis. This shared-risk business model is quite different from the traditional "fee for service." Not all service providers were able to adapt to the new system.

3. Fragmentation. • Drug and alcohol treatments were separated from mental health funding, making it difficult to provide integrated services to those who suffer from both (dual diagnosis). Yet 70-80% of the severely mental ill suffer from drug and alcohol problems.

• Intensive residential treatment for emotionally disturbed children was excluded from Managed Care, making continuity of care more difficult.

4. Uncertainty about Federal policy. To create this system of limited benefits and Managed Care, Oregon asked for waivers from Federal regulations. The long time lag between waiver requests and Federal decisions created uncertainty within the Oregon system, postponing critical administrative actions (such as data system design.)

5. Cost Containment and Expanding Enrollment. While finally approving Managed Care, the Feds rejected requests to reduce the number of services covered. The result was burgeoning enrollments and unplanned costs. The State responded by tightening the definition of "poor", requiring premium co-payments, and discouraging the enrollment of new eligibles. Nevertheless, the numbers of new eligibles in Multnomah County continues to rise.

6. Actuarial Rate Setting for Managed Care. In setting managed care "capitation" rates for mental health services, State actuaries did not include any "risk adjustment" formula for the more serious conditions resulting from urban poverty as they did in setting rates for physical health care. As a result, Multnomah County experienced an estimated \$15 million reduction in Medicaid revenue in one year--26% of the total. Some rural counties, by contrast, received large increases in funding.

7. Data System Needs. With Managed Care came the need for significantly different and more detailed data collection and reporting. Both the State and County's antiquated data systems needed to be modernized. Lack of funding, diversion to Y2K problems, and low government salaries are

some of the reasons given for the inability to put the required systems in place. Without data, the County is unable to say how many people the system now serves, how much it costs, who pays for it, and what the results are. Notably Ceres and some provider agencies have developed adequate data systems, while others are far behind. One consequence of the lack of good data is that the sudden drop in Medicaid funding could not be convincingly explained. Even today, the State and County appear to differ in their estimates (\$10 million vs. \$15.3 million) although they both agree that the cause lies in the actuarial formula used. The larger problem for both the State and the County is the absence of managerial controls and accountability across the system.

8. A Fragmented, Many Layered System.

- In implementing Managed Care, the State chose to use separate public and private Mental Health Organizations (MHOs) as Medicaid payers. The public one is (CAAPCare) and is administered by the County's Behavioral Health Division. The private side was left to fully capitated health systems: Regence-Blue Cross and Family Care, which selected Ceres to operate a mental health "carve out" in Multnomah County. CERES, in turn, is an affiliate of Magellan Behavioral Health, a national firm. Both CAAPCare and Ceres contracts in turn with networks of provider agencies and non-profit community agencies. They also report directly to the State. This fragmentation and layering--along with new demands for record keeping and reporting--have added significant new administrative costs. Although we cannot be sure, because the definition of costs differ from one entity to another and are difficult to allocate to specific cost centers, we estimate that about one-third of Medicaid dollars for mental health are now spent on overhead compared with 6% to 11% before Managed Care. The State also funds some services directly, for example, extended care. So even though the County has statutory responsibility for mental health services, it does not have administrative control over all the service providing organizations.

- Alcohol and Drug Abuse programs are separately funded and administered and therefore difficult to integrate with mental health care.

- Acute Care is now centralized in a Crisis Triage Center, with only 3 beds which are often full, requiring diversion to other hospital emergency rooms or to the County jail. While this effort has cut the hospitalization rate by an estimated 50%, customers complain about long waits and insensitive treatment.

- Services for emotionally disabled children and their families are also fragmented and difficult to access. The five-year, highly praised Partnership Program which demonstrated the benefits of integrated, cross agency services has eroded.

9. Loss of Medicaid Revenue and Cost Cutting. The loss in Medicaid revenue (26% in one year) fell on the service providers. They responded by cutting costs at the same time that a new, enlarged population had entered the system under the broadened eligibility criteria. Case workers and social services were drastically reduced. Case loads almost tripled, from 35 to 100 per case worker. Disillusioned and overworked case workers left in droves. The turnover rate rose from 15% to 40% in one year. New hires were inexperienced; they didn't know how to knit together the combination of services needed from medication and therapy to employment and housing. Consumers had to tell their stories over and over again to strangers who were ill equipped to help them. The fragile "safety net" for many whose illness had been stabilized through these "person focused" services now fell apart. Subsidized housing--which is a critical element in stabilizing the mentally ill--has gone unused because of the shortage of case managers.

10. Fall Out - To the Street, Jail, and Other County Services. The result of cost cutting can be seen in the spill over of mentally ill into the remaining "receiving" sectors of the Map: More homeless on the street; a doubling of the mentally ill jail population; increasing pressure on primary care clinics and aging and disability services. They are seen in the struggles of the mentally ill and their families to find help in this system, in their human pain, their loss of faith in the government, and in the long run, to added financial costs to the community.

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MEETING DATE: DEC 16 1999
AGENDA NO: R-11
ESTIMATED START TIME: 11:35

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Briefing on the National Council on Crime and Delinquency's Evaluation of the Adult Community Justice Redesign

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

REGULAR MEETING: Yes DATE REQUESTED: 12/16/99
AMOUNT OF TIME NEEDED: 1 hour 45 mins

DEPARTMENT: Community Justice DIVISION: Adult Community Justice
CONTACT: Charlene Rhyne TELEPHONE #: 988-4126
BLDG/ROOM#: 503/4th

PERSON(S) MAKING PRESENTATION: Jim Carlson, Elyse Clawson, Charlene Rhyne

ACTION REQUESTED

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

SUGGESTED AGENDA TITLE

Briefing on the National Council on Crime and Delinquency's Evaluation of the Adult Community Justice Redesign

SIGNATURES REQUIRED

ELECTED OFFICIAL:
(OR)
DEPARTMENT
MANAGER:



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions? Please call the Board Clerk @ 248-3277

99 OCT 19 AM 9:20
MULTI-COUNTY
JUVENILE JUSTICE
COMMISSIONER

Mental Health Services Dynamics and Dilemmas

This map was developed by the Multnomah County Task Force on Mental Health. It portrays the way public mental health services are delivered and the major factors that contribute to the problems faced by the different agencies and their customers.

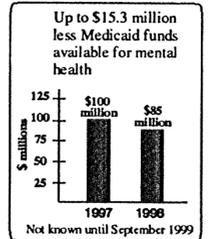
KEY

Read the arrows on this page as "causes" or "links".

Example NIMBY. Neighborhood opposition to group homes for mentally ill → Low number of group homes
 Neighborhood opposition to group homes for mentally ill "which causes" low number of group homes.

Commissioners' Dilemma

- ↑ More clients eligible for more treatments
- ↑ More diverse customers than the rest of the state
- ↑ More seriously ill clients
- ↓ Less money to serve them
- ↓ Huge reduction in services
- ↑ Fragmented system administration
- ↑ Customer complaints accelerate
- ↓ Poor and incomplete data
- ↑ Increased administrative costs
- ⚡ Accountability diffused



Oregon State Legislature

1. Passed Oregon Health Plan (OHP) to increase health care access by prioritization of treatments by cost-effectiveness. Legislature biannually approves the cut-off line below which treatments are not covered.

FRAGMENTED DRUG AND ALCOHOL PROGRAM: Separated alcohol and drug abuse funding from mental health and redirected to medical/surgical payers and providers. People suffering from mental illness and alcohol and drug abuse cannot be treated within any one system of care.

COST CONTAINMENT FILTERS: Medical and surgical costs can be contained as the Oregon Health Plan was intended to do.

3. Integrated mental health diagnoses and treatment into the priority list of Oregon Health Plan benefits. 24% increase in clients eligible for more benefits.

4. State requires counties to care for those at serious risk of harm to self or others. Counties also must pay for acute hospital care.

5. OHP plan is to control costs, provide incentives to manage care by distributing funds on a population (not a per client/patient) basis.

CHILDREN LEFT OUT: Intensive treatment services for children (residential) left out of managed care by Legislature, interrupting continuity of care.

Mental Health Goal: To cover treatment of a full range of mental disorders not previously provided by integrating them in the health care priority list.

Mental health advocates and providers, thinking more money would be available for expanded services, pressed hard for inclusion in OHP.

The Medicaid Payment Sector

Medicaid pays for about 78% of the \$100 million (1998) total mental health services in the County including OMAP fee-for-service. However Medicaid managed care is only about 29% of total mental health costs. Remaining 71% is for extended care and fee-for-service.

The state created mental health "carve-outs" (1997). Carve-outs are new entities, Mental Health Organizations (MHOs), that receive and distribute capitation payments to providers and report data to the state.

Capitation refers to payments based on the number of people who fall into the Federal categories of poverty and those who are newly eligible. Carving out refers to the separation of mental health from physical health payers.

Increased Administrative Overhead Cost
(Difficult to allocate to cost centers.)

County (CAAPCare)	12% (up from 3%)
Insurance Carrier (Regence)	5% (new cost)
Ceres Behavioral Healthcare	12% (new cost)
Networks of provider agencies	3-8% (some new cost)
Non-Profit community agencies	est. 10-18% (increased cost)

Before Overhead | Direct Services
After Overhead | Direct Services

State Mental Health Agency creates and contracts directly with these payers:

Private Managed Care: Regence and Family Care contract with state, and Ceres Behavioral Healthcare System (affiliate of Magellan Behavioral Health) operates the "carve-out" for them.

Public Managed Care: CAAPCare (County Behavioral Health Division, Department of Community and Family Services)

Some other providers (e.g. residential facilities) also receive direct Medicaid payments from the state.



Multnomah County Sector

Department of Community and Family Services, Behavioral Health Division (BHD)

Up to \$15.3 million decrease (in transition to Oregon Health Plan).

There are more clients who appear to have more serious problems than expected when the rates were set (based on anecdotal information).

IMPACT OTHER DEPARTMENTS: Increased overhead costs lead to less money for actual delivery of services. Those combined factors decrease ability to meet the increasing demand for services and broadly impact other County Departments.

BHD can't control mental health system because state directly funds some services and because of fragmentation of alcohol and drug system.

This diverts county resources that could go to shore up deteriorating outpatient and case-management services.

TRIAGE CENTER OFTEN FULL: County contracts for 3 secure beds in Crisis Triage Center (Providence Hospital) to relieve pressure on acute care. But these beds are often full, so police have to find other hospitals. There are complaints about customer treatment.

County Data System Sector

Need to upgrade data system for publicly managed health care.

Staffing deficiencies prevent mental health data system from being fixed (at present).

Scarcity of software programmers.

Rapid growth of high tech "Silicon Forest" around Portland.

Increased salaries because of scarcity (nationally and locally) of programmers.

Uncompleted contract for encounter data system.

Turnover in data management positions.

DATA NOT AVAILABLE: Required data not reported to state on a timely basis. Poor accountability.

Dilemma of fragmented and antiquated state data system.

Public contracting is too slow and complex.

Most programmers are busy fixing the Y2K problem.

County Health Dept. Mentally ill people go to primary care clinics for help and medication. 16% increase in two years.

Pressure on traditional services for women and children for acute primary care and disease control.

County Jail (Corrections Health)

Increased mentally ill inmates from 1500 to 3000 in 2 years. Inmates lose Oregon Health Plan coverage.

Mentally ill inmates often released to street. Difficult to get casework, treatment, and medications from mental health providers.

County Aging and Disabilities Services Department

Increased demands on aging and disabilities services. Clients discharged from intensive services with no outpatient follow-up.

Poor communication among all sectors, especially with the Crisis Triage Center. Housing, case management, and social support services inadequate. 24-hour hotline for disabled clients overwhelmed by mental health crisis calls.

Federal Sector Health Care Financing Administration (HCFA)

Medicaid is an entitlement program so HCFA doesn't allow state to implement priority plan by rejecting requests to reduce the number of services to be covered.

Because Medicaid is an insurance program HCFA needs billing data for cost control.

Requires a new, uniform "encounter" data system for all Medicaid services. (An encounter is a one-time visit of a customer to a mental health agency.)

The HCFA was indecisive (1995-1998) on allowing managed care of Medicaid for Oregon.

Civil rights act requires access for minorities.

Request 1: Waivers to implement OHP Priority Plan benefits. Request 2: Waivers to implement managed care.

Attempted to integrate mental health into full coverage healthcare plans. Required competition for Medicaid contracts.

Stopped requiring existing data system before new system operational.

ACTUARIAL RATES NOT ADJUSTED: Used questionable assumptions in setting managed care rates for mental health benefits. Did not provide "risk adjustments" as was done for physical healthcare for increased severity of illness among urban poor. (Risk adjustments are different rates of payment for severity of diagnoses.)

MINORITIES NOT SERVED: Accessible services for minorities do not yet exist and data not collected. Affects all sectors.

State Mental Health Agency (MHDDSD) State Mental Health and Developmental Disability Services Division

Requires "encounter" data system by payers. Did not initially allocate the funds for setting up the data system (low priority).

State Medicaid Agency (OMAP)

People can't be released from State Hospital.

Lack of affordable housing.

Low number of group homes.

Dramatically reduced state hospital population increases demand for group homes.

Housing Sector (City of Portland)

Rentals to mentally ill require case management.

HOUSING CAN'T BE USED: Subsidized housing is available but unused due to lack of mental health support services.

Greater mental deterioration.

Customers don't have needed supportive services.

POSH Portland Oregon State Hospital is full.

NIMBY Neighborhood opposition to group homes for mentally ill. NIMBY stands for Not In My Backyard.

Lack of bilingual staff.

Can't provide needed supportive services.

Increased errors.

Decreased number of visits and decreased time for each customer visit.

Layoffs and reductions in services.

Some agencies are not adequately handling transition to managed care.

MAJOR SERVICE DECREASE: Major decrease in access to mental health services.

Case workers can't keep up with service demand.

Case load increase from 35 to 100 per case worker.

Experienced case workers leave in droves (From 15% to 40% in one year).

Non-Profit Community-Based Provider Agencies

The Case Worker Sector. Mostly work for non-profit agencies.

Approx. 26% cut in payments during 1997-98.

To be efficient must cut staff.

Must amalgamate clinics into fewer sites.

Case workers can't keep up with service demand.

Case recording must be increased significantly.

Case workers have to fill out more paperwork in less time.

Case workers are paid less than teachers - \$25,000 per year.

Poor continuity of care.

Many new inexperienced case workers.

Increased in severity of problems.

Some agencies are not adequately handling transition to managed care.

Layoffs and reductions in services.

Major decrease in access to mental health services.

Case workers can't keep up with service demand.

Case load increase from 35 to 100 per case worker.

Law Enforcement Sector

Officers are often the first treatment providers, sorting out appropriate response to domestic violence, alcohol and drug abuse, as well as mental illness, and sometimes spending several hours with customers, calming people down and trying to find a place for them.

Deliver customers (often repeat customers) to treatment location.

STREET NEEDS UNMET: Increased homeless street population in which services needed for many are unmet. 2,700 individuals seek shelter every night in Portland. At least 30% of homeless people are mentally ill.

Adult Customer Sector

Customers complain and seek other sources of help.

Major life crisis.

25-35% increase in number of mental health customers (1998).

Customer co-payments required.

Lack of employment and training support.

Caretaker families not supported.

Fewer drop-in Centers.

Family, Child & Adolescent Customer Sector

Schools lack access to community treatment resources.

Impact of cultural diversity on service delivery not understood.

End of 5-year partnership program funding in 1998 from Robert Wood Johnson Foundation.

FAMILIES DON'T GET SERVICES: Emotionally disabled children and families lack support services or treatment they need.

Return to fragmented program delivery.

Increased juvenile crime.

No continuity of children's services. Juvenile court often must place emotionally disturbed children in detention.

The Street Sector

(The vast uncounted)

Increased enforcement of petty crime arrests to protect customers and public (anecdotal evidence).

Alcohol and neighborhood drug dealer provides pharmaceutical relief. Approx. 80% of homeless have alcohol/drug problems.