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5761

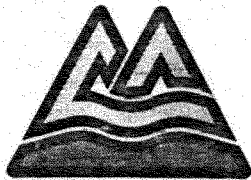
August 2, 1988

Discussion of matters affecting labor negotiations)

Commissioner McCoy stated some things have come up in labor negotiations on which she feels the Board needs to be briefed. She suggested having an Executive Session.

Following discussion, the Clerk was requested to arrange an Executive Session at 9:00 AM Thursday morning before the regular formal agenda is heard.

Jeynell  
Drane will be  
in this afternoon  
to listen to tape  
& review file.  
Jane  
tape is where item  
starts



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

33-34  
5161

GLADYS McCOY • Chair • 248-3308  
PAULINE ANDERSON • District 1 • 248-5220  
GRETCHEN KAFOURY • District 2 • 248-5219  
CAROLINE MILLER • District 3 • 248-5217  
POLLY CASTERLINE • District 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

August 2, 1988

Mr. Duane Zussy, Director  
Dept. of Human Services  
420 SW Stark  
Portland, OR

Dear Mr. Zussy:

Be it remembered, that at a meeting of the Board of County Commissioners held August 2, 1988, the following action was taken:

In the matter of a public hearing concerning )  
exceptions to Proposed Final Order for EMS Rule )  
Violation on Ambulance Run #691/208769A )

Sandra Duffy, Deputy County Counsel, reported the Hearings Officer did not record the hearing for exceptions to EMS Rule Violation on Ambulance Run #691/208769A, yet the Board hearing is "On the Record". She advised there is sufficient written testimony to support the Order without oral testimony. She said Mr. Thomas, who represents AA Ambulance, has told her that if the Order is upheld by the Board, he will appeal the case to the Circuit Court; and that she is not comfortable moving forward without the oral testimony on the record. She said an option could be that she and Mr. Thomas be requested to provide the Board for its consideration, facts they can agree upon. Then both would prepare statements for those facts upon which they cannot agree. If Mr. Thomas does not agree with her statements, and wishes to cross examine, he has requested returning to a hearing before Mr. Bouneff, Hearings Officer, for those limited issues only. She has no objections to that procedure. She urged the matter be recessed for three weeks to prepare materials for the hearing.

Christopher Thomas, representing AA Ambulance, explained that other than the one issue he asked be added to the exceptions, he is satisfied with the Order. He is not requesting an extension.

Ms. Duffy stated reason for the request for an extension is the County has the burden of proof, and County Counsel will be prosecuting the violation. In addition, she will be on vacation the

next two weeks. If the Circuit Court would find there is not enough testimony to support the Findings of Fact, the case will be remanded back to the Hearings Officer for another hearing. This extension will, hopefully, prevent holding another full hearing on the matter.

Joe Acker, EMS Director, explained the violation process. He stated Ms. Duffy is saying, that if this case is heard before the Circuit Court, that Court will say there wasn't substantial research for the Board to uphold the Hearings Officer's decision, recommendations, and findings; and would then kick the whole process out. He reported it is unusual to place a fine at only \$250. In response to Commissioner's questions, he replied the Hearings Officer charges for the hearing were in excess of \$700, and that County Counsel has also spent a lot of money preparing documents and information.

Ms. Duffy advised that the Hearings Officer be told to use a tape recorder in the future.

Commissioner Kafoury moved to hold the matter over one week. A second to the motion was not received, therefore the motion died.

Christopher Thomas, AA Ambulance, explained the case should not be started until the hearing is set; and that the fine had nothing to do with the case to be considered. He objected to today's process, and said this case is the result of County staff "screw-ups"; and he feels everytime something affects EMS, there is another screw-up. He recommended the case be dismissed, and said he is angry about evidence just now presented by Mr. Acker, because this is not a hearing, and that evidence has nothing to do with the case.

Commissioner McCoy agreed with Mr. Thomas and explained there is a process, and the Board will follow it.

Ms. Duffy explained in response to Commissioner McCoy's question, that the Board could accept, reject, or modify the Hearings Officer's Final Order. Rejection of the Final Order would also dismiss it.

Mr. Acker stated it would be a legal question about what would happen after the Board makes its decision. He recommended the Board allow County Counsel to create a record. If the Board dismisses the Final Order today, it will become a dead issue.

Ms. Duffy asked the Board, why there should be rules, if the Board dismisses the case? She feels there must be some way to enforce the rules, and that the Board would set a bad precedent

should they dismiss the case. This is a part of the regulatory process for Ambulance services in the County.

Following discussion, Commissioner Kafoury moved to continue the matter three weeks, duly seconded by Commissioner Casterline.

Ms. Duffy explained that in three weeks, the Board would consider the proposed Final Order for the above-entitled matter, and decide whether findings determined by the Hearings Officer, she, and Mr. Thomas are appropriate for the case. She noted she has submitted to the Board, as background material, the brief prepared by Mr. Thomas, and the memo she prepared for the Board. She will bring to the Board any stipulations she and Mr. Thomas agree are facts about the case.

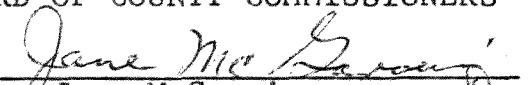
At this time, the motion was considered, and it is unanimously

ORDERED that the above-entitled matter be continued to August 23, 1988 at 9:30 A.M. in Room 602 of the County Courthouse.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

  
Jane McGarvin  
Clerk of the Board

jm

cc: Health Protection  
Emergency Medical Services  
County Counsel



## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
PAULINE ANDERSON • District 1 • 248-5220  
GRETCHEN KAFOURY • District 2 • 248-5219  
CAROLINE MILLER • District 3 • 248-5217  
POLLY CASTERLINE • District 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

August 2, 1988

Ms. Lorna Stickel, Planning Director  
Division of Planning & Development  
2115 SE Morrison  
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held August 2, 1988, the following action was taken:

In the matter of the Decisions of the Planning )  
Commission of July 11, 1988, Cases CU 11-88; )  
LE 7-88 )


There being no Notice of Review before the Board for the above-entitled matters, and the Board not wanting to review the matters on its own motion, and upon motion of Commissioner Kafoury, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that said Decisions be acknowledged.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

  
Barbara E. Jones  
Asst. Clerk of the Board

bj  
cc: Assessment & Taxation  
Engineering



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING  
AND DEVELOPMENT  
2115 S.E. MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
CAROLINE MILLER • DISTRICT 3 COMMISSIONER  
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

8/2/88 - Am  
①

## BOARD OF COUNTY COMMISSIONERS

Tuesday, August 5, 1988

9:30 a.m., Room 602

BOARD OF  
COUNTY COMMISSIONERS  
1988 JUL 25 PM 5:40  
MULTNOMAH COUNTY  
OREGON

## A G E N D A

The following Decisions are reported to the Board for acknowledgement by the  
Presiding Officer: *Chair*

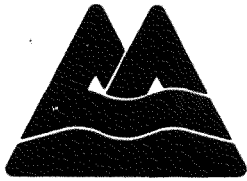
### CU 11-88

Approve, subject to conditions, expansion of a conditional use to allow a 1,500-square foot expansion to an existing dental building plus expansion of the parking area associated with the building, from nine to 33 off-street parking spaces, all for property located at 13255 SE Stark Street.

### LE 7-88

Approve, subject to conditions, request for an approximate 2.75-acre Lot of Exception, which would allow a second dwelling on the subject property, for property located at 37843 SE Loudon Road.

0876P



# MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of July 11, 1988

IN THE MATTER OF:

CU 11-88 #384

Conditional Use Request

(Expansion of Dental Building and Associated Parking Lot).

Applicant requests conditional use approval to allow a 1,500 square foot expansion to an existing dental building, plus expansion of the parking area associated with the building from nine spaces to a future 33 spaces.

Location: 13255 SE Stark Street

Legal: Tax Lot 2, South 179' of Ascot Acres  
1987 Assessor's Map

Site Size: 155' by 271'

Property Owner: Willamette Dental Group, P.C.  
5201 SW Westgate Drive, Suite 204, 97221

Applicant: Gerald L. Cogan  
Willamette Dental Group, P.C.  
5201 SW Westgate Drive, Suite 204, 97221

Comprehensive Plan: Medium-density Residential

Present Zoning: MR-3, Urban Medium Density Residential District  
Density range from 8.1 to 16.1 dwelling units per square acre

PLANNING COMMISSION  
DECISION:

Approve, subject to conditions, expansion of a conditional Use to allow a 1,500 square foot expansion to an existing dental building plus expansion of the parking area associated with the building, from nine to 33 spaces, all based on the following Findings and Conclusions.

CS

KAOWA



CASE:..... CU 11-88  
1/4 SEC MAPS:..... 3043, 3044, 3143, & 3144  
SITE LOCATION:.. SE 1/4 SEC 35, T1N, R2E, WM  
SZM's SHOWN:... 383 & 384 (NE Zone Map Book)  
390 & 391 (SE Zone Map Book)  
MAP SCALE:..... 1 inch to 200 feet  
NOTE: Underscoring denotes maps within which  
the subject property is located.

LR-7.5

SE ANKENY ST

MC 9-66/D

ZC 194-59/D

MR-3

ZC 103-62  
ZC 100-58  
ZC 83-57/D

LR-5

MR-3

MR-4

LR-5

MR-4

MR-3

MC 16-63

MR-4 CS

MR-4

LR-7

LR-7

NC

WOODRIDGE ST

SE ALDER RD

ADD.

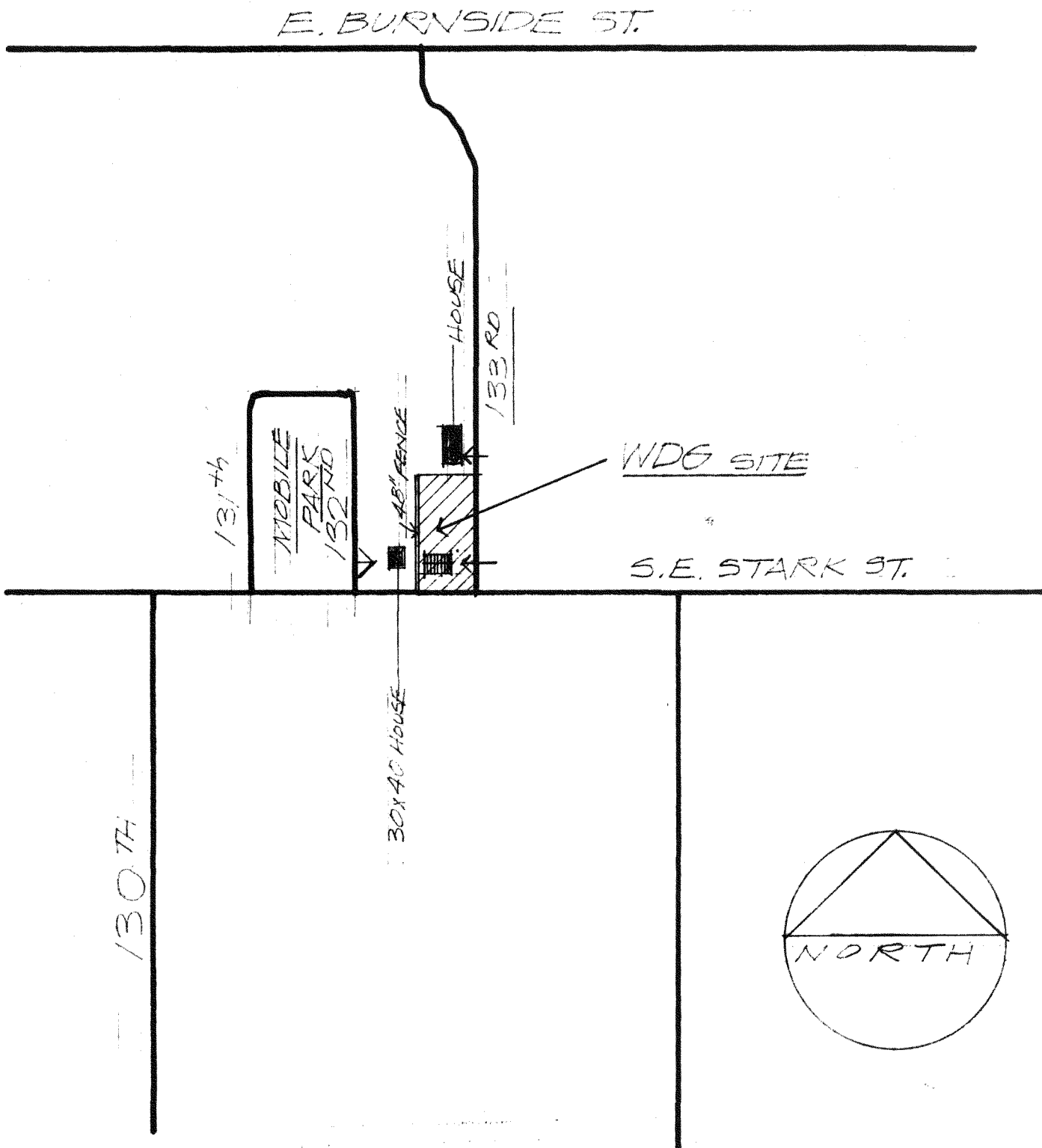
SE 136TH AVE

SE 136TH AVE

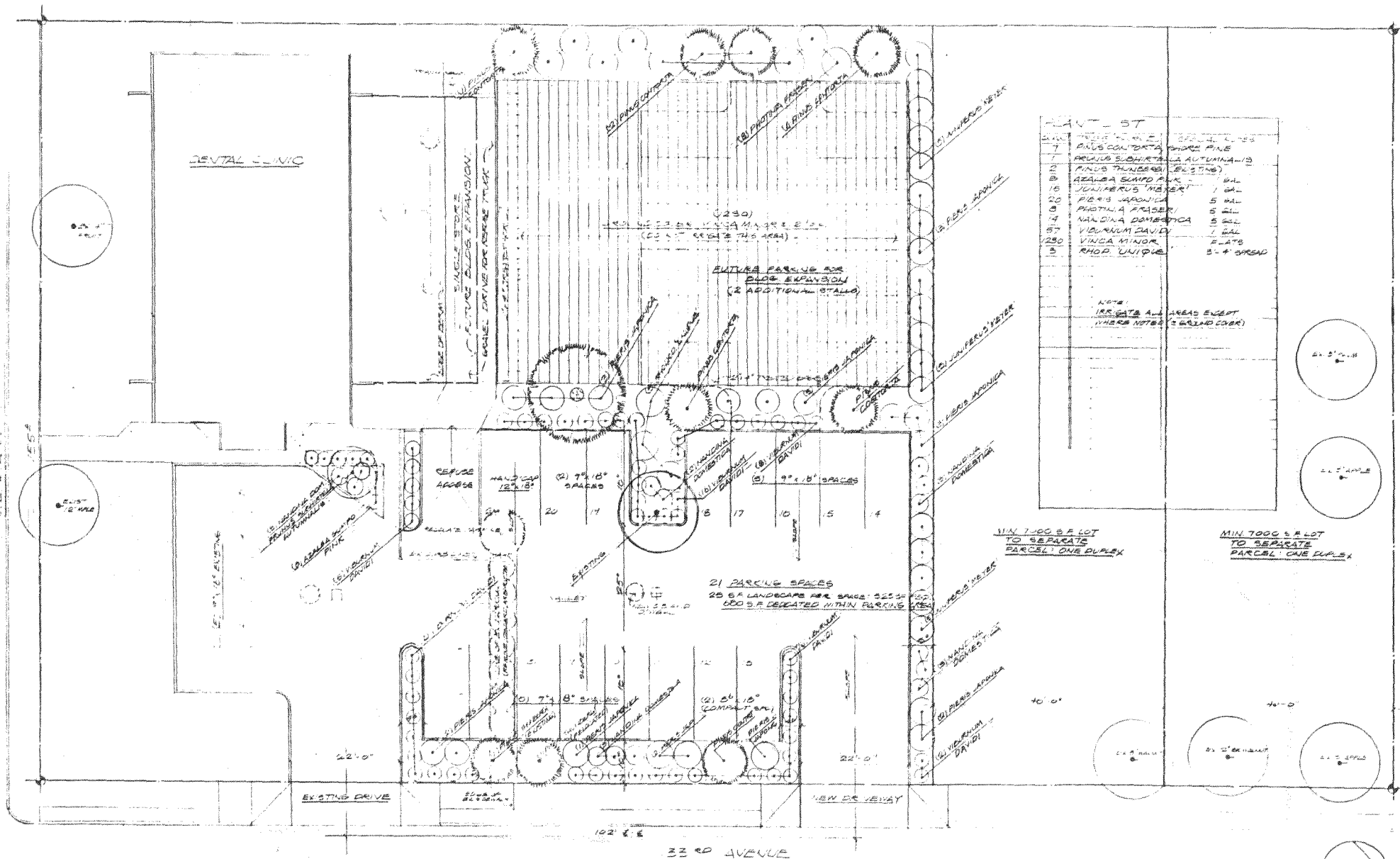
SE 136TH AVE

(BASE LINE ROAD)





VICINITY MAP      APPRX. SCALE 1"=300'  
WILLAMETTE DENTAL GROUP  
133 RD & STARK OFFICE



**SITE PLAN - PARKING IMPROVEMENTS**  
WILLAMETTE DENTAL GROUP, STARK OFFICE - SCALE 1/8" = 1'-0"  
INTER DESIGN, THE DESIGN FIRM  
2015 25th AVE. PORTLAND 97202 230-2900



### Conditions of Approval.

1. Obtain design review approval for the expanded parking and landscape areas (Phase I).
2. Obtain appropriate land division approvals for proposed lot lines.
3. Obtain design review approval of the future dental office addition and associated parking (Phase II).

### Findings of Fact.

#### 1. Background.

The existing dental office building at 13255 SE Stark Street was approved as a conditional use in an MR-3 zone on November 5, 1979 under CU 11-79. Plans approved at that time included an 11 to 12-unit apartment complex to be sited near the north end of the subject parcel, a dental clinic near the south end and 34 off-street parking spaces for both uses.

Design review approval was obtained for the dental clinic portion of the site on June 6, 1980 under DR 80-03-02. This Phase I portion of the project included nine off-street parking spaces, which satisfied the minimum number required for the proposed clinic. However, 1981 and 1982 letters in the design review file indicate the nine-space parking area did not adequately serve the needs of the clinic.

Since that time, the plans for an apartment building on the site have been dropped and the lack of adequate parking for the clinic use remains unresolved. As an interim solution, the clinic owners installed gravel in an area north of the building to provide overflow parking spaces. This parking lies on the 'residential' portion of the site and has not been approved through design review. The applicant requests approval of an expanded parking area (21 spaces total) for the existing clinic and approval of a later addition to the clinic building with an additional 12-space expansion of parking at that time.

The proposal would leave approximately 14,000 square feet of the parcel for future residential development. In the MR-3 zone, this represents a potential of up to five dwellings in a "plex" structure (14,000 square feet divided by 2,700 square feet/unit = 5 units).

#### 2. Ordinance Considerations.

##### A. Zoning.

- 1). The subject parcel is within the MR-3 zoning district, which primarily allows attached dwellings (duplex, multi-plex, apartments) at a maximum density of 16 units per acre. A professional office or clinic is allowed as a conditional use in this zone if the Approval Criteria of MCC .2710 and MCC .2712 are met.

The Approval Criteria of MCC .2710 and .2712 state:

11.15.2710      Business or Professional Office or Clinic  
Approval Criteria.

In approving a business or professional office as a conditional use, the approval authority shall find that the proposal:

(A). Will satisfy the applicable elements of Comprehensive Plan policies:

- (1). No. 5, Economic Development,
- (2). No. 19, Community Design,
- (3). No. 20, Arrangement of Land Uses,
- (4). No. 22, Energy Conservation, and
- (5). No. 29, Office Location (Isolated);

(B). Will satisfy the development standards listed in MCC .2712;

(C). Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the:

- (1). Livability,
- (2). Value, and
- (3). Development of abutting properties and the surrounding area; and

(D). Will satisfy the applicable dimensional and other requirements of the district.

11.15.2712      Business or Professional Office or Clinic  
Development Standards.

A business or professional office or clinic located as a transitional use or as a conditional use under the provisions of this Chapter shall comply with the other applicable requirements of this Chapter and the following:

(A). The use shall be located in a structure occupied by other permitted or authorized uses, or in a detached structure which is compatible with the character and scale of structures in the vicinity occupied by permitted uses; and

- (B). Vehicular access, circulation, parking and loading shall be provided without conflict with similar facilities required for other uses on the same property.

In response to the above Criteria, the following is given:

a. The existing land uses abutting the subject parcel consist of a mobile home park near the west property line and single family residences near the north property line. The subject parcel abuts SE 133rd Avenue, a local street, on the east and SE Stark Street, a four-lane major arterial and major bus route on the south. There are many nearby existing multi-family uses in the area of the subject parcel. These begin at the northeast corner of SE 133rd Avenue and SE Stark Street and continue east on the north side of SE Stark Street to SE 139th Avenue, almost uninterrupted. There are commercial uses near the southeast and southwest corner of SE 130th Avenue and SE Stark Street. There are office uses near SE 128th Avenue and SE Stark Street (south side) and the northeast corner of SE 139th Avenue/Stark Street. David Douglas High School is located on SE 135th Avenue about 600 feet south of SE Stark Street. Therefore, given the nearby multi-family uses that can be served by the proposed dental clinic, the nearby office and commercial uses, David Douglas High School and the abutting major arterial and transit route, the proposed expansion of the dental clinic is found compatible with the character of the area.

b. The proposed dental clinic satisfies the following applicable Hazelwood Community Plan policies:

(1) No. 5, Economic Development - Strategy 1.E. states:

"Concentrating high density residential development, mixing land uses, varying transportation modes, providing adequate support services, will contribute to economic development, but should be accomplished in a manner that contributes to the livability of the community and vitalizes the general business climate."

(2). No.19, Community Design Policy has Design Guidelines which are applicable to the submitted project and relate to the design review condition of this Report:

a). Design Guidelines - Wooded Areas (P. 132)

"The need to extend tree planting and preservation programs throughout the community.

The need to protect wooded areas until the design of buildings and the circulation system is approved and to preserve landscaping in accord with approved plans during the construction phase."

Policy No. 19 is also supportive of the design review process and the concepts listed in "A Developer's Handbook". One of these concepts deals with the protection of existing trees (P. 21):

"Trees should not be destroyed or altered until the design of buildings and the circulation system is final. The destruction of trees on the basis of an early concept often proves regrettable".

Applicant's proposal retains several existing mature trees on the site.

- (3). No.20, Arrangement of Land Uses, promotes the mixing of compatible land uses. Compatibility means uses similar in scale, design, having similar environmental and public service impacts and uses that are mutually beneficial. Policy 20 of the Framework Plan states: "Mix- ing Land Uses means. . . the location of small specialty shops, medical offices or law offices in residential areas. . ."

The existing dental office has a floor area of about 3200 square feet. After the addition, the building will contain approximately 4500 square feet. The single story design and building size is of a scale similar to nearby residential uses.

Adjacent uses and facilities found in the area are supportive of the proposed dental clinic:

Transit - Tri-Met bus routes travel on Stark Street, past the subject parcel. Also the light rail stop at 122nd Avenue and Burnside is about 3/4 mile northwest of the site.

Related Commercial and Office Uses - Southeast and southwest corners of 130th Avenue and Stark Street, Office uses on southwest and southeast

corners of 128th Avenue and Stark Street and northeast corner of 139th Avenue and Stark Street.

A new office building is under construction directly across Stark Street from the Site.

Large School Facility - David Douglas Junior High and High School on 135th Avenue about 600 feet south of Stark Street.

Existing Multifamily Residential Uses - Beginning at the northeast corner of 133rd Avenue and continuing to 139th Avenue, north side of Stark Street.

Policy No. 22, Energy Conservation, encourages solar orientation of buildings for natural heating and cooling. The existing building has its long axis oriented south.

Policy No. 29, Office Location, Strategy 1.C states: "Professional offices (and clinics) can locate in medium and high density areas when compatible with surrounding development and not contributing to strip development. The expanded clinic Facility will not alter the previously determined compatibility.

The proposed clinic addition and parking area expansions satisfy applicable setback and other dimensional requirements of the MR-3 zone and Off-Street Parking standards.

The professional office or clinic development standards of subsection .2712:

- a) The use shall be located in a structure occupied by other permitted or authorized uses, or in a detached structure which is compatible with the character and scale of structures in the vicinity occupied by permitted uses; and
- b) Vehicular access, circulation, parking and loading shall be provided without conflict with similar facilities required for other uses on the same property.

In response to the above approval criteria, the following is given:

1. The expanded dental clinic will occupy a structure with a floor area of about 4500 sq. ft. and will therefore be

similar in scale to the existing nearby single family and apartment structures.

2. The proposed expansion will separate the clinic use from Future residential uses on the northerly 14,000 square feet of the subject parcel. The separated parking area will eliminate potential conflicts between future residential uses on the north portion of the site.

#### Conclusions

1. Finding 2A(1), indicates that the dental clinic is allowed as a conditional use in the MR-3 zoning district.
2. Finding 2A(2)-(7), explains that the extended clinic proposal will meet the professional office and clinic approval criteria of subsections .2710 & .2712, provided all required Conditions of Approval are met.

Signed July 11, 1988

By Richard Leonard, Jr.  
Richard Leonard, Vice-Chairman

July 21, 1988

Filed with the Clerk of the Board

#### Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, August 1, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

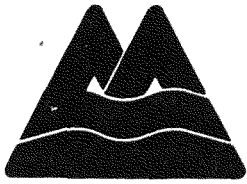
The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 2, 1988 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Division of Planning and Development at 248-5270.

MH/0878P

Decision

July 11, 1988





# MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of July 11, 1988

IN THE MATTER OF:

LE 7-88, #2, 1S-4E      Lot of Exception

Applicants request approval to create an approximate 2.75-acre Lot of Exception out of a 29.8-acre Lot of Record in the Multiple Use Forest zoning district. Approval would allow a second dwelling on the property.

Location:                      37843 SE Loudon Road

Legal:                         Tax Lot '4', Section 2, 1S-4E  
                                     1987 Assessor's Map

Site Size:                    29.8 Acres

Size Requested:            Same

Property Owner:           John/Sandra Windust  
                                     37843 SE Loudon Road, Corbett, 97019

Applicant:                   John Windust/Frank Windust, Jr.  
                                     37843 SE Rickert Road, Corbett 97019

Comprehensive Plan:      Multiple Use Forest

Present Zoning:            MUF-19, Multiple Use Forest District  
                                     Minimum lot size of 19 acres

PLANNING COMMISSION  
DECISION:

Approve request for an approximate 2.75-acre Lot of Exception on the above described property, based on the following Findings and Conclusion.

north



CASE:..... LE 07-88

SITE:..... Tax Lot 4

LOCATION:..... NE $\frac{1}{4}$  Sec 02, T 1 S, R 4 E, WM

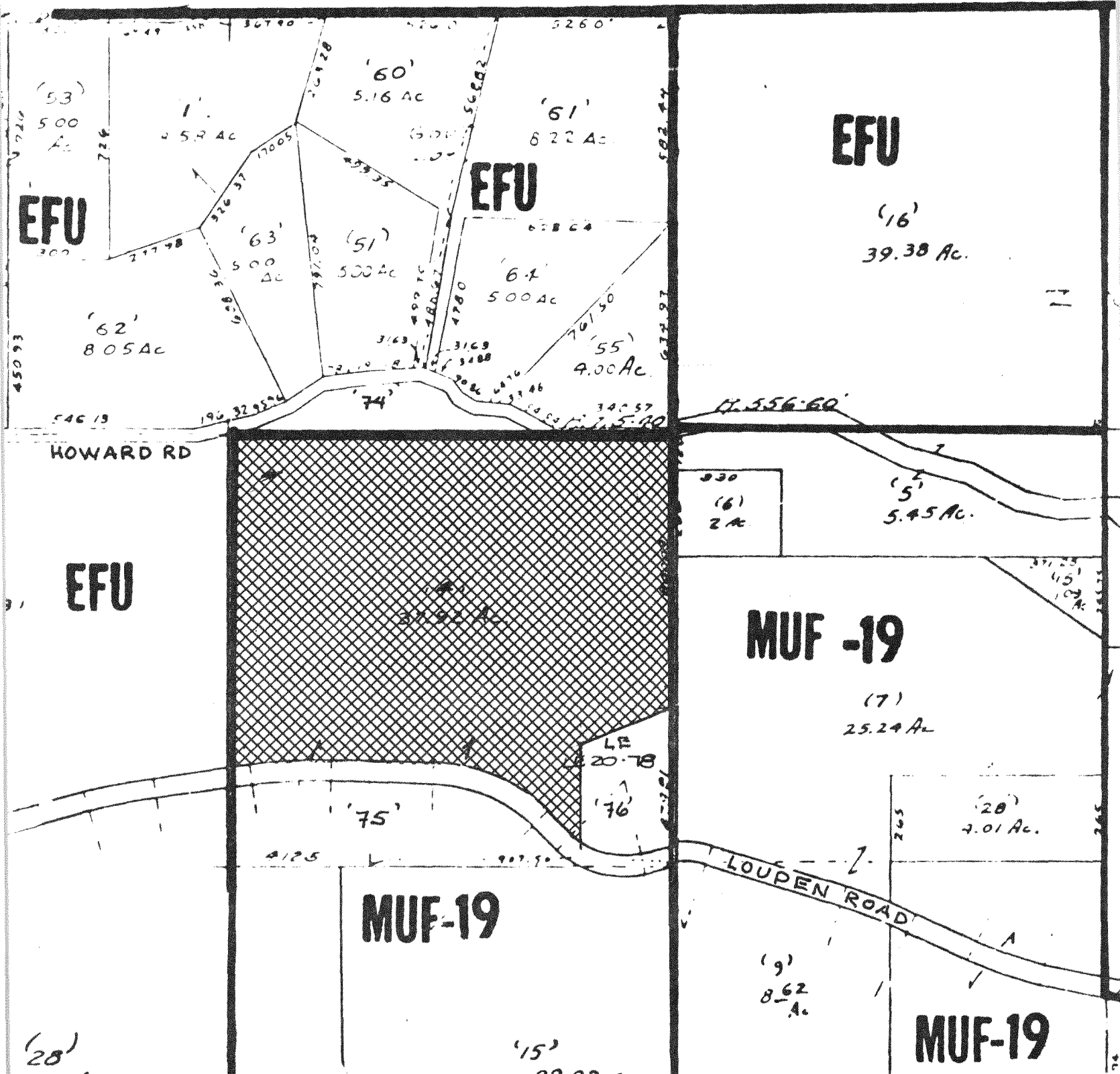
SZM's SHOWN:.... 680 & 681

MAP SCALE:..... 1 inch to 400 feet

NOTE: Underscoring denotes Sectional Zoning  
Map within which subject property appears.

BASE

LINE



PARCEL "B"  
3 ACRES

PARCEL "A"  
27 ACRES

~~SECRET~~

**BAR**

DOWN ROAD N. 1884  
5 87 50 8 30204

LOT OF EXCEPTION

APPLICANTS: FRANK A. WINDUST, JR.  
JOHN D. WINDUST  
36039 E. CROWN PT. HWY.  
CORVALLIS, OREG. 97331  
LE 7-88 43089

LE 7-88

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

CH. 104  
JAN 10 1968  
FBI - NEW YORK

MINOR PARTITION  
OF EXEMPTION - 28'

SCALE 1" = 100'	APPROVED BY: J.O. AND S. WINDO
DATE 12-4-78	RE: 1, BOX 153, CO.
TAX LOT 4, N.E. 1/4 SECTION 2, 1	
HOLLAND TOWNSHIP, CO.	
1/4 X 30' X 100' AND 1/4 X 30' X 100'	
1/4 X 30' X 100' AND 1/4 X 30' X 100'	

Conditions of Approval.

1. Prior to the issuance of building permits, the property owner shall provide the Planning Department with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared black copy of this deed restriction is available at the Planning Offices.
2. Commit to participate in the future right-of-way improvement through deed restrictions and not to demonstrate against any future improvement.

Finding of Fact:

1. Applicant's Request: Applicant requests approval of an approximate 3-acre Lot of Exception to allow creation of lots of 11 and 19 acres (inclusive of road frontage) out of a 29.8 acre Lot of Record.
2. Ordinance Considerations: The burden is on the applicant requesting a Lot of Exception to demonstrate that the proposal will:
  - (A). Substantially maintain or support the character and stability of the overall land use pattern of the area;
  - (B). Be situated upon land generally unsuitable for commercial forest use or the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
  - (C). Be compatible with accepted farming or forestry practices on adjacent lands;
  - (D). Be consistent with the purposes described in MCC .2162 (MUF District);
  - (E). Satisfy the applicable standards of water supply;
  - (F). Not require public services beyond those existing or programmed for the area;
  - (G). Except as provided in MCC .2180(D), no Lot of Exception shall be approved unless:
    - (a). The Lot of Record to be divided exceeds the area requirements of MCC .2178(A), and
    - (b). The division will create no more than one lot which is less than the minimum area required in MCC .2178(A).
  - (H). The Planning Commission may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC .2162.

### 3. Site and Vicinity Characteristics.

This property is located on the north side of SE Loudon Road approximately easterly of Littlepage Road. The property is a Lot of Record created by Ordinance in 1980 with the adoption of revised rural zoning (a two-acre Lot of Exception had been divided from the property in 1978 under the prior rural zoning).

The property is bounded on the west by a 31-acre parcel, on the east by a 25-acre parcel and on the south by parcels of 60, 30 and 5 acres. The area to the north, which is topographically separate, is characterized by lots of two to eight acres.

Soils of this property are dominately Merston Silt Loam which has an Agricultural Capability Classification of III and a woodland suitability rating of 3. The northeast approximately one-sixth of the lot is comprised of Wollent Silt Loam (Agricultural Rating of III) and Haplumbrepts (Agricultural Rating of VI), neither of which has a rating for woodland suitability. The Haplumbrepts comprise an area of approximately two acres of the 29.8-acre parcel. The Haplumbrepts occur on very steep slopes, whereas the maximum slope on the remainder of the property is thirty percent, with the majority being in the eight to fifteen-percent range.

The area proposed to be divided for the Lot of Exception is located in the northeast corner of the property. That area is topographically separate from the remainder of the lot and is also separated from that remainder by Big Creek.

### 4. Compliance With Ordinance Criteria.

The following findings are made as demonstration of compliance with the approval criteria:

- A. Substantially maintain or support the character and stability of the overall land use pattern of the area:

The subject property is bordered on the North by a major partition called "Big Creek Meadows" which comprises of 17 parcels that are from 2. to 8.2 acres in size. The parcels all have some degree of hobby farming being practiced on them. To the east is a two acre, a 25 acre and another 2 acre parcel. These properties are mostly unusable due to the terrain and are primarily open space growing blackberry brush and weed trees. Across Loudon Road to the South of the subject property is a 5.5 acre parcel with a mobil home on it. To the west is a 31 acre parcel used for the grazing of cattle on a hobby basis with the primary use being rural residential and a machine shop operation.

Due to numerous other parcels of similar sizes found adjacent and in immediately surrounding this site, the granting of this lot of exception request would substantially maintain or support the character and the stability of the overall land use patterns of the area.

- B. Be situated upon generally unsuitable land for the production of farm crops and livestock or for the forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;

The terrain on over 80 percent of the subject property is too steep for any farming activity to occur. Another 10 percent of the property has drainage problems and wet areas due to the two springs and the creek that passes through the property. (Refer to the topography map attached to this application). Soil conditions are very marginal on the entire site. There is very limited agricultural activity in the immediate area due primarily to the steep terrain and marginal soils. The subject property is 90 percent covered with brush, blackberries and some trees.

This three-acre property is unsuitable land for the production of farm crops and livestock or forest use because of the terrain, soil, drainage, vegetation and the location and size of the tract.

- C. Be compatible with accepted farming or forestry practices on adjacent lands;

On other small parcels within the immediate area some limited hobby farming occurs. Areas overgrown in brush or berries are cleared, wet areas drained, and areas normally too steep for commercial farming activity are utilized to some degree. The subject property is not suitable for farming as we know it, but some farming activity will occur just as it does on the other parcels in the immediate area.

Therefore, compatibility with similar types of operations now occurring on other adjacent and surrounding properties will not create a compatibility problem.

- D. Be consistent with the purposes described in MCC .2162.

The marginal ability of this land to produce would not be depleted by the approval of this request and, if anything, would possibly be increased as it is evident on other small parcels within the surrounding area. Therefore, this application is consistent with the purposes described in MCC .2162.

- E. Satisfy the applicable standards of water supply, sewage disposal and minimum access.

The Corbett water district main line passes by the subject property along Loudon Road to the south and another major waterline borders the property on the North along Howard Road. The property is presently served by Corbett Water and adequate water is available to supply the additional parcel hereby being created. The soils in this area have no history of having septic system failures and not one application for such a system has ever been denied in this area. Access onto Howard Road is proposed in the NE corner of the three-acre parcel. Services such as water, power and phone would be brought in from their source at this point also.

- F. Not require public services beyond those existing or programmed for the area;

The property is presently served by all the necessary services. As mentioned above, Corbett Water is to the property with one service already serving the property. Portland General Electric serves this property as does Cascade Utilities for phone service. The property is within the Corbett School District with bus service to the property. The property is also within 1 mile of the Corbett Fire Station, District #14. There are no required services beyond those presently existing or programmed for the area.

#### Conclusions

1. The applicant has carried the burden necessary for the granting of a Lot of Exception in the MUF-19 zoning district.

Signed July 11, 1988

By Richard Leonard, Jr.  
Richard Leonard, Vice-Chairperson

July 21, 1988

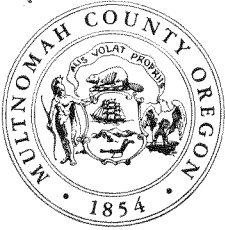
Filed with the Clerk of the Board

#### Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, August 1, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, August 2, 1988 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Division of Planning and Development at 248-5270.

0864P



# GLADYS McCOY, Multnomah County Chair

Room 134, County Courthouse  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204  
(503) 248-3308

BOARD OF  
COUNTY COMMISSIONERS  
1988 JUL 26 PM 3:50  
MULTNOMAH COUNTY  
OREGON

## MEMORANDUM

TO : Jane McGarvin  
FROM : Delma Farrell  
DATE : July 26, 1988  
RE : Board Agenda  
Week of August 1-5, 1988

## INFORMAL

County Chair

Submitted by Fred Neal/Chris Moir

1. Update from the Multnomah County representative on activities of Columbia Gorge Bi-State Commission.

## FORMAL

DES

Submitted by Mike Oswald 667-4024

2. Potentially Dangerous Dog Ordinance Revision.

Submitted by Dick Howard X-3599

3. Deed/Order for County Road Purposes: S. E. Burnside Road/County Road No. 2063.

Submitted by Robert Pearson X-3838

4. Surrendering Jurisdiction Towle Road to City of Gresham.

Submitted by Dave Warren X-3822

5. Budget modification amending adopted budget and reducing Bridge Fund Totals by \$114,842.

DGS

Submitted by Dave Warren X-3822

6. Budget Modification reducing cable fund appropriation by \$37,211 to comply with limits imposed by Local Budget law.



Submitted by Dave Warren X-3822

7. Amends Resolution Levying Taxes.

DHS

Submitted by Art Bloom X-2404

8. Ratification of Intergovernmental Agreement with Oregon Department of Agriculture.

Submitted by Marie Eighmey X-3646

9. Ratification of FY 88/89 State Revenue Contract.

DJS

Submitted by John Angell X-3701

10. Intergovernmental Agreement with City of Portland to provide funding for the Council for Prostitution Alternatives.



**Multnomah County Oregon**  
**Board of County Commissioners**

8/23

Sandy = AA Ambulance

10 records =

Stipulated record =

10 min each.

---

DIANE S. LUND  
FREE-LANCE WRITER

12638 N.W. Barnes Rd.

No. 2

Portland, Oregon 97229

503-643-3986

Wanted to obtain copies  
of EMS, Report ~~from~~<sup>of</sup>  
Hearings officer. Will  
check with Joe & Just <sup>Ackerman.</sup>  
then we'll get back to  
you if she needs additional  
info.

Lynell.

BOARD OF  
COUNTY COMMISSIONERS  
1988 AUG - 2 AM 11:16  
MULTNOMAH COUNTY  
OREGON

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)

Meeting Date 8-2-88 Am

Agenda No. # 2

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: EMS Appeal Hearings

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only Tuesday, August 2, 1988  
(Date)

DEPARTMENT \_\_\_\_\_ DIVISION \_\_\_\_\_

CONTACT Joe Acker & Sandra Duffy TELEPHONE 248-3674 & 248-3138

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Hearing on exceptions to Hearings Officer Final Order regarding EMS Rule Violation on Ambulance Run #691/208769A

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

PERSONNEL

☐ FISCAL/BUDGETARY

☐ -General Fund

Other \_\_\_\_\_

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Jane McFarlin Clark

BUDGET / PERSONNEL \_\_\_\_\_ /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

**CHRISTOPHER P. THOMAS**

ATTORNEY AT LAW  
2000 S.W. 1ST AVENUE  
SUITE 400  
PORTLAND, OREGON 97201  
TELEPHONE (503) 227-1116

BCC ✓  
BOARD OF  
COUNTY COMMISSIONERS  
1988 JUL 21 PM 3:09  
MULTNOMAH COUNTY  
OREGON

July 21, 1988

Ms. Jane McGarvin  
Clerk, Board of County Commissioners  
606 Multnomah County Courthouse  
1021 SW Fourth Avenue  
Portland, OR 97204

Subject: Exceptions to Proposed Final Order for  
EMS Rule Violation on Ambulance Run #691/208769A

Dear Ms. McGarvin:

Pursuant to your June 30, 1988 letter, I enclose exceptions to be considered by the County Commission at its August 2, 9:30 a.m. hearing on this matter.

Very truly yours,

*Ch P. Thomas*

Christopher P. Thomas

CPT:mab  
cc: Pete Robedeau  
Sandra Duffy

BEFORE THE MULTNOMAH COUNTY COMMISSION

In the Matter of AA Ambulance )  
Run #691/208769A ) EXCEPTIONS OF AA AMBULANCE  
TO PROPOSED FINAL ORDER

AA Ambulance submits the following exceptions to the  
Proposed Final Order in this matter:

1. Findings of Fact. The Findings of Fact, on page 3, lines 11 through 18, describe one factual issue in this proceeding as whether the crew of AA Ambulance's vehicle number 61 called for another ALS ambulance or for a driver. The Proposed Final Order states that AA61 called for "a car Code 3" (Code 3 means as fast as possible with siren sounding). AA Ambulance agrees that this was the language used. AA Ambulance contends, however, that what the crew of AA61 intended by this was to get a driver who would drive AA61 to the hospital while the crew tended the patient. The record clearly establishes that this is what was intended, it is what actually occurred, and it has not been disputed that this is what was intended. Thus at the end of line 18 on page 3, it would be appropriate to add, "The intention of the AA61 crew was to get a driver to AA61 as quickly as possible."

2. Conclusions of Law. The Hearings Officer found that AA Ambulance violated EMS Rule 6.31.390(C). That rule prohibits an ambulance provider from responding by ambulance to an emergency call unless so authorized by EMS Central Dispatch or by Multnomah County Code Chapter 6.31.

1       The Hearings Officer also found that AA Ambulance violated  
2 MCC 6.31.190(G). That code section prohibits an ambulance  
3 provider from responding by ambulance to an emergency call unless  
4 so authorized by EMS Central Dispatch or by MCC Chapter 6.31 or a  
5 rule adopted thereunder.

6       The EMS rule and code section supposedly violated by AA  
7 Ambulance are essentially the same. The issue in this proceeding  
8 is whether AA Ambulance vehicle 61 had the authority to call AA's  
9 dispatcher for "a car Code 3" in order to get a driver to the  
10 scene as soon as possible. If any EMS rule authorizes this, then  
11 AA Ambulance did not commit a violation. If no EMS rule  
12 authorizes this, then AA61 should have called EMS Central  
13 Dispatch rather than AA's dispatcher and, by failing to do so,  
14 committed a violation.

15       AA Ambulance maintains that AA61 had authority under an EMS  
16 rule to call AA's dispatcher for "a car Code 3" in order to get a  
17 driver to the scene as soon as possible. The Proposed Final  
18 Order concludes to the contrary. AA Ambulance therefore takes  
19 exception to the conclusions of the Proposed Final Order.

20       EMS Rule 631-320(F). First, AA Ambulance maintains that it  
21 had authority to act as it did under EMS Rule 631-320(F). That  
22 rule authorizes an ambulance provider to respond immediately to  
23 an emergency call from a licensee if:

- 24       (1) The provider's dispatcher relays certain information to  
25           EMS Central Dispatch immediately after dispatching the  
26           ambulance. Here, the Hearings Officer found that AA51

1 notified EMS Central Dispatch that it was en route to  
2 NE 7th and Alberta to back up AA61 and subsequently  
3 notified EMS that it was out of service because one  
4 paramedic was in AA61. The applicable provisions of  
5 this requirement were met.

6 (2) The call is in the provider's service area. Here, the  
7 Hearings Officer found that the evidence was that the  
8 call was in AA's service area. This requirement was  
9 met.

10 (3) The licensee has more than 50% of its ambulances  
11 available within its ambulance service area. Here, the  
12 Hearings Officer found that the evidence was that AA  
13 Ambulance had more than 50% of its ambulances available  
14 within its service area. This requirement was met.

15 (4) The licensee uses the triage guide to determine whether  
16 the call needs an emergency response. Here, the triage  
17 guide was not applicable, since the need was for a  
18 driver for a patient who already was the subject of a  
19 valid call. This requirement was not applicable.

20 In other words, Rule 631-320(F) appears to authorize AA  
21 Ambulance's action in this case. There is an exception, however,  
22 in Rule 631-320(G), which says that the preceding rule does not  
23 apply where an ambulance crew determines that there is a need for  
24 one or more additional vehicles at the scene of an emergency.  
25 The purpose of this exception is to give EMS Central Dispatch  
26 control over the dispatching of ambulances to a multiple casualty



1 emergency. Here, there was not a multiple casualty emergency.  
2 Rather, there was a need for another driver. The exception  
3 therefore does not apply. Thus, with the exception being  
4 inapplicable, AA Ambulance's action in this case was authorized  
5 by EMS Rule 631-320(F).

6 Notwithstanding this, for some unexplained reason, the  
7 Hearings Officer concluded that Rule 631-320(F) "does not apply  
8 in this situation." AA Ambulance can imagine only two possible  
9 thoughts the Hearings Officer might have had. He might have  
10 concluded the rule does not apply because the call was not an  
11 emergency call. If that is the case, however, there was no  
12 violation because the two supposed violations only can occur if  
13 there is an unauthorized response to "an emergency call." The  
14 other possibility is that the Hearings Officer believed that the  
15 "multiple casualty" exception applied to this case. If so, his  
16 legal conclusion was incorrect.

17 EMS Rule 631-316. This rule authorizes a licensee to take  
18 an ambulance out of service to EMS Central Dispatch if there are  
19 more than eight ALS-staffed ambulances available to the system.  
20 Here, the Hearings Officer found that the evidence was that there  
21 were more than eight ALS ambulances available to the system. EMS  
22 Rule 631-314 requires the crew of a vehicle to inform EMS Central  
23 Dispatch promptly by radio if it goes out of service so that it  
24 no longer is able to respond to EMS dispatch orders. Here, the  
25 Hearings Officer found that the crew of AA51 did notify EMS  
26

1 Central Dispatch that it was proceeding to back up AA61. Thus AA  
2 Ambulance appears to have authority for what it did.

3 Once an ALS ambulance is taken out of service, it can be  
4 treated as a BLS ambulance. The Hearings Officer found that the  
5 evidence was that AA's ambulances serve as both ALS and BLS  
6 ambulances. EMS Rule 631-320(E)(5) authorizes a provider to  
7 dispatch a BLS ambulance Code 3 to the scene of an emergency at  
8 the request of an ALS ambulance for additional manpower if the  
9 ALS ambulance transports emergency patients and if the provider  
10 advises EMS Central Dispatch of certain information. Here, AA61  
11 requested a car Code 3 in order to get a driver, AA61 transported  
12 the patient, and AA Ambulance gave the appropriate information to  
13 EMS Central Dispatch.

14 Here too, however, for some unexplained reason, the Hearings  
15 Officer found that AA Ambulance did not take AA51 out of service.  
16 This is strange because AA51 clearly was not available to EMS  
17 Central Dispatch and everyone knew it. Here too, the Hearings  
18 officer's conclusion was incorrect.

19 3. Penalty. The EMS Office imposed the maximum fine on AA  
20 Ambulance (\$250), and the Hearings Officer upheld it. Even if  
21 there was a violation, which AA Ambulance vigorously disputes,  
22 the violation at most was the use of the wrong words and should  
23 not have been pursued much less subjected to the maximum fine.

24 ///

25 ///

1           For the reasons stated, the Hearings Officer's Proposed  
2 Final Order should be rejected and an order entered exonerating  
3 AA Ambulance.

4                               Respectfully submitted,

5                               *Ch. P. Thomas*  
6                               \_\_\_\_\_  
                             Christopher P. Thomas



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES  
COUNTY COUNSEL SECTION  
1120 S.W. FIFTH AVENUE, SUITE 1400  
PO. BOX 849  
PORTLAND, OREGON 97207-0849  
(503) 248-3138

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
POLLY CASTERLINE  
GRETCHEN KAFOURY  
CAROLINE MILLER

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

COUNTY COUNSEL  
LAURENCE KRESSEL

CHIEF ASSISTANT  
ARMINDA J. BROWN

### ASSISTANTS

JOHN L. DU BAY  
SANDRA N. DUFFY  
J. MICHAEL DOYLE  
H. H. LAZENBY, JR.  
PAUL G. MACKEY  
MARK B. WILLIAMS

TO: Jane McGarvin  
Clerk of the Board (101/606)  
  
Emergency Medical Services Policy Board

FROM: Sandra Duffy *Sandy*  
Assistant County Counsel

DATE: June 16, 1988

RE: Proposed Final Order for EMS Rule  
Violation on Ambulance Rune #691/208769A

Enclosed is the Proposed Final Order adopted and signed by B. B. Bouneff, the hearings officer in the above-referenced matter.

MCC 6.31.180(G) requires that a copy of the proposed order be mailed to the EMS Policy Board. However, MCC 6.31.180(H) requires that the Clerk of the Board send notification to the parties of the date when written exceptions to the proposed order must be filed and when oral argument may be made. There are no time frames set out in the code. I would suggest that the hearing be set in about three to four weeks, and the deadline for exceptions to be filed be set 10 days before the hearing date.

Larry Kressel and I will meet with the Board prior to the hearing to discuss the form of the hearing.

1595R/dm

cc: Joe Acker, EMS Director (w/encl.)  
Larry Kressel, County Counsel (w/encl.)

1988 JUN 20 PM 2:10  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

1 In the Matter of )  
AA Ambulance )  
2 Run #691/208769A )  
3 \_\_\_\_\_ )

**PROPOSED FINAL ORDER**

4 This matter came on for hearing on December 21, 1987  
5 before Hearings Officer B. B. Bouneff. AA Ambulance was  
6 represented by its attorney, Christopher P. Thomas, and Multnomah  
7 County Emergency Medical Services was represented by its  
8 attorney, Sandra Duffy, Assistant County Counsel. After hearing  
9 testimony of witnesses; reviewing documentary evidence including  
10 tape recordings; reviewing legal memoranda of counsel; hearing  
11 argument of counsel; and, considering the relevant portions of  
12 the Multnomah County Code and the EMS Rules, the Hearings Officer  
13 found, pursuant to MCC 6.31.180(G) and in accordance with  
14 Attorney General's Model Rules of Procedure Rule 137-03-070, as  
15 follows:

16 1. EVIDENCE.

17 Exhibits 1, 2, 7, 8, 9, 10, 11, 12, 14, 16, 17,  
18 18, 19, 20, 21 and 22 are admitted into evidence. Exhibits 3, 4,  
19 5, 6, 13 and 15 are not admitted into evidence.

20 2. FINDINGS OF FACT.

21 On April 13, 1987 AA Ambulance Unit Number 61  
22 (AA61), an advanced life support (ALS) ambulance, left the scene  
23 of an emergency response at 3:23 p.m. At 3:24 AA61 was en route  
24 to Providence Hospital with the patient when she began to have a  
25 seizure. Emergency Medical Technician (EMT) Filler had the

26 /// /// ///

1 driver, EMT Hernandez, stop and help position the patient for  
2 life saving procedures.

3 AA61 called the AA Ambulance dispatcher and asked  
4 for a backup car (an ALS ambulance with two Emergency Medical  
5 Technicians, Class IV on board). AA61 testified they called the  
6 AA dispatcher rather than Emergency Medical Services (EMS)  
7 Central Dispatcher because the radio transmitting to AA was more  
8 accessible. Evidence indicated the AA radio was in the rear  
9 compartment whereas the EMS radio was in the front of the  
10 vehicle. AA Dispatch sent AA51 to meet AA61. At 3:30 p.m. AA51,  
11 also an ALS ambulance, informed EMS Dispatch Office that they  
12 were en route to N.E. 7th and Alberta to assist AA61. AA51  
13 explained it was backing up AA61. Evidence indicates that EMS  
14 Dispatch was unsure as to what was occurring and at 3:32 p.m.,  
15 EMS Dispatch Office telephoned AA Dispatch to find out what AA51  
16 was doing. AA51 arrived at AA61's location and dropped off an  
17 EMT from AA51 who drove AA61 Code 3 to Emanuel Hospital at 3:38  
18 p.m.

19 At 3:39 p.m. AA51 informed EMS Dispatch Office  
20 that it was out-of-service because his partner was with AA61.  
21 Evidence was introduced to indicate that the 7th and Alberta  
22 location was within AA Ambulance's service area. Undisputed  
23 evidence indicated that when AA dispatched AA51, there were more  
24 than eight ALS ambulances available for call in Multnomah County.  
25 Further evidence indicated that at the time AA had more than 50%

26 /// /// ///

1 of its ALS ambulances available within its service area, and AA's  
2 ambulances served both as ALS and as Basic Life Support (BLS)  
3 ambulances.

4 I believe the crux of the matter is whether or not  
5 the EMS Rules require specifically the crew of the ambulance to  
6 request the EMS dispatch office for an additional vehicle or  
7 whether such request could be from AA Ambulance's dispatcher or  
8 other agent. It is also crucial as to whether or not such  
9 dispatch of additional vehicle could be on the order of other  
10 agencies other than the EMS dispatcher.

11 There was conflicting evidence regarding the radio  
12 call from the crew of AA61 for backup. AA Ambulance stated that  
13 the crew of AA61 called for a driver. The County alleged that  
14 the request was for a "a car Code 3" (an ALS ambulance with two  
15 Emergency Medical Technicians, Class IV, on board). While the  
16 three tape recordings are of terrible quality, all three agree on  
17 the salient points. I find that all three tapes indicate that  
18 the request was for a car Code 3, and not for a driver.

19 However, I also find that the AA dispatcher and  
20 the crew of AA51 (the backup ALS ambulance which responded to  
21 AA61's request) did advise the EMS Central Dispatch office of the  
22 request on the part of AA61 and the status of the two vehicles.

23 3. CONCLUSIONS OF LAW.

24 a. AA Ambulance did not assert that it had the  
25 authorization of the Emergency Medical Services Dispatch Office  
26 prior to dispatching AA51 to backup AA61. It did assert,

1 however, that other provisions of the County Code and/or the EMS  
2 Rules allowed such a dispatch. I find that AA Ambulance violated  
3 EMS Rule 6.31.390(C)<sup>1</sup> by responding by ambulance to an emergency  
4 call without the authorization of Emergency Medical Services  
5 Dispatch Office or under any other provision of MCC 6.31.

6 b. I find that AA Ambulance violated Multnomah  
7 County Code 6.31.190(G)<sup>2</sup> by responding by ambulance to an  
8 emergency call without the authorization of Emergency Services  
9 Dispatch Office or under the authority of any other provisions of  
10 this ordinance or EMS Rule.

11 /// /// ///

12 /// /// ///

13 /// /// ///

14 1 EMS Rule 631-390(C) provides: "Prohibited activities.  
15 No applicant or licensee, applicant's or licensee's  
16 employee or any other person doing business as defined  
in MCC 6.31 shall:

17 \* \* \*

18 (C) Respond by ambulance to an emergency call unless  
19 so authorized by the Emergency Medical Services  
Central Dispatch Office or under MCC 6.31."

20 2 MCC 6.31.190(G) provides: "Prohibited activities. No  
21 applicant or licensee, applicant's or licensee's  
22 employee or any other person doing business as defined  
hereunder shall:

23 \* \* \*

24 (G) Respond by ambulance to an emergency call unless  
25 so authorized by the Emergency Medical Services  
Central Dispatch Office or under a provision of  
this ordinance or rule adopted hereunder."



1 c. I find that AA Ambulance did not violate MCC  
2 6.31.190(F)<sup>3</sup> because the AA dispatcher and crew of AA51 advised  
3 the EMS Central Dispatch Office of the request on the part of  
4 AA61 and the status of the two vehicles.

5 d. I find that EMS Rule 631-320(F) does not  
6 apply in this situation.<sup>4</sup>

7  
8 3 MCC 6.31.190(F) provides: "Prohibited activities. No  
9 applicant or licensee, applicant's or licensee's  
employee or any other person doing business as defined  
hereunder shall:

10 \* \* \*

11 (F) Fail or refuse to promptly advise the Emergency  
12 Medical Services Central Dispatch Office of  
13 receipt of a request for emergency medical  
14 assistance or when a licensee's ambulance becomes  
available or non-available to respond to dispatch  
order.

15 4 EMS Rule 631-230(F) and (G) provide:

16 "(F) A licensee shall be deemed to have a standing  
17 authorization to respond by ambulance to an emergency  
18 call received by the licensee, and may, accordingly,  
immediately respond to the call, provided that:

19 "(1) The licensee's dispatcher relays the  
20 information required in paragraph (B) of this rule  
21 [location and nature of emergency and telephone  
22 number of caller], including the unit number of  
the ambulance, and the location from which it is  
23 responding, to EMS Central Dispatch immediately  
after dispatching the ambulance.

24 "(2) The call is in the licensee's ambulance  
25 service area; and,

26 "(3) The licensee has more than 50% of its  
ambulances available within its ambulance service  
area.

"(4) A licensee shall utilize the triage guide

1 e. I find that during the pertinent times  
2 herein, AA did not take AA51 out of service.<sup>5</sup>

3  
4 adopted under these rules in determining whether a  
call requires an emergency response.

5 "(5) EMS Central Dispatch may cancel any  
6 ambulance dispatched by a licensee under this  
standing authorization rule."

7 "(G) The provisions of paragraph (F) of this rule shall  
8 not apply where an ambulance crew determines that  
9 there is a need for one or more additional  
10 vehicles at the scene of an emergency. Where such  
11 a determination is made, the ambulance crew shall  
promptly contact EMS Central Dispatch to request  
the additional vehicles. The crew shall advise  
EMS Central Dispatch of the number and types of  
units needed."

12 5 EMS Rule 631-316, 631-314, and 631-320(E) (5) provide:

13 "631-316 A licensee's ambulance may be taken out of  
14 service to the EMS Central Dispatch system if there are  
15 more than eight licensed ALS-staffed ambulances  
available for calls in Multnomah County. . ."

16 "631-314 The Crew of each vehicle shall promptly  
17 inform EMS Central Dispatch of the following changes in  
status by radio:

18 ". . .

19 "(I) Out of service (no longer available to respond to  
20 dispatch orders from EMS Central Dispatch.)"

21 "631-320(E) (5) Licensee's BLS ambulance may respond  
22 Code-3 to the scene of an emergency under the following  
conditions:

23 "(a) An ALS ambulance requests addition manpower  
24 at the scene of an emergency and the ALS ambulance  
transports the emergency patients; or

25 "(b) . . .

26 "(c) Licensee advises EMS Dispatch by radio or  
telephone of the number of the unit responding,

1                   4.    ORDER.

2                   Based upon my finding that AA Ambulance did  
3 violate a County Code provision and an EMS Rule, I find that the  
4 fine of \$250.00 on the part of the Director of Emergency Medical  
5 Services (See Exhibit 7) is appropriate and order that it be paid  
6 by licensee.

7                   5.    APPEAL RIGHTS.

8                   a.    Final Order. Pursuant to MCC 6.31.180(J),  
9 the Board of County Commissioners (BCC) may accept the proposed  
10 final order, modify it or reject it and prepare, or cause a  
11 person designated by it to prepare a final order.

12                   b.    Reconsideration. MCC 6.31.184 provides that  
13 the BCC may reconsider a final order upon the filing of a  
14 petition for reconsideration within 15 days after issuance of the  
15 order. If no action is taken by the BCC within 15 days after the  
16 petition is filed, the petition shall be deemed denied. If the  
17 petition is allowed by vote of the BCC, a hearing on the  
18 reconsideration shall be held and an amended order shall be  
19 issued.

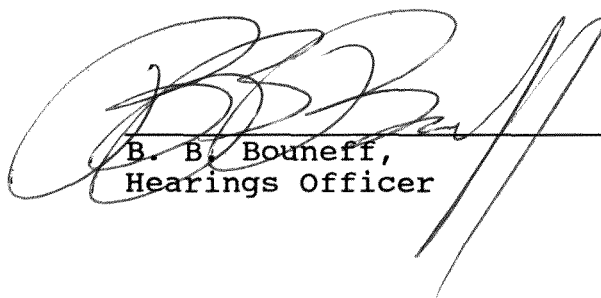
20                   c.    Judicial Review. Review of the action of the  
21 BCC shall be taken solely and exclusively by writ of review in  
22 the manner set forth in ORS 34.010 to 34.100.

23    ///    ///    ///

24                   \_\_\_\_\_

25                   the location from which the unit is responding and  
26                   the location of the emergency."

1                    THIS PROPOSED FINAL ORDER IS ADOPTED this 15<sup>th</sup> day  
2 of June, 1988.  
3  
4  
5  
6  
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B. B. Bouneff,  
Hearings Officer