

SPEAKER SIGN UP CARDS

DATE 10-4-01
NAME ROGER TROEN
ADDRESS 4226 N MONTANA
PORTLAND OR 97217
PHONE 503/287-7894
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ANIMAL CONTROL
GIVE TO BOARD CLERK

ANNOTATED MINUTES

Thursday, October 4, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Vice-Chair Lisa Naito convened the meeting at 9:35 a.m., with Commissioners Lonnie Roberts and Maria Rojo de Steffey present, Commissioner Serena Cruz excused, and Chair Diane Linn arriving at 9:50 a.m..

CONSENT CALENDAR

***UPON MOTION OF COMMISSIONER ROBERTS,
SECONDED BY COMMISSIONER ROJO, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-6)
WAS UNANIMOUSLY APPROVED.***

NON-DEPARTMENTAL

C-1 Appointments of Marcela Alcantar, Ray Koistinen, Carl Moyer, Sheila Holden, Sue Mazzio, Hue Le, Glenn Koehrsen, Lori Miller, Richard Strathern, Marne Sall, Yvonne Katz, Bob Silverman, Judy O'Connor, and Don Mazziotti to the WORKSYSTEMS INC. BOARD OF DIRECTORS

DISTRICT ATTORNEY'S OFFICE

C-2 Budget Modification DA 02-02 Adding \$53,619 in Federal/State Violence Against Women Act Funding Awarded by the State of Oregon for the Purpose of Prosecution Outreach to Underserved Populations in Multnomah County

C-3 Budget Modification DA 02-03 Adding \$48,736 Emergency Service Grant Revenue and \$6,000 Crime Victims Assistance Revenue to the District Attorney's Budget

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

C-4 Intergovernmental Revenue/Omnibus Agreement 0210215 with the City of Portland Bureau of Housing and Community Development, Providing Homeless/Transition Programs, Public Safety, Youth Employment and Involvement (YEEP), and Housing Program Services

- C-5 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

ORDER 01-128.

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

- C-6 Renewal of Intergovernmental Revenue Agreement 0210213 with the State of Oregon, Acting by and through the State Fire Marshal, and the City of Gresham, for Participation in the Regional Hazardous Materials Response Team for the 2001-2003 Biennium

REGULAR AGENDA
PUBLIC COMMENT

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

***ROGER TROEN COMMENTED REGARDING
SEPTEMBER, 2001 GAIL BABCOCK REPORT,
ANIMAL CONTROL LOCATION AND HOURS, AND
FOSTER CARE FOR PETS INCLUDING THE
WHITE RATS HE BROUGHT TODAY.***

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

- R-1 Intergovernmental Agreement 0210268 with Portland Development Commission Transferring \$953,350 to Multnomah County to Pay for Selected Site Improvements and for Land on the Children's Receiving Center Site

***COMMISSIONER ROJO MOVED AND
COMMISSIONER ROBERTS SECONDED,
APPROVAL OF R-1. STEVE PEARSON
INTRODUCED JEFF COGEN OF PORTLAND
COMMISSIONER DAN SALTZMAN'S OFFICE,
KEN ASHER OF PORTLAND DEVELOPMENT
COMMISSION, ASSISTANT DISTRICT ATTORNEY
HELEN SMITH, AND CITIZEN GROUP CHAIR
DICK COOLEY. STEVE PEARSON EXPLANATION
OF R-1 AND R-2 AND RESPONSE TO A QUESTION
OF COMMISSIONER ROBERTS. HELEN SMITH
COMMENTS IN SUPPORT AND RESPONSE TO***

QUESTIONS OF COMMISSIONER ROBERTS REGARDING AGES OF CHILDREN, LENGTH OF STAY AT RECEIVING CENTER AND THE PARTIES' COOPERATIVE WORKING RELATIONSHIP WITH THE STATE, WHO MAKES DECISIONS ON WHEN AND WHERE CHILDREN ARE PLACED.

Chair Diane Linn arrived at 9:50 a.m.

JEFF COGEN, ON BEHALF OF COMMISSIONER SALTZMAN, COMMENTS IN SUPPORT OF A NOT PERFECT, BUT BEST POSSIBLE AGREEMENT, ADVISING COMMISSIONER SALTZMAN IS CONCERNED THAT THE TOTAL AMOUNT OF MONEY TO BE TRANSFERRED IS NOT AS MUCH AS PRIOR AGREEMENT. KEN ASHER COMMENTS IN RESPONSE, ADVISING THE REAL TROUBLE LAY IN DIFFERENCES BETWEEN THE CITY AND COUNTY AND THE URBAN RENEWAL DISTRICT, AND THAT HE HOPES THERE WILL BE STRONGER RELATIONSHIPS BETWEEN THE PARTIES. CHAIR LINN ADVISED THAT THE MESSAGE IS CLEAR; THERE WILL BE NO MORE URBAN RENEWAL DISTRICTS WITHOUT COUNTY PARTNERSHIP. MR. ASHER EXPRESSED THE NEED TO DISCUSS BUDGETARY IMPLICATIONS. COMMISSIONER ROJO ADVISED THAT IT IS INCUMBENT ON PORTLAND DEVELOPMENT COMMISSION TO KEEP THE COUNTY INFORMED OF ITS ACTIONS. DICK COOLEY COMMENTS IN APPRECIATION OF THE EFFORTS OF THE PARTIES TO SETTLE THESE VERY DIFFICULT NEGOTIATIONS. COMMISSIONERS NAITO, ROJO AND ROBERTS, AND CHAIR LINN COMMENTS IN APPRECIATION. AGREEMENT UNANIMOUSLY APPROVED.

R-2 Intergovernmental Agreement 0210267 with the City of Portland, Transferring \$1,000,000 from City of Portland to Multnomah County for the Children's Receiving Center

**COMMISSIONER NAITO MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-2. AGREEMENT UNANIMOUSLY
APPROVED.**

- R-3 Second Reading of an ORDINANCE Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Portland's Zoning Code, Comprehensive Plan and Maps and Community Plans (Third Reading and Possible Adoption October 11th)

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER NAITO MOVED
AND COMMISSIONER ROJO SECONDED,
APPROVAL OF SECOND READING.
COMMISSIONER ROJO MOVED AND
COMMISSIONER NAITO SECONDED,
AMENDMENT ADDING NEW SECTION 5
CONTAINING LANGUAGE STATING THE COUNTY
IS NOT GIVING UP ITS LEGISLATIVE AUTHORITY.
IN RESPONSE TO A QUESTION OF
COMMISSIONER NAITO, COUNTY ATTORNEY
SANDRA DUFFY ADVISED IT WOULD BE
ADVISABLE TO CONDUCT A THIRD READING
BECAUSE OF THE PROPOSED AMENDMENT AND
PROPOSED MAP AMENDMENTS. AMENDMENT
ADDING NEW SECTION 5 UNANIMOUSLY
APPROVED.**

**COUNTY PLANNER SUSAN MUIR INTRODUCED
PORTLAND PLANNERS KARL LISLE AND TOM
MCGUIRE. MS. MUIR AND MR. MCGUIRE
EXPLANATION OF THE RESULTS OF THE STAFF
SITE VISITS IN RESPONSE TO ZONING ISSUES
RAISED BY CITIZENS AT THE SEPTEMBER 20,
2001 FIRST READING BEFORE THE BOARD,
RELATIVE TO THE ROSENFELD, GOOD,
THOMPSON, SCHOLZ, KEDAR, AZAD/MOSAEDI,
FENKER, AND RF INVESTMENT PROPERTIES.
MR. MCGUIRE IDENTIFIED THE
MODIFICATIONS STAFF IS NOW
RECOMMENDING TO THE ENVIRONMENTAL**

**CONSERVATION AND ENVIRONMENTAL
PROTECTION OVERLAY ZONES.**

BOB SCHOLZ, ON BEHALF OF HIS WIFE AND NEIGHBOR JOE GOOD, AND CHARLES ROSENFELD AND ANN THOMPSON TESTIMONY REQUESTING ADDITIONAL TIME SO A SCIENTIFIC STUDY CAN BE DONE. IN RESPONSE TO A QUESTION OF CHAIR LINN, MR. MCGUIRE ADVISED ADDITIONAL TIME WON'T CHANGE STAFF DECISION WHICH WAS BASED ON SPECIFIC CRITERIA, BUT THAT HE DID NOT HAVE SUFFICIENT TIME TO FULLY EXPLAIN THEM. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, MS. MUIR ADVISED THERE WOULD BE OPPORTUNITIES TO CHANGE THE ZONING AT A LATER DATE. MS. MUIR ADVISED THAT THOSE WISHING TO OPERATE UNDER EXISTING COUNTY ZONING AND TO VEST THEMSELVES UNDER THE COUNTY CODE SHOULD MAKE AN APPLICATION TO THE COUNTY BETWEEN NOW AND JANUARY 1, 2002. FOLLOWING DISCUSSION WITH COUNTY ATTORNEY SANDRA DUFFY AND UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER ROJO, INCLUSION OF STAFF RECOMMENDED AMENDED ENVIRONMENTAL PROTECTION AND ENVIRONMENTAL CONSERVATION OVERLAY MAPS APPROVED, WITH COMMISSIONERS NAITO, ROJO AND LINN VOTING AYE, AND COMMISSIONER ROBERTS VOTING NAY. SECOND READING UNANIMOUSLY APPROVED, AS AMENDED. THIRD READING THURSDAY, OCTOBER 11, 2000.

The regular meeting was recessed at 10:31 a.m. and reconvened at 10:39 a.m.

NON-DEPARTMENTAL

R-4 RESOLUTION Authorizing Participation in the Community Partnership Agreement Between Multnomah County, the City of Portland, Association

for Portland Progress, Portland Metropolitan Chamber of Commerce, and the Portland Development Commission

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-4. JOHN RAKOWITZ INTRODUCED PORTLAND CHAMBER PRESIDENT DON MCCLAVE, AND ASSOCIATION FOR PORTLAND PROGRESS PRESIDENT KIM KIMBROUGH AND FINANCE DIRECTOR DAVE BOYER. DON MCCLAVE, KIM KIMBROUGH, DAVE BOYER AND JOHN RAKOWITZ EXPLANATION, COMMENTS IN SUPPORT AND RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS IN SUPPORT. RESOLUTION 01-129 UNANIMOUSLY ADOPTED.

The regular meeting was recessed at 11:03 a.m. and reconvened at 11:16 a.m.

CHAIR LINN APOLOGIZED FOR THE MEETING DELAY, ADVISING THE BOARD NEEDED TO BE BRIEFED REGARDING WHO, WHAT AND HOW AUTHORITIES ARE HANDLING A SUSPICIOUS PACKAGE INCIDENT AT A COUNTY FACILITY.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-5 Review and Approval of Budget Modification CFS 02 Authorizing Expenditures to Implement the Mental Health Crisis/Acute Care Plan

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF THE AMENDMENT OF BUDGET MODIFICATION CFS 02 PER OCTOBER 3, 2001 MIKE JASPIN STAFF REPORT PROVIDED TO THE BOARD AND AVAILABLE TO AUDIENCE MEMBERS AND INTERESTED PARTIES. DAVE WARREN, LOLENZO POE, JOHN BALL AND JIM MCCONNELL EXPLANATION. MR. BALL ADVISED THERE WILL BE A MENTAL HEALTH SYSTEM QUARTERLY UPDATE NEXT WEEK. MARIE DAHLSTROM READ STATEMENT OF COMMISSIONER SERENA CRUZ, ADVISING SHE

FEELS THE CUTS WERE DECIDED ON A FISCAL, COST SAVING VIEW, RATHER THAN A THOUGHTFUL, CONSUMER AND COMMUNITY BASED MANNER. COMMISSIONER NAITO READ STATEMENT OF LADDIE READ. JEAN COHEN TESTIMONY IN CONCERN FOR FUNDS FOR IMPLEMENTATION OF CULTURAL COMPETENCY AND METHOD TO CONTINUED INVOLVMENT. KATHIE PRIETO-HAWKINS TESTIMONY REGARDING SOCIAL WORKERS CONCERNS AND OBLIGATIONS. MENTAL HEALTH SERVICES CONSUMER KEVIN MESCH RELATED RECENT SITUATION HE EXPERIENCED INVOLVING VERITY AND UNITY, IN WHICH THE PORTLAND POLICE WERE CALLED TO HIS APARTMENT AND HE WAS TREATED LIKE A CRIMINAL, WHICH FRIGHTENED AND DISTRESSED HIM. JACKIE MERCER TESTIMONY IN SUPPORT OF PROCESS FOR DUAL-DIAGNOSIS MODEL IN MULTNOMAH COUNTY. CHAIR LINN EXPLAINED THAT TODAY'S BUDGET MODIFICATION DOES NOT RELATE TO CHILDREN'S MENTAL HEALTH SERVICES. CHAIR LINN RESPONSE TO QUESTIONS OF MS. PRIETO-HAWKINS AND MS. MERCER REGARDING ACCESS TO CULTURALLY COMPETENT MENTAL HEALTH SERVICES AND FUTURE OPPORTUNITIES TO DISCUSS THE OFFICE OF MENTAL HEALTH. CATHERINE FIXE TESTIMONY IN SUPPORT OF CULTURALLY COMPETENT MENTAL HEALTH CRISIS SERVICES AND CHILDREN'S OUTPATIENT SERVICES. ROSEMARY CELAYA-ALSTON, ON BEHALF OF HISPANIC COMMUNITY CHAIR, TESTIMONY IN SUPPORT OF CULTURALLY COMPETENT MENTAL HEALTH CRISIS SERVICES, ADEQUATE CAAPCARE FUNDING, AND KEEPING THE CULTURAL COMPETENCY COMMITTEE INVOLVED IN CONTINUED MENTAL HEALTH SYSTEM DISCUSSIONS AND DECISIONS. ALCOHOL AND DRUG TREATMENT SUPERVISOR OLIVIA JEFFRIES TESTIMONY IN SUPPORT OF INCLUSION OF AFRICAN-

**AMERICAN COMMUNITY IN MENTAL HEALTH
SYSTEM DISCUSSIONS AND DECISIONS.
LETICIA UGALDE AND LORENA CONNELLY
TESTIMONY IN SUPPORT OF MENTAL HEALTH
AND OTHER SERVICES FOR HISPANIC
CHILDREN AND FAMILIES. COMMISSIONER
NAITO COMMENTS IN APPRECIATION FOR
EVERYONE COMING TODAY, ADVISING THE
COMMUNITY IS BEING UNDERSERVED AND
THAT THE BOARD INTENDS TO ADDRESS THE
ISSUES, FIND POSITIONS FOR AS MANY
DISPLACED WORKERS AS POSSIBLE, AND
REDEPLOY FUNDS IN THE BEST MANNER
POSSIBLE. COMMISSIONER ROJO ASKED
CHAIR LINN TO DIRECT STAFF TO INCLUDE
THE CULTURAL COMPETENCY COMMITTEE IN
CONTINUED MENTAL HEALTH SYSTEM
DISCUSSIONS AND DECISIONS. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.**

**BOARD AND AUDIENCE SANG HAPPY BIRTHDAY
TO COMMISSIONER ROBERTS.**

There being no further business, the meeting was adjourned at 12:03 p.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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Lonnie Roberts, Commission Dist. 4

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Phone: (503) 988-5213 FAX (503) 988-5262

Email: lonnie.j.roberts@co.multnomah.or.us

ANY QUESTIONS? CALL BOARD

CLERK DEB BOGSTAD @ (503) 988-3277

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

INDIVIDUALS WITH DISABILITIES PLEASE
CALL THE BOARD CLERK AT (503) 988-3277,
OR MULTNOMAH COUNTY TDD PHONE
(503) 988-5040, FOR INFORMATION ON
AVAILABLE SERVICES AND ACCESSIBILITY.

OCTOBER 4, 2001

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 3	9:30 a.m. Intergovernmental Agreements with Portland Development Commission and the City of Portland Regarding the Children's Receiving Center
Pg 3	10:00 a.m. Second Reading of an Ordinance Amending Multnomah County Code Chapter 11.10 (Third Reading October 11, 2001)
Pg 3	10:15 a.m. Resolution Authorizing Community Partnership Agreement
Pg 3	10:35 a.m. Budget Modification CFS 02 Authorizing Expenditures to Implement the Mental Health Crisis/Acute Care Plan
Board and Agenda Web Site: http://www.co.multnomah.or.us/cc/index.html	

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

(Saturday Playback for East County Only)

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community
Television

(503) 491-7636, ext. 333 for further info

or: <http://www.mctv.org>

Thursday, October 4, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 Appointments of Marcela Alcantar, Ray Koistinen, Carl Moyer, Sheila Holden, Sue Mazzio, Hue Le, Glenn Koehrsen, Lori Miller, Richard Strathern, Marne Sall, Yvonne Katz, Bob Silverman, Judy O'Connor, and Don Mazziotti to the WORKSYSTEMS INC. BOARD OF DIRECTORS

DISTRICT ATTORNEY'S OFFICE

- C-2 Budget Modification DA 02-02 Adding \$53,619 in Federal/State Violence Against Women Act Funding Awarded by the State of Oregon for the Purpose of Prosecution Outreach to Underserved Populations in Multnomah County
- C-3 Budget Modification DA 02-03 Adding \$48,736 Emergency Service Grant Revenue and \$6,000 Crime Victims Assistance Revenue to the District Attorney's Budget

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-4 Intergovernmental Revenue/Omnibus Agreement 0210215 with the City of Portland Bureau of Housing and Community Development, Providing Homeless/Transition Programs, Public Safety, Youth Employment and Involvement (YEEP), and Housing Program Services
- C-5 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

- C-6 Renewal of Intergovernmental Revenue Agreement 0210213 with the State of Oregon, Acting by and through the State Fire Marshal, and the City of Gresham, for Participation in the Regional Hazardous Materials Response Team for the 2001-2003 Biennium

REGULAR AGENDA - 9:30 AM
PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 9:30 AM

- R-1 Intergovernmental Agreement 0210268 with Portland Development Commission Transferring \$953,350 to Multnomah County to Pay for Selected Site Improvements and for Land on the Children's Receiving Center Site
- R-2 Intergovernmental Agreement 0210267 with the City of Portland, Transferring \$1,000,000 from City of Portland to Multnomah County for the Children's Receiving Center
- R-3 Second Reading of an ORDINANCE Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Portland's Zoning Code, Comprehensive Plan and Maps and Community Plans (Third Reading and Possible Adoption October 11th)

NON-DEPARTMENTAL - 10:15 AM

- R-4 RESOLUTION Authorizing Participation in the Community Partnership Agreement Between Multnomah County, the City of Portland, Association for Portland Progress, Portland Metropolitan Chamber of Commerce, and the Portland Development Commission

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES - 10:35 AM

- R-5 Review and Approval of Budget Modification CFS 02 Authorizing Expenditures to Implement the Mental Health Crisis/Acute Care Plan



Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214-3587
Email: mult.chair@co.multnomah.or.us

Phone: (503) 988-8308
FAX: (503) 988-3093

MEMORANDUM

TO: Commissioner Maria Rojo de Steffey
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM:  Delma Farrell
Administrative Director

DATE: August 8, 2001

RE: Board Briefing/Meeting Excused Absences

BOARD OF
COUNTY COMMISSIONERS
01 AUG - 8 AM 10:51
MULTNOMAH COUNTY
OREGON

Chair Linn will be making the opening remarks at the Department of Community and Family Services Building Blocks for Strong Communities Conference on Thursday October 4. She will miss the first 30-45 minutes of the Board meeting scheduled for that day.

Cc: Laura Bridges, Executive Assistant



Serena Cruz, Multnomah County Commission District Two

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214
Email: serena@co.multnomah.or.us

Phone: (503) 988-5219
FAX: (503) 988-5440

MEMORANDUM

TO: Chair Diane Linn
Commissioner Maria Rojo de Steffey
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Mary Carroll
Staff to Commissioner Serena Cruz

DATE: 8/23/01

RE: Board Meeting Absence

01 AUG 23 PM 12:52
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

Commissioner Cruz will not be able to attend the Board meetings on Thursday, October 4 and October 11, 2001. She will be out of town at the Portland/Guadalajara Sister City Association annual exchange visit.

MEETING DATE: October 4, 2001
AGENDA NO: C-1
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointments to Worksystems, Inc. Board of Directors

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

REGULAR MEETING: DATE REQUESTED: October 4, 2001
AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: Non-Departmental DIVISION: Chair's Office
CONTACT: Delma Farrell TELEPHONE #: 503/988-3953
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Appointments of Marcela Alcantar, Ray Koistinen, Carl Moyer, Sheila Holden, Sue Mazzio, Hue Le, Glenn Koehrsen, Lori Miller, Richard Strathern, Marne Sall, Yvonne Katz, Bob Silverman, Judy O'Connor, and Don Mazziotti to the Worksystems Inc. Board of Directors

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn
(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 SEP 20 PM 3:17
CLERK OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: District AttorneyDIVISION: N/ACONTACT: Scott MarcyPHONE: 503-988-3863

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

Mike SchrunkSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

The District Attorney's Office submits this budget modification to add \$53, 619 in federal/state Violence Against Women Act (VAWA) funding awarded by the state of Oregon for the purpose of prosecution outreach to Underserved Populations in Multnomah County.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This modification adds federal/state funding to the VAWA Underserved WBS element in the District Attorney's office to pay for .75 FTE of a Deputy District Attorney 2 position. This position will continue to maintain and develop outreach activities that are designed to reduce the barriers which inhibit formal reporting of domestic violence and increase access to victim services.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Adds \$53,619 Violence Against Women Act revenue in the Federal State Fund.
 Adds \$2,553 in service reimbursement revenue to the General Fund.
 Adds \$2,786 in service reimbursement revenue to the Insurance Fund.

TOTAL \$58,958

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

General _____

(Specify Fund)

Fund Contingency BEFORE THIS MODIFICATION (as of 9-6-01): \$ 5,097,600

AFTER THIS MODIFICATION: \$ 5,100,153

Originated By:

Date:

Department Director:

Date:

D. Scott Marcy

September 14, 2001

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Board Approval:

Date:

5. ANNUALIZED PERSONNEL CHANGE

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

[illegible]

6. CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

						CURRENT YEAR			
Fund	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6252	61105	Deputy District Attorney 2	705464	0.75	34,834	11,984	2,786	49,604
						34,834	11,984	2,786	49,604

Budget Modification DA 02_01
EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget Fiscal Year: 00/01

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost	WBS Element						
1	15-30	1505		156040		60000	-	34,834	34,834		Permanent
2	15-30	1505		156040		60130	0	11,984	11,984		Salary Related Expenses
3	15-30	1505		156040		60140	0	2,786	2,786		Insurance
4	15-30	24380			DA001VAWAUS.02	60430	0	937	937		Building Management
5	15-30	24380			DA001VAWAUS.02	60240	0	75	75		Supplies
6	15-30	24380			DA001VAWAUS.02	60260	0	450	450		Education/Training
7	15-30	24380			DA001VAWAUS.02	60350	0	2,553	2,553		Indirect
8	15-30	24380			DA001VAWAUS.02	50190	0	(53,619)	(53,619)		Fed thru state
10	19	1000		9500001000		50310			(2,553)		Indirect reimbursement
11	19	1000		9500001000		60470			2,553		Contingency expense
12	15-30	1000		153100		60430	167,713	166776	-937		Building Management
13	15-30	1000		153100		60240	7,106	8,043	937		Supplies
14	70-80	3500		708000		50310			(2,786)		Insurance Revenue
15	70-80	3500		708000		60330			2,786		Insurance Expense
16											
17											
18								0			
19								0			
20								0			
21								0			
22								0			
23								0			
24								0			
25								0			
26								0			
27								0			
28								0			
29								0			
									0	0	Total



Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.co.multnomah.or.us/da/

MEMORANDUM

To: BOARD OF COUNTY COMMISSIONERS
From: MICHAEL D. SCHRUNK, DISTRICT ATTORNEY
Date: September 27, 2001
Subject: Budget Modification to recognize Violence Against Women Act grant revenue

- I. **Action Requested:** Approve a budget modification which incorporates grant revenue awarded through Violence Against Women Act (VAWA) grant.
- II. **Background Analysis:** The District Attorney's Office has again been awarded VAWA funding to continue a program to provide prosecution outreach to underserved populations. This award was made by the Oregon Department of State Police Criminal Justice Services Division, who is responsible for administering these federal grant funding in Oregon.
The amount of the grant award is \$53,619, which represents enough revenue to pay for .75 FTE Deputy District Attorney 2 position and related expenses in this fiscal year. The award was effective July 1st, 2001 and expires June 30, 2002.
The underserved populations of Multnomah County include persons with disabilities, the elderly, minorities, sexual minorities and non-English speaking immigrants, whom are vulnerable to being victims of domestic violence and have barriers which interfere with accessing services through the criminal justice system. The funded position is key to maintaining a proactive, face to face contact between prosecutor and the organizations that work closely with the underserved populations. The result is improved strategies on how best to connect judicial services to people in need.
- III. **Financial Impact:** This funding requires a 25% match or \$17,873 which brings the entire program cost to \$71,492. The District Attorney's current general fund budget will absorb the required matching funding so that no additional general fund budget will be required. In addition the funding will pay County indirect costs up to \$2553.00.
- IV. **Legal Issues:** n/a
- V. **Controversial Issues:** n/a
- VI. **Link to other County Policies:** n/a

- VII. Other Government Agency Participation:** the Oregon Department of State Police Criminal Justice Services Division administers the grant funding for the Violence Against Women Act for the state of Oregon.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: District AttorneyDIVISION: N/ACONTACT: D. Scott MarcyPHONE: 503-988-3863

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

Mike SchrunkSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

Budget modification DA02_02 adds \$48,736 in Emergency Service grant revenue and \$6,000 Crime Victims Assistance revenue to the District Attorney's budget.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This modification adds \$48,736. in direct state revenue, from the Oregon Department of Justice Crime Victims Assistance Division, and offsetting expenditures to the fed/state business area. The revenue is a recognition of deferred grant revenue that is available to provide specific emergency services to victims of violent crime in Multnomah County. This modification also adds \$6000 in recognition of deferred non-governmental grant revenue from the National Center for Victims of Crime, and offsetting expenditures to the fed/state business area of the District Attorney's budget. This funding assists the District Attorney's Office in working with other members of the Intimidated Victim and Witness Relocation task force in order to develop and implement local solutions for safe and permanent housing for intimidated witnesses and victims of crime.

BOARD OF
 COUNTY COMM. RESOURCES
 MULTNOMAH COUNTY
 OREGON
 01 SEP 24 AM 10:39

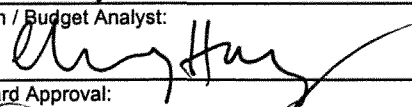
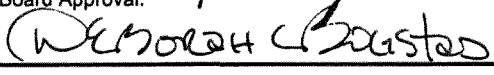
3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

increases fed/state fund by: \$48,736.24 state direct source 50180
\$6,000 non-governmental grant source 50210

TOTAL \$54,736

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

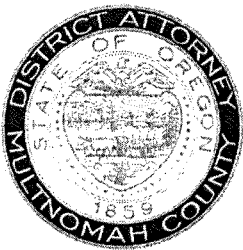
 (Specify Fund) Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
 AFTER THIS MODIFICATION: \$ _____

Originated By:	Date:	Department Director:	Date:
D. Scott Marcy	September 18, 2001		
Plan / Budget Analyst:	Date:	Employee Services:	Date:
	9-24-01		
Board Approval:	Date:		
	10-04-01		

Budget Modification DA02_03

Budget Fiscal Year: 00/01

Line No.	Fund Center	Fund Code	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/(Decrease)	Subtotal	Description	
				Cost	WBS Element							
1	15-30	20150			DA001vocaemsvcs.02	50180	-	(48,736)	(48,736)		direct state	
2	15-30	20150			DA001vocaemsvcs.02	60170	0	46,736	46,736		professional services	
3	15-30	20150			DA001vocaemsvcs.02	60240	0	2,000	2,000		supplies	
4	15-30	20150			DA001vocaemsvcs.02	60350	0	2675	2675		indirect	
5	15-30	20150			DA001vocaemsvcs.02	50320	0	-2675	-2675		Cash x-fer	
6	15-30	32015			DA001ncvc	50210	0	(6,000)	(6,000)		non-governmental grant	
7	15-30	32015			DA001ncvc	60170	0	3,000	3,000		professional services	
8	15-30	32015			DA001ncvc	60240	0	3,000	3,000		supplies	
9	15-30	32015			DA001ncvc	60350	0	329	329		indirect	
10	15-30	32015			DA001ncvc	50320	0	(329)	(329)		Cash x-fer	
11	19	1000			9500001000	50310		(3,004)	(3,004)		Indirect revenue	
12	15-00	1000	5			60560		3,004	3,004		Cash x-fer expenditure from GF	
									0	0	Total	



Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.co.multnomah.or.us/da/

MEMORANDUM

To: BOARD OF COUNTY COMMISSIONERS
From: MICHAEL D. SCHRUNK, DISTRICT ATTORNEY
Date: October 04, 2001
Subject: Budget Modification to recognize deferred fed/state revenues

- I. **Action Requested:** Approve a budget modification which recognizes \$48,736 of deferred revenue from the Oregon Department of Justice Crime Victims Assistance Section for the Emergency Services Award no. 00-01039. In addition the budget modification recognizes \$6,000 in deferred revenue from the National Center for Victims of Crime MOU 102800.

Background Analysis: The District Attorney's Office was awarded an Emergency Services grant in June of 2000 from the state of Oregon Department of Justice Crime Victims Assistance Section, and received a lump sum of \$ 50,164 during fiscal year 2001. This is funding that is made available for the emergency needs of victims of violent crime in Multnomah County. A small portion of these funds were used during fiscal year 2001 with the remaining \$48,736 deferred to fiscal year 2002.

The District Attorney's Office in fiscal year 2001 also received a \$6,000 grant from the National Center For Victims of Crime, a non-profit organization based in Arlington, Virginia. These funds are intended to be used to help develop and implement new social service options and funding sources for the safe and permanent relocation of intimidated witnesses and victims of crime. The funds were not used during fiscal year 2001 and were deferred to the current fiscal year for use.

This budget modification would allow the District Attorney's Office to accrue expenditures against both of these funds.

- II. **Financial Impact:** These grant funds are specific use resources and do not pay for indirect costs. The District Attorney's Office will absorb the cost of indirect.
- III. **Legal Issues:** n/a
- IV. **Controversial Issues:** n/a
- V. **Link to other County Policies:** n/a
- VI. **Other Government Agency Participation:** n/a

MEETING DATE: October 4, 2001
AGENDA NO: C-4
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement Revenue/Omnibus With The City Of Portland For Homeless/Transition Programs, Public Safety, Youth Employment And Involvement, (YEEP) And Housing Program Services. Total amount of Agreement \$1,871,347.

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

REGULAR MEETING: DATE REQUESTED: Next Available
AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Community and Family Services DIVISION: Community Programs and Partnerships
CONTACT: Peggy Samolinski TELEPHONE #: 503 988-6295 x 24564
BLDG/ROOM #: 166/2

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement Revenue /Omnibus With The City Of Portland For Homeless Transition, Public Safety, Youth Employment And Involvement (YEEP), And Housing Program Services.

10/05/01 originals to Lynn Ervin

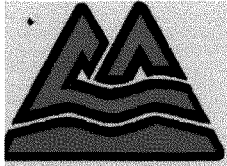
SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Lorenzo Poe

BOARD OF
COUNTY COMMISSIONERS
01 SEP 26 PM 3:11
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

421 SW Sixth – Seventh Floor
Portland OR 97216-1618
(503) 988-3691 phone
(503) 988-3379 fax

TO: Board of County Commissioners

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

DATE: September 10, 2001

SUBJECT: Intergovernmental Revenue Agreement with the City of Portland, Omnibus

- I. **Recommendation/Retroactive Action Requested:** The Department of Community and Family Services recommends Board of County Commissioner approval of the revenue agreement with the City of Portland for the period July 1, 2001 through June 30, 2002. This contract is retroactive due to time incurred in the negotiation process.
- II. **Background/Analysis:** The Department of Community and Family Service annually receives a transfer of City of Portland funds for the purchase of human services, including homeless/transition programs, public safety programs (domestic violence and gang projects), Youth Employment and Empowerment (YEEP) services and housing program services. This is the fifth year in which all of these contracts have been incorporated into one omnibus contract, with one set of general conditions and exhibits detailing the requirements for each program funded
- III. **Financial Impact:** This revenue agreement is for up to \$1,871,347.
- IV. **Legal Issues:** None
- V. **Controversial Issues:** None
- VI. **Link to Current County Policies:** The City of Portland funds pay for services directed toward County policies, including public safety and reduction of domestic violence, access to mental health services, reduction of homeless, and building the resiliency of youth affected by gang behavior.
- VII. **Citizen Participation:** Citizens are involved through the Commission on Children, Families and Community and the Housing and Community Development Commission.
- VIII. **Other Government Participation:** This agreement represents a continuing partnership between the City of Portland and Multnomah County to fund and deliver human services.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

0210215

Contract #: ~~0210026~~

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☒ Not Attached

Amendment #: 0

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-4</u> DATE <u>10.4.01</u></p> <p>DEB BOGSTAD, BOARD CLERK</p>

Department: Community and Family Services Division: Community Programs and Partnerships Date: September 10, 2001
 Originator: Peggy Samolinski Phone: 24564 Bldg/Rm: 166/2
 Contact: Lynn Ervins & Debra Crawford (GA) Phone: 26644 & 27243 Bldg/Rm: 166/7

Description of Contract **This revenue agreement/ OMNIBUS with the City of Portland: Funding is for Homeless/Transition Programs, Public Safety, Youth Employment and Involvement (YEPP), and Housing Program Services.**

RENEWAL: <input checked="" type="checkbox"/>	PREVIOUS CONTRACT #(S): <u>0110880</u>
RFP/BID: <u>N/A</u>	RFP/BID DATE: _____
EXEMPTION	EXEMPTION EXPIRATION _____
#/DATE: _____	DATE: _____
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)	

Contractor City of Portland, Bureau of Housing and Community Development	
Address <u>421 SW 6th Ave., Suite 1100A</u>	Remittance Address _____
<u>Portland, OR 97204</u>	(If different) _____
Phone <u>503.823.2375</u>	Payment Schedule / Terms
Employer ID# or SS# _____	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Effective Date <u>July 1, 2001</u>	<input type="checkbox"/> Monthly \$ <u>Invoice</u> <input type="checkbox"/> Net 30
Termination Date <u>June 30, 2002</u>	<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Original Contract Amount \$ <u>1,871,347</u>	
Total Amt of Previous Amendments \$ _____	<input type="checkbox"/> Requirements \$ _____
Amount of Amendment \$ _____	
Total Amount of Agreement \$ <u>1,871,347</u>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No

REQUIRED SIGNATURES

Department Manager holenpote, Poc (DC) DATE 9/17/01
 Purchasing Manager _____ DATE _____
 County Counsel Katie Smith DATE 9/25/01
 County Chair Chris DATE 10.4.01
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

SAP CUSTOMER CODE 300043						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01									See Attached Funding Matrix		

CITY AGREEMENT NO.

COUNTY CONTRACT NO.

**OMNIBUS CONTRACT BETWEEN
CITY OF PORTLAND, BUREAU OF HOUSING AND COMMUNITY DEVELOPMENT
AND
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

This agreement for services (AGREEMENT) is between the CITY OF PORTLAND, acting through its BUREAU OF HOUSING AND COMMUNITY DEVELOPMENT (CITY) and MULTNOMAH COUNTY, acting through its DEPARTMENT OF COMMUNITY AND FAMILY SERVICES (COUNTY).

This Agreement consists of the following sections:

Part A: Agreement	Page 1
Table A: Contracted Service Programs	Page 2
Part B: General Terms and Conditions	Page 3
Exhibits: Program Descriptions	Page 9

PART A: AGREEMENT

- DESCRIPTION OF SERVICES:** County will provide the services included in Table A: Contracted Service Programs, and the related Exhibits.
- COMPENSATION:** City shall pay County quarterly for provision of services, upon receipt of invoice documenting expenditures and a service report for each program included in this Agreement, as described in the Exhibits. Total compensation under this Agreement shall not exceed \$1,871,347.
- TERM:** County's services will begin on July 1, 2001, and terminate when completed, but no later than June 30, 2002.

In witness whereof, the parties hereto have caused this Agreement to be executed by their authorized officers.

MULTNOMAH COUNTY, OREGON

CITY OF PORTLAND

BY 9/12/01
Holmes T. Poe Jr (DCL)
Director, Dept. of Community & Family Svcs. Date

BY _____
Commissioner Erik Sten
Commissioner of Public Works Date

BY 10.4.01
Diane Linn
Diane Linn, Multnomah County Chair Date

REVIEWED:

APPROVED AS TO FORM:

Thomas Spangler
County Counsel
for Multnomah County, Oregon Date

By 9/25/01
Katie Deuf
Date

By _____
Jeffrey L. Rogers, City Attorney Date

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 10.4.01
DEB BOGSTAD, BOARD CLERK

TABLE A: CONTRACTED SERVICE PROGRAMS

CONTRACT #:

Program	Funding Source	Funding Level	Exhibit	BHCD Contact
HOMELESS PROGRAMS				\$1,520,757
1. Homeless Youth	a. CDBG	Janus/Night Shelter: \$196,120	A	Heather Lyons
	b. General Funds	O- I and NAFY/Trans. Housing: \$624,067	B	Heather Lyons
2. Homeless CMI/ Transitional Housing	a. CDBG	MHSW/Bridgeview \$246,686	C	Heather Lyons
3. Emergency Assistance/ Homeless Prevention	a. CDBG	MCO/Voucher: \$18,771	D	Heather Lyons
	b. PILOT	MCO/Rent Asst.: \$370,208	E	Heather Lyons
4. Special Needs/Housing Services	a. McKinney	MCO/Housing Srvs: \$39,905	F	Heather Lyons
5. Family Day Shelter	b. HIF	Salvation Army Winter Day Shelter: \$25,000	G	Heather Lyons
PUBLIC SAFETY				\$120,497
1. Domestic Violence	a. General Funds	\$33,966	H	Heather Lyons
	b. HIF	\$500	I	Heather Lyons
2. Gang Project	a. CDBG	\$86,031	J	Barbara Madigan
YOUTH EMPLOYMENT AND INVOLVEMENT				\$207,846
1. Youth Employment & Empowerment Program	a. General Funds	\$207,846	K	Karen Belsey
HOUSING				\$22,247
1. Housing Development Program Delivery	a. HOME	\$22,247	L	Andy Miller

TOTAL: \$1,871,347

PART B: GENERAL TERMS AND CONDITIONS

1. **FUNDS AVAILABLE**. City certifies that sufficient funds are available and authorized to finance the costs of this Agreement. In the event that funds cease to be available to City in the amounts anticipated, City may terminate or reduce contract funding or change the scope of services accordingly. City will notify County as soon as it receives notification from funding source.
2. **INDEPENDENT CONTRACTOR STATUS**. City is engaged as an independent contractor and will be responsible for any federal, state, or local taxes and fees applicable to payments for services under this agreement. The County and its subcontractors and employees are not employees of the City and are not eligible for any benefits through the City, including, without limitation, federal social security, health benefits, workers compensation, unemployment compensation, and retirement benefits.
3. **CONFLICTS OF INTEREST**. No City officer or employee, during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. No board of commissioner members or employees of the County, during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. No City officer or employee who participated in the award of this Agreement shall be employed by the County during the Agreement. On CDBG-funded projects, the County shall further comply with the conflict of interest provisions cited in 24 CFR 570.611.
4. **SUBCONTRACTS AND ASSIGNMENT**. County shall not subcontract its work under this Agreement, in whole or in part, without the written approval of the City. The County shall require any approved subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the County as specified in this Agreement, including being responsible for adhering to all regulations cited within this Agreement. Notwithstanding City approval of a subcontractor, the County shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the County hereunder. The County agrees that if subcontractors are employed in the performance of this contract, the County and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers Compensation. The County shall not assign this contract in whole or in part or any right or obligation hereunder, without prior written approval of the City.
5. **WORKERS' COMPENSATION INSURANCE**
 - A. The County, its subcontractors, 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 workers compensation coverage for all their subject workers. A certificate of insurance, or copy thereof, shall be attached to this Agreement as Attachment A, if applicable, and shall be incorporated herein and made a term and a part of this Agreement. The County further agrees to maintain workers compensation insurance coverage for the duration of this Agreement.
 - B. If SUBRECIPIENT's worker's compensation insurance coverage is due to expire during the term of this Agreement, the County agrees to timely renew its insurance, either as a carrier-insured employer or a self-insured employer as provided by Chapter 656 of the Oregon Revised Statutes, before its expiration, and the County agrees to provide the City of Portland such further certification of workers compensation insurance as renewals of said insurance occur.

C. The County agrees to accurately complete the City of Portland's Questionnaire for Workers Compensation Insurance and Qualification as an Independent County prior to commencing work under this Agreement. Questionnaire is attached to this Agreement as Attachment B and shall remain attached to this Agreement and become a part thereof as if fully copied herein. Any misrepresentation of information on the Questionnaire by the County shall constitute a breach of this Agreement. In the event of breach pursuant to this subsection, City may terminate the Agreement immediately and the notice requirement contained in subsection (9), **EARLY TERMINATION OF AGREEMENT**, hereof shall not apply.

6. **INDEMNIFICATION**. To the extent permitted by Oregon Tort Claim Act and the Oregon Constitution, the County shall hold harmless, defend, and indemnify the City and the City's officers, agents, and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the County's work or any subcontractors work under this Agreement.

7. **LIABILITY INSURANCE**. The County is self-insured as provided by Oregon law.

8. **OREGON LAW AND FORUM**. This Agreement shall be construed according to the law of the State of Oregon. Any litigation between the City and the County arising under this contract or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.

9. **EARLY TERMINATION**.

A. **Termination for Convenience:** In accordance with 24 CFR 85.44, the City and County may terminate this Agreement at any time by mutual written agreement. If the Agreement is terminated by the City as provided herein, the County will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the County covered by this Agreement less payments of compensation previously made.

B. **Termination for Cause:** In accordance with 24 CFR 85.43, if, through any cause, the County shall fail to fulfill in timely and proper manner its obligations under this Agreement, or if the County shall violate any of the covenants, agreements, or stipulations of this Agreement, the city may avail itself of such remedies as cited in 24 CFR 85.43 by giving written notice to the County of such action and specifying the effective date thereof at least 30 days before the effective date of such action. In such event, all finished or unfinished documents, data, studies, and reports prepared by the County under this Agreement shall, at the option of the City, become the property of the City, and the County shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Notwithstanding the above, the County shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Agreement by the County, and the City may withhold any payments to the County for the purpose of setoff until such time as the exact amount of damages due the City from the County is determined.

C. **Enforcement and Remedies:** In the event of termination under section B. hereof by the City due to a breach by the County, then the City may complete the work either itself or by agreement with another SUBRECIPIENT, or by a combination thereof. In the event the cost of completing the work exceeds the amount actually paid to the County hereunder plus the remaining unpaid balance of the compensation provided herein, then the County shall pay to the City the amount of the excess. Allowable costs shall be determined in accordance with 24 CFR 85.43(c).

The remedies provided to the City and County under sections B and C hereof for a breach shall not be exclusive. The City and County also shall be entitled to any other equitable and legal remedies that are available.

In the event of termination under section B, the City shall provide the County an opportunity for an administrative appeal to the Bureau Director.

10. **AGREEMENT CHANGES**. The City or County may, from time to time, request changes in writing in the scope of services or terms and conditions hereunder. Such changes, including any increase or decrease in the amount of the County's compensation, shall be incorporated in written amendments to this Agreement. Changes to the scope of work, budget line items, timing, reporting, or performance measures may be approved by the Project Manager. Significant changes to the scope of work, performance measures, or compensation must be approved by ordinance of the City Council.

11. **SEVERABILITY**. If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.

12. **INTEGRATION**. This Agreement contains the entire agreement between the City and the County and supersedes all prior written or oral discussions or agreements.

13. **MAINTENANCE AND AUDIT OF RECORDS**. The County shall maintain fiscal records on a current basis to support its billings to the City. The County shall retain fiscal as well as all records relating to program and client eligibility for inspection, audit, and copying for 3 years from the date of completion or termination of this Agreement. The City or its authorized representatives shall have the authority to inspect, audit, and copy on reasonable notice and from time to time any records of the County regarding its billings or its work hereunder.

The City, either directly or through a designated representative, may audit the records of the County at any time during this 3-year period. If an audit discloses that payments to the County were in excess of the amount to which the County was entitled, then the County shall repay the amount of the excess to the City.

14. **MONITORING**. The City, through the Bureau of Housing and Community Development, shall monitor at least once each year that portion of the County's project funded with Community Development Block Grant (CDBG), HOME Investment Partnership Program, or Emergency Shelter Grant (ESG) funds. Such monitoring shall ensure that the operation of the project conforms to the provisions of this Agreement. The County shall monitor each subcontractor at least once a year for that portion of activities funded with City CDBG funds. Such monitoring shall ensure that the operations of the project conforms to the provisions of this Agreement.

15. **ACCESS TO RECORDS**. The City, HUD, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, general organizational and administrative information, documents, papers, and records of County which are directly pertinent to this Agreement for the purpose of making audit or monitoring, examination, excerpts, and transcriptions. All required records must be maintained by County for three years after the City makes final payments and all other pending matters are closed.

16. **REPORTING REQUIREMENTS**. The County shall report on its activities in a format and by such times as prescribed by the City.

17. **PUBLICITY.** Publicity regarding the project shall note participation of the City of Portland through its Bureau of Housing and Community Development.

18. **COMPLIANCE WITH LAWS.** In connection with its activities under this Agreement, the County shall comply with all applicable federal, state, and local laws and regulations. In the event that the County provides goods and services to the City in the aggregate in excess of \$2,500 per fiscal year, the County agrees it has certified with the City's Equal Employment Opportunity certification process. For Community Development Block Grant funded projects, the County shall carry out its activities in compliance with 24 CFR 570 Subpart K, excepting the responsibilities identified in 24 CFR 570.604 and 570.612. For HOME Investment Partnership Program funded projects, the County shall carry out its activities in compliance with 24 CFR Part 92.

19. **CONTRACT ADMINISTRATION.** The County shall comply with the applicable provisions of OMB Circular Nos. A-21, A-87, A-110, A-122, A-128, and with applicable provisions of 24 CFR Part 85 as described by 24 CFR 570.502(a) and 570.610.

20. **NONDISCRIMINATION.** During the performance of this Agreement, the County agrees as follows:

A. The County will comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964 (24 CFR 1), Fair Housing Act (24 CFR 100), and Executive Order 11063 (24 CFR 107).

B. The County will comply with prohibitions against discrimination on the basis of age under Section 109 of the Act as well as the Age Discrimination Act of 1975 (24 CFR 146), and the prohibitions against discrimination against otherwise qualified individuals with handicaps under Section 109 as well as Section 504 of the Rehabilitation Act of 1973 (24 CFR 8).

C. The County will comply with the equal employment and affirmative action requirements of Executive Order 11246, as amended by Order 12086 (41 CFR 60).

D. The County will undertake efforts to encourage the use of minority and women's business enterprises as stated in Executive Orders 11625, 12432, and 12138.

E. The County will make known that use of the facilities and services is available to all on a nondiscriminatory basis.

21. **PROGRAM INCOME/PERSONAL PROPERTY.**

A. Program income, with the exception of HOME program income, shall be retained by the County provided that it shall be used only for those activities identified in the Exhibits in this Agreement, and shall be subject to all provisions of this Agreement. Any program income on hand when the Agreement expires or received after such expiration shall be paid to the City. Any program income generated by HOME funded activities must be returned to the City's Local HOME Account to be reprogrammed for HOME eligible activities by the City in accordance with 24 CFR 92.503.

B. SUBRECIPIENTS who retain and expend program income shall set up a Program income ledger account and establish procedures and internal controls to assure: collection of all program income, accurate classification of funds to be credited, immediate deposit into the proper bank account, and program income disbursement before requesting additional City funds.

C. In all cases in which personal property is sold, the proceeds shall be program income, and personal property not needed by the County for the applicable service program shall be transferred to the City for that funding source program or shall be retained after compensating the City.

D. For Community Development Block Grant funded projects, the County shall comply with provisions of 24 CFR 570.504 regarding program income. When there is program income, transfers of CDBG funds to the county shall be adjusted in accordance with 24 CFR 570.504.

22. **FUND-RAISING.** City-funded dollars may be used to cover expenses directly related to the contracted project. Costs associated with general agency fund-raising activities are not eligible. No Emergency Shelter Grant (ESG) fund dollars may be used to cover expenses associated with general agency fund raising activities not directly related to ESG-funded projects.

23. **EXPIRATION/REVERSION OF ASSETS.**

A. For Community Development Block Grant funded projects, the County shall comply with the Reversion of Assets provision of 24 CFR 570.503(b)(8).

B. For Emergency Shelter Grant funded projects, the County shall transfer to the City any ESG funds on hand at the time of expiration and any accounts receivable attributable to the use of ESG funds. Any real property under the County's control that was acquired or improved in whole or in part with ESG funds in excess of \$25,000 shall be disposed of in a manner which results in the City being reimbursed in the amount of the current fair market value of the property less any portion thereof attributable to expenditures of non-ESG funds for acquisition of, or improvement to, the property. Such reimbursement is not required after a five-year period after expiration of this Agreement.

The County shall require that the language of this certification be included in the award documents at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreement) and that all subcontractors shall certify and disclose accordingly.

24. **LABOR STANDARDS.** The County agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, the provisions of Contract Work Hours, the Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276, 327-333) and all other applicable federal, state, and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The County shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City of Portland for review upon request.

The County agrees that, except with respect to the rehabilitation or construction of residential property designed for residential use for less than eight (8) households, all SUBRECIPIENTs engaged under contracts in excess of \$2,000 for construction, renovation, or repair of any building or work financed in whole or in part with assistance provided under this Agreement, shall comply with federal requirements adopted by the City of Portland pertaining to such agreements and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR, Parts 3, 15 and 7 governing the payment of wages and ratio of apprentices and trainees to journeymen; provided that if wage rates higher than those required under regulations are imposed by state or local law, nothing hereunder is intended to relieve the County of its obligation, if any, to require payment of the higher wage. The County shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph, for such contracts in excess of \$10,000.

25. **MINIMIZING DISPLACEMENT.** The County assures that it will take all reasonable steps to minimize the displacement of persons as a result of this Agreement, and shall comply with the applicable provisions of 24 CFR 570.606 or 576.80.

26. **PROGRAM ACCESS BY THE DISABLED.** The County shall, to the maximum feasible extent, follow the Bureau of Housing and Community Development's guidelines on ensuring interested persons can reasonably obtain information about, and access to, HUD-funded activities.

27. **FLOOD DISASTER PROTECTION.** County agrees to comply with the requirements of the Flood Disaster Protection Act of 1973 (P.L. 93-234) in regard to the sale, lease, or other transfer of land acquired, cleared, or improved under the terms of this Agreement, as it may apply to the provisions of this Agreement.

28. **LEAD-BASED PAINT POISONING.** The County agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608 and 24 CFR Part 35, and in particular, Sub-Part B thereof. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants or properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain symptoms, treatment, and precautions that should be taken when dealing with lead-based paint poisoning.

29. **LOBBYING FOR FUNDS.** No federal appropriated funds have been paid or will be paid, by or on behalf of the County, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the SUBRECIPIENT agrees to complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

The County shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreement) and that all subcontractors shall certify and disclose accordingly.

30. **CHURCH/STATE.** The County agrees to comply with the applicable provisions of 24 CFR 570.200(j) or 24 CFR 576.22 regarding the use of federal funds by religious organizations.

31. **TARGETING.** The City will be designating Target Areas which are to receive focused services for the fiscal year. As appropriate, the County will provide intensive marketing and outreach to the designated areas, will collect data on all activities in the areas including numbers served, and will report on efforts in the area according to Agreement's provisions on Reporting Requirements.

32. **SECTION 3/TRAINING.** County will comply with the training and employment guidelines of Section 3 of the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701a) and regulations pursuant thereto (24 CFR Part 135). The Bureau of Housing and Community Development will provide training for SUBRECIPIENTS. All SUBRECIPIENTS are required to attend general training on City and Federal requirements and other project specific training as appropriate.

33. **INTEGRATED DISBURSEMENT AND INFORMATION SYSTEM.** During the term of this contract, the City of Portland will be switching billing and reporting systems to HUD's Integrated Disbursement and Information System (IDIS). This switch will require changes in the way the County bills and reports to the City about these projects. Affected County program and fiscal staff will attend training in 90 in order to become more knowledgeable about IDIS and to comply with new City processes.

EXHIBIT A
JANUS YOUTH: CDBG FUNDED
HOMELESS PROGRAMS: NIGHT YOUTH SHELTER

I. AUTHORITY

The provision of services and housing options, including emergency shelter, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has Community Development Block Grant (CDBG) funds that can be used for shelter and support services for persons who are homeless. Multnomah County, through its Department of Community and Family Services, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee the delivery of housing and services for homeless youth by the Janus Youth at Streetlight Program Shelter (820 SW Oak).

The County shall contract with Janus Youth to provide safe and sanitary 24 hour shelter for 30 youth per night, for an average length of stay of four months. Youth will be assessed and case managed by other providers in the continuum; they will be expected to attend day-time activities focused on skill-building and stability to ready them for the transition to more independent living situations. The shelter will encourage youth participation in the programs and support the service coordination functions. Youth will participate in self-governance of the shelter.

III. PERFORMANCE MEASURES

A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:

- ☐ Janus Youth will provide shelter for approximately 120 youth (unduplicated count)
- ☐ All youth staying in the shelter will be active in governing the shelter

B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this agreement.

- ☐ 50% of all youth served will leave the shelter for safe, stable housing, which includes transitional and independent housing in the continuum as well as other stable housing in the community
- ☐ Youth will decrease the amount of unhealthy risk-taking behaviors, as measured by reports that youth were not dismissed from the shelter for the reasons of use of tobacco and/or alcohol/drugs, or for having unprotected sex

IV. REPORTING REQUIREMENTS

A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.

B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by the subcontractor; 2) number of clients (unduplicated) served; 3) number of shelter nights provided; and 4) ethnic and racial data.

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Year-end expenditures by the subcontractor
2. Year-end performance assessments
3. Number of individuals served
4. Client demographics including ethnicity, and sex of all recipients of services
5. Number of individuals in case management
6. Performance data related to section III

V. COMPENSATION AND METHOD OF PAYMENT

A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.

B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.

C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED ONE HUNDRED AND NINETY-SIX THOUSAND, ONE HUNDRED AND TWENTY DOLLARS (\$196,120) OF CDBG FUNDS.

VI. CITY PROJECT MANAGER

A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.

B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

EXHIBIT B
OUTSIDE IN and NEW AVENUES FOR YOUTH: GENERAL FUNDS
HOMELESS PROGRAMS: YOUTH TRANSITIONAL HOUSING

I. AUTHORITY

The provision of services and housing options, including youth transitional housing and youth independent housing, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has \$624,067 in General Funds that can be used for such efforts. Multnomah County, through its Department of Community and Family Services, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee the delivery of transitional and independent housing for homeless youth by Outside In and New Avenues for Youth. The transitional housing services are group living arrangements for youth who need supportive and supervised living environments to become fully independent. Length of stay may be up to two years. The independent housing consists of scattered site, independent apartments. Apartments are supervised and youth residents are case managed, but there is more independence than in transitional housing. It is expected that youth will be ready to leave the street when they move from this housing.

City General funds totaling \$312,033.50 are available to pay for the delivery of transitional housing by New Avenues for Youth and City General funds totaling \$312,033.50 are available to pay for the delivery of transitional housing and independent housing by Outside In.

The County shall work with the agencies to achieve the following performance and outcome goals:

III. PERFORMANCE MEASURES

A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:

- ☐ Outside In will provide transitional and independent housing for 25 homeless youth (unduplicated count).
- ☐ Outside In will maintain 10 units of transitional housing.
- ☐ Outside In will provide 7 scattered site supervised independent housing units.
- ☐ New Avenues for youth will provide transitional housing for 25 homeless youth (unduplicated count).
- ☐ New Avenues for youth will maintain 24 units of transitional housing.
- ☐ Maintain 14.5 beds of safe and clean transitional housing.

B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this agreement.

- ☐ 65% of all youth who complete the program will move into stable housing
- ☐ 65% of all youth who exited to stable housing will remain in stable housing for 6 months

IV. REPORTING REQUIREMENTS

A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.

B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by the subcontractor; 2) number of clients (unduplicated) served; 3) number of shelter nights provided; and 4) ethnic and racial data.

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Year-end expenditures by the subcontractor
2. Year-end performance assessments
3. Number of individuals served
4. Client demographics including ethnicity, and sex of all recipients of services
5. Performance data related to Section III.

V. COMPENSATION AND METHOD OF PAYMENT

A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.

B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.

C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED SIX HUNDRED AND TWENTY-FOUR THOUSAND AND SIXTY-SEVEN DOLLARS (\$624,067) OF GENERAL FUNDS.

VI. CITY PROJECT MANAGER

A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.

B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

EXHIBIT C
Mental Health Services West: CDBG FUNDED
BRIDGEVIEW CMI

I. AUTHORITY

The provision of services and housing options, including emergency shelter, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has Community Development Block Grant (CDBG) funds that can be used for shelter and support services for persons who are homeless. Multnomah County, through its Department of Community and Family Services, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee the delivery of CDBG-funded housing and services for the homeless chronically mentally ill to be performed by Unity, Inc. at the Bridgeview (NW Everett and Broadway).

The County shall contract with Unity, Inc. to provide shelter for 58 individuals (48 short-term emergency SRO beds with 24 hour supervision, and 10 long-term beds with the capacity to provide on-site intervention.) City CDBG funds totaling \$246,686 will be used to pay for services and beds at the Bridgeview.

III. PERFORMANCE MEASURES

A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:

- ☐ 100 individuals will be housed at Bridgeview during the year
- ☐ 48 contiguous rooms, maintained in safe, sanitary order, will be available for Bridgeview residents throughout the fiscal year
- ☐ 90% of the beds will be utilized
- ☐ Provide 21,170 meals to residents

B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this agreement.

- ☐ 50% of the individuals leaving Bridgeview will be housed in permanent or transitional housing
- ☐ 70 % of those individuals placed in permanent housing will remain in a stable housing situation six months after placement
- ☐ 70% of the residents will demonstrate maintenance or improvement in ability to function in the community, as indicated on the Multnomah Community Ability Scale

IV. REPORTING REQUIREMENTS

A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.

B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by the subcontractor; 2) number of clients (unduplicated) served; 3) number of shelter nights provided; and 4) ethnic and racial data.

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Year-end expenditures
2. Year-end performance assessments
3. Number of individuals served
4. Client demographics including ethnicity and sex of all recipients of services
5. Performance data related to section III

D. Reporting format will substantively resemble tables C-1 and C-2.

V. COMPENSATION AND METHOD OF PAYMENT

A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.

B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.

C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED TWO HUNDRED AND FORTY-SIX THOUSAND, SIX HUNDRED AND EIGHT-SIX DOLLARS (\$246,686) OF CDBG FUNDS.

VI. CITY Project Manager

A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.

B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

TABLE C-1
PROJECT REPORT FOR BRIDGEVIEW
BENEFICIARY DATA
Reporting Period From: _____ To: _____

Individual Beneficiaries (check one)	Household Beneficiaries
-----------------------------------------	-------------------------

PARTICIPANT INFORMATION	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Y-T-D
-------------------------	-------------	-------------	-------------	-------------	-------

1. Gender

Males					
Females					
Gender Total*					

2. Race

African American					
Caucasian					
Native American/Alaskan					
Native Hawaiiin/Other Pacific Islander					
Asian					
Mixed					
Race Total*					

* Totals should match.

3. Ethnicity

Hispanic					
----------	--	--	--	--	--

4. Age

18-21					
21-30					
31-50					
over 51					

4. Other

# Veterans Status					
# Currently employed					

* Totals should match.

TABLE C-2
OUTCOME AND REPORTING DATA
Reporting Period From: _____ To: _____

PARTICIPANT INFORMATION	1 st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Y-T-D
# of individuals housed					
% of beds utilized					*
FOR FINAL REPORT					
# of individuals who left Bridgeview					
# of individuals placed in permanent housing					
# of individuals placed in transitional housing					
# of individuals placed in permanent housing who remain in stable housing for 6 months					
# of individuals placed in permanent housing who remain in stable housing for 12 months					
# of individuals who demonstrate maintenance or improvement on MCAS					

EXHIBIT D
MULTNOMAH COUNTY: CDBG FUNDED
HOMELESS PROGRAMS: VOUCHER PROGRAM

I. AUTHORITY

The provision of services and housing options, including emergency shelter, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has Community Development Block Grant (CDBG) funds that can be used for shelter and support services for persons who are homeless. Multnomah County, through its Department of Community and Family Services, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee a clearinghouse operation to administer the Emergency Housing Voucher Program in accordance with the *Voucher Program Policies and Procedures* and all subsequent program instructions. City CDBG funds, totaling \$18,777 (\$ 5,866 for clearinghouse operations and \$12,905 for general emergency housing vouchers) will be used to pay for the following:

- A. The County will oversee a clearinghouse operation to administer the Emergency Housing Voucher Program in accordance with the Voucher Program Policies and Procedures and all subsequent program instructions.
- B. The County will provide housing vouchers for 23 households in the average amount of \$550 per household, with an average of two weeks length of stay per household.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:
 - ☐ The County will use City funds to provide 322 nights of emergency housing to 23 households (35 persons)
 - ☐ The County will use other funds (assuming continuing availability of FEMA) to provide 10,500 nights of emergency housing for approximately 750 households.
 - ☐ The County will maintain a clearinghouse operation involving at least 35+ agencies during FY01-02.
- B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this agreement.
 - ☐ 60% of all households that receive an emergency housing voucher will move to a more stable housing placement.
 - ☐ 35% of all households that receive an emergency voucher will maintain stable housing for at least six months.

IV. REPORTING REQUIREMENTS

A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.

B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by program areas and subcontractors; 2) client demographics by program areas and subcontractors; and 3) performance assessments by program areas and subcontractors.

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Year-end expenditures by program area and subcontractors
2. Year-end performance assessments by program areas and subcontractors
3. Number of households and individuals served by program areas and subcontractors
4. Client demographics by program area and subcontractors, including ethnicity, age, and sex of all recipients of services provided pursuant to this agreement
5. Number of female headed households.
6. Performance data related to Section III.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED EIGHTEEN THOUSAND SEVEN HUNDRED AND SEVENTY-ONE DOLLARS (\$18,771) OF CDBG FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

EXHIBIT E
MULTNOMAH COUNTY: PILOT FUNDED
HOMELESS PROGRAMS: DIRECT CLIENT ASSISTANCE

I. AUTHORITY

The provision of services and housing options, including emergency shelter, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City, from time to time, has Payment in Lieu of Taxes (PILOT) funds that can be used for support services for persons who are homeless. Multnomah County, through its Department of Community and Family Services, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

\$370,208 in PILOT funds are made available through a clearinghouse and are contracted for the following services:

- A. Direct client assistance (deposits, rent or mortgage assistance, moving assistance, transportation assistance, etc.) linked with transitional or permanent housing which leads to or removes barriers to housing stabilization.
- B. PILOT funds may not be used for agency staff, shelter, or transitional housing.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:
 - ☐ Serve at least 600 households with maximum allocation of \$2000 per family with children and \$1000 per single person household
- B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this agreement.
 - ☐ 50% of families will remain in stable housing six months after receiving rent assistance
 - ☐ 50% of single individuals will remain in stable housing six months after receiving rent assistance

IV. REPORTING REQUIREMENTS

- A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.
- B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by program areas and subcontractors; 2) client demographics by program areas and subcontractors; and 3) performance assessments by program areas and subcontractors.

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Year-end expenditures by program area and subcontractors
2. Year-end performance assessments by program areas and subcontractors
3. Number of households and individuals served by program areas and subcontractors
4. Client demographics by program area and subcontractors, including ethnicity, age, and sex of all recipients of services provided pursuant to this agreement
5. Performance data related to Section III

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED THREE HUNDRED AND SEVENTY THOUSAND AND TWO HUNDRED AND EIGHT DOLLARS (\$370,208) OF PILOT FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

EXHIBIT F
MULTNOMAH COUNTY: MCKINNEY FUNDS

I. AUTHORITY

The provision of services and housing options, including emergency shelter, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has Stuart B. McKinney Supportive Housing funds, which can be used for shelter and support services for persons who are homeless. Multnomah County, through its Department of Community and Family Services, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

- A. Provide assessments of developmentally disabled individuals to determine services needed to achieve housing stability
- B. Provide access to direct one-to-one independent living assistance
- C. Work with providers of services to homeless single adults to ensure good referrals and networking.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement of the following during the period of this agreement:
 - ☐ At least 35 individuals will be served
 - ☐ At least 30 individuals will maintain stable housing during the program and graduate
 - ☐ At least 27 individuals will maintain permanent housing for 6 months after exiting the program
 - ☐ At least 23 individuals will maintain permanent housing 12 months after exiting the program
 - ☐ Number and percent of individuals who start part-time employment or an alternative to employment
 - ☐ Number and percent of individuals served who report improved access to better health and personal safety
 - ☐ Number and percent of individuals served who report improved quality of life

IV. REPORTING REQUIREMENTS

- A. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) number of clients (unduplicated) served; 2) hours of service provided; 3) gender and ethnic/racial data and 4) narrative regarding points of interest or issues.
- B. SUBRECIPIENT will complete a draft HUD required **Annual Progress Report** (Attachment B) to the City of Portland by **July 31, 2002**

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Number of individuals served
2. Hours of service provided
3. Client demographics including race, ethnicity, and sex of all recipients of services
4. Performance data related to Section III.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED THIRTY NINE THOUSAND NINE HUNDRED AND FIVE DOLLARS (\$39,905) OF MCKINNEY SUPPORTIVE HOUSING FUNDS.

VI. CITY Project Manager

- A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

TABLE F-1
PROJECT REPORT FOR McKinney Housing Services/Special Needs
BENEFICIARY DATA

Reporting Period From: _____ To: _____

Individual Beneficiaries	Household Beneficiaries
--------------------------	-------------------------

(check one)

PARTICIPANT INFORMATION	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Y-T-D
-------------------------	-------------	-------------	-------------	-------------	-------

1. Gender

Males					
Females					
Gender Total*					

2. Race

African American					
Caucasian					
Native American/Alaskan					
Native Hawaiian/Other Pacific Islander					
Asian					
Mixed					
Race Total*					

* Totals should match.

4. Ethnicity

Hispanic					
----------	--	--	--	--	--

4. Age

18-21					
21-30					
31-50					
over 51					

4. Other

Hours of Service					
------------------	--	--	--	--	--

- Totals should match.

TABLE F-2
OUTCOME AND REPORTING DATA
Reporting Period From: _____ To: _____

PARTICIPANT INFORMATION	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Y-T-D
Number of individuals served					
Number of individuals served who maintain stable housing during the program					
Number of individuals who start part-time employment or an alternative to employment					
Number of individuals who "graduate" from program					
# of individuals placed in permanent housing who remain in stable housing for 6 months					
# of individuals placed in permanent housing who remain in stable housing for 12 months					
Number of Individuals served who report improved quality of life					
Number of individuals served who report improved access to better health and personal safety					

EXHIBIT G
MULTNOMAH COUNTY: GENERAL FUNDS
SALVATION ARMY WINTER DAY SHELTER FOR HOMELESS FAMILIES

I. AUTHORITY

The provision of services and housing options, including winter day shelter and related services such as meals for families, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has \$25,000 in Housing Investment Funds (HIF) that can be used for such efforts. Multnomah County, through its Department of Community and Family Services, administers a variety of housing and service programs for families who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee the delivery of winter day shelter and related services such as meals for families by the Salvation Army. The family day shelter will provide space for homeless families during the day starting November 1, 2001 and ending March 31, 2002.

HIF funds totaling \$25,000 are available to pay for the delivery of family day shelter by the Salvation Army.

The County shall work with the Salvation Army to achieve the following performance and outcome goals:

III. PERFORMANCE MEASURES

A. **SUBRECIPIENT** will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:

- 50 families, 150 people will access day shelter services
- 1,400 meals will be provided to those accessing day shelter services
- Quarterly reports shall include: 1) expenditures by program areas and subcontractors; 2) client demographics by program areas and subcontractors; and 3) performance assessments by program areas and subcontractors.

IV. REPORTING REQUIREMENTS

A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.

B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by the subcontractor; 2) number of clients (unduplicated) served; 3) number of shelter nights provided; and 4) ethnic and racial data.

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Year-end expenditures by the subcontractor
2. Year-end performance assessments
3. Number of individuals served
4. Client demographics including ethnicity, and sex of all recipients of services
5. Performance data related to Section III.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000) OF HOUSING INVESTMENT FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

EXHIBIT H
MULTNOMAH COUNTY: GENERAL FUND
DOMESTIC VIOLENCE COORDINATOR

I. AUTHORITY

The provision of programs to help reduce the incidence of domestic violence is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has \$33,966 in General Funds that can be used for such efforts.

II. SCOPE OF SERVICES

County shall provide salary and overhead for 2 FTE staff to coordinate domestic violence intervention strategies in Multnomah County, including the Domestic Violence Coordinator and a program technician. The primary goals of the activities of both staff are to provide coordination for activities between jurisdictions, agencies and communities in Multnomah County. Coordination occurs in multiple ways, including through the Family Violence Coordinating Council.

Staff's major duties include:

- A. Staffing the Family Violence Intervention Steering Committee and its sub-committees and multiple projects.
- B. Maintaining relationships between and among the major stakeholders in domestic violence reduction.
- C. Assist City and County Commissioners, Departments or Bureaus in the development and implementation of domestic violence intervention policy, plans and procedures, including assistance in the development of the City's domestic violence workplan.
- D. Overseeing the development and implementation of the Department of Community and Family Services Domestic Violence Work Plan.
- E. Working with community groups to address domestic violence.
- F. Chair the Local Public Safety Coordinating Council Domestic Violence Working Group.
- G. Coordinate efforts of all County Departments to provide screening and intervention in domestic violence for all County clients and support for county staff who are victims of domestic violence.
- H. Responding to requests for information for programs and individuals.
- I. Working to increase state funding for victim services.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement the following activities during the period of this agreement:
 - ☐ Publication of 11 monthly updates
 - ☐ Staffing for the Family Violence Intervention Steering Committee and it's subcommittees
 - ☐ Development of several reports and/or guidelines, including the following:
 - Report on Battered Women in the Criminal Justice System
 - Guidelines and Curricula for Domestic Violence Services on Alcohol and/or Drug Abuse/Use
 - Assessment of the Victim Services System
 - Guidelines for Mental Health Counselors working with Battered Women
 - ☐ Participation in Annual Domestic Violence Awareness Month Campaign (October)
 - ☐ Consultation and Coordination of the City Council's work plan on domestic violence
 - ☐ Periodic updates to the Board of County Commissioners and the City Commissioners on the status of domestic violence intervention

- ☐ Annual data about reported domestic violence incidents
- ☐ Technical assistance, as requested, to County and City Departments and Bureaus

IV. REPORTING REQUIREMENTS

The County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall a listing of the major tasks each project staff worked on during the quarter, and their status. The final report will also include performance data relating to Section III for the entire year. Performance data includes reporting on the primary outcomes of the program, which include:

- Increase victim safety/services through increased effectiveness of existing victim services system.
- Enhance effectiveness of law enforcement/criminal justice response to domestic violence, through increased coordination, development of a targeted offender project involving police, DA and Probation, policy/protocol changes based on more accurate data collection, and participation on Local Public Safety Coordinating Council.
- Increased education and awareness of domestic violence incidence, effects, and intervention strategies among other service providers.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED THIRTY-THREE THOUSAND, NINE HUNDRED AND SIXTY-SIX DOLLARS (\$33,966) OF GENERAL FUNDS.

VI. CITY Project Manager

- A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

EXHIBIT I
MULTNOMAH COUNTY: HOUSING INVESTMENT FUNDS
DOMESTIC VIOLENCE SERVICE SYSTEM ASSESSMENT

I. AUTHORITY

The provision of programs to help reduce the incidence of domestic violence is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has \$500 in one-time Housing Investment Funds that can be used for such efforts.

II. SCOPE OF SERVICES

The Domestic Violence Coordinator's Office and the Multnomah Family Violence Coordinating Council have initiated an assessment of the domestic violence victim services system. This assessment has been done in conjunction with and will be utilized by the HCDC ACHI, by Multnomah County DCFS, and BHCD.

These one-time funds will allow staff to provide continued analysis of the assessment and to assist in writing a draft report and associated documents during the months of July, August and September.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement the following activities during the period of this agreement:
- ☐ Quarterly updates of work provided by staff for this report
 - ☐ Drafts of the assessment as appropriate
 - ☐ A final copy of the assessment

IV. REPORTING REQUIREMENTS

The County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall have a listing of the major tasks each project staff worked on during the quarter, and their status. The final report will also include performance data relating to Section III for the entire year. Performance data includes reporting on the primary outcomes of the program, which include:

- Increase victim safety/services through increased effectiveness of existing victim services system.
- Enhance effectiveness of law enforcement/criminal justice response to domestic violence, through increased coordination, development of a targeted offender project involving police, DA and Probation, policy/protocol changes based on more accurate data collection, and participation on Local Public Safety Coordinating Council.
- Increased education and awareness of domestic violence incidence, effects, and intervention strategies among other service providers.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.

- B. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED FIVE HUNDRED DOLLARS (\$500) OF HIF FUNDS.

VI. CITY Project Manager

- A. The CITY Project Manager shall be Heather Lyons, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- C. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

EXHIBIT J
MULTNOMAH COUNTY: COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC SAFETY:GANG PROJECT

I. AUTHORITY

The provision of public safety services including outreach services to gang involved and affected youth is a major goal of the City of Portland and part of the City's Consolidated Plan. The City has Community Development Block Grant funds budgeted for such efforts. Multnomah County through its Department of Community and Family Services administers programs for gang involved and affected youth. The City and the County agree that the County will administer the contract for the provision of the outreach services.

II. SCOPE OF SERVICES

The County shall provide the following services relative to gang outreach. Community Development Block Grant funds in the amount of \$86,031 is budgeted for the services.

- A. Develop a contract with the House of Umoja to provide 1. crisis response, 2. case coordination and resource identification/development and referral, 3. Special event/regularly scheduled event/situational coverage, and 4. Public education/technical assistance.
- B. Require that the City funding benefits low-income individuals/families. This requires that income is tracked by subSUBRECIPIENT by census tract/block group as directed by the Bureau of Housing and Community Development in agreement with federal requirements.
- C. In coordination with the Bureau of Housing and Community Development and Multnomah County, the House of Umoja shall develop output and outcome measures, and timelines, which will be tracked and reported to the City.
- D. Require compliance with all CDBG and other pertinent federal requirements and regulations.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this agreement:
 - 100 youth will receive short term case management
 - 3,150 individual outreach contacts will be made
- B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this agreement.

During fiscal year 2001/02 the County will establish a baseline for client satisfaction and clients meeting case plan goals. Youth participating in case management will be surveyed to gauge satisfaction with services at the time of exit. The baseline established during FY 2001/02 will be used for subsequent years' target numbers for this service area.

IV. REPORTING REQUIREMENTS

- A. **Quarterly Reports.** Except as provided by subsection B, below, the County will provide the City with quarterly performance reports within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures; 2) youth demographics, including specific numbers for the quarter and numbers accumulated for the year; and 3) performance assessment on the status of the project. The House of Umoja may submit directly to the Bureau of Housing and Community Development the income eligibility information on youth served.
- B. **Final Report.** The County shall submit a final report as its fourth quarter report. The final report shall include:
 - 1. Year-end expenditures
 - 2. Year-end performance assessment
 - 3. Number of youth served by the program
 - 4. Client demographics including ethnicity, sex and income data of all recipients of services provided pursuant to this agreement.
 - 5. Performance data related to Section III.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The City will reimburse the SUBRECIPIENT for expenses in accordance with the budget (Attachment K-A) upon receipt of an itemized statement of expenditures. The SUBRECIPIENT will maintain documentation of all expenses and make such records available for inspection by the City upon request.
- B. The payments made under this Agreement shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment and incidentals necessary to perform the work and services.
- C. No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, prorated to reflect the use of said equipment by CITY-funded programs.
- D. All funds received by the SUBRECIPIENT, whether for actual or anticipated expenditures, must be disbursed within three (3) working days of receipt.
- E. TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED EIGHTY- SIX THOUSAND THIRTY ONE DOLLARS (\$86,031) OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Barbara Madigan, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

ATTACHMENT J-A

**Multnomah County
Gangs Outreach Program**

BUDGET
July 1, 2001 - June 30, 2002

Personnel

Salaries and Benefits for Outreach Workers*	\$86,031
---------------------------------------------	----------

TOTAL CITY FUNDING	\$86,031
---------------------------	-----------------

The City funding will be used for outreach workers salaries and benefits.

EXHIBIT K
MULTNOMAH COUNTY: GENERAL FUND
YOUTH EMPLOYMENT AND EMPOWERMENT PROGRAM (YEEP)

I. AUTHORITY

The City of Portland has committed to supporting a coalition of business, nonprofit service agencies, and government entities that are working together to provide and coordinate services to young people involved in or affected by gangs. The goal of this coalition is to provide gang-impacted youth with career based employment opportunities. THE City has designated Multnomah County to coordinate and provide service to this population through contracts with a number of community-based agencies. Funding is provided by the City of Portland and Multnomah County.

II. SCOPE OF SERVICES

- A. SUBRECIPIENT will oversee the delivery of YEEP services to be performed by designated subcontractors.
- B. The County will subcontract with Portland Opportunities Industrialization Center to provide program administration and coordination services including:
- Coordination and support of case managers through weekly meetings
 - Disbursement and tracking of Client Services Funds
 - Hiring and Supervision of a Job Developer
 - Pre-Employment Certification for participating youth
 - Developing guidelines for participating YEEP agencies
 - Establishing a process for selecting and terminating YEEP agencies.
 - Establishing fiscal systems sufficient to assume direct management of funding for participating agencies
 - Establishing reporting systems sufficient to assume responsibility for managing program data directly
- C. The County will contract with a number of community based agencies to deliver the decentralized component of the Youth Employment and Empowerment Program. While it is understood that these agencies may change during the course of the year based upon performance, at the outset of the contract year, agencies include:
- Portland Opportunities Industrialization Center
Emmanuel Community General Services
International Refugee Center of Oregon
Open Meadow Learning Center
Portland House of Umoja
- D. The County will waive all administrative costs associated with this project.
- E. The target population (eligibility criteria) served through this project includes:
1. Gang-impacted youth as defined by one or more of the following criteria:
 - Adjudicated and/or diverted for a crime with or against other gang members
 - Is on a gang parole/probation unit caseload
 - Identified by law officer as gang impacted
 - Known as a gang member by a case manager or has been a gang member
 - Sells or has sold drugs in an area police identified as gang territory

- Juvenile Justice involved (arrested for non-statutory offense, adjudicated or in a diversion program)
 - Boyfriend/girlfriend of an adjudicated gang member
 - Involved in persistent and escalating criminal activities
 - Has household member who meets first two criteria
2. Ages 16 and older;
 3. Males and females.
- F. The services targeted at this population may include, but are not limited to, the following:
1. Preemployment Preparation, Training, and Certification: This includes needs assessment, resume preparation, application writing, interviewing, career exploration, learning employment requirements (Social Security number, photo ID, Work Permits, alcohol & drug assessment and screening, Birth Certificate), as well as certification of employability.
 2. Job Readiness Skills/Work Maturity Training: Teaching importance of positive attitudes and behaviors, being consistently punctual, maintaining regular attendance, presenting appropriate appearance, exhibiting good interpersonal relations, completing tasks effectively and in a timely manner, giving attention to instructions from supervisors, giving meaningful feedback to supervisor.
 3. Job Development and Placement Assistance: Identification of employers interested in hiring YEEC youth, information sharing with coalition partners regarding available jobs, coordinating employer trainings and workshops.
 4. Job Site Monitoring: Consultation and mediation with the employer and the youth to resolve difficulties, individual and group conferences to improve workplace attitude, support for the youth and employer to maintain a positive employment situation.
- G. These services will be provided through a collaborative effort of participating agencies. The service delivery model will include the following elements:
1. Intake
 - a) Multiple entry points for youth. All participating agencies will refer and serve youth.
 - b) Youth will be assessed for current level of academic functioning and employability. A common assessment process will be used by all providers for both the reading and nonreading client.
 - c) Agencies will conduct a uniform intake and collect common client information.
 - d) Agencies will insure that youth have any essential employer required information.
 2. Pre-employment Training
 - a) Standardized Pre-Employment Training for all participants. This may be provided through each participating agency or be centralized.
 - b) The Youth Employment and Empowerment Program (YEEP) Job Development Specialist will provide pre-employment testing and certification.
 - c) Youth will be evaluated for work maturity skills. Youth who have acquired work maturity skills and the accepted levels will be referred for a job placement interview. Youth who have not acquired work maturity skills will remain in extended pre-employment training and referred for other services as deemed necessary.

3. Job Placement and Job-Site Monitoring

- a) The YEOP Job Development Specialist will act as the single point of contact for job referrals. This individual will accept all job referrals, bring them to the participating agencies and coordinate the assignment of job referrals for interviews. Participating agencies will meet regularly to coordinate referrals to ensure a timely response to employers.
 - b) The participating agencies will refer a pool of applicants to the employers for jobs.
 - c) Once a youth is hired, the participating agencies will provide job site monitoring services. The agencies will have regular contact with the youth and the employer and act as a resource to assist in resolving difficult situations. The agency will continue to provide support to insure a positive experience for the youth and the employer as long as needed.
- H. Services funded by the CITY must result in demonstrable outcomes that contribute to the attainment and retention of unsubsidized jobs.
- I. The SUBRECIPIENT will provide participating agencies with a base administrative allowance as well as with fee-for-service outcome payments. Outcome payments will be made for youth placed in jobs as well as youth retained in jobs at the 60, 90, and 120 days. Payments are not provided for youth placed in subsidized jobs.
- J. Though some SUBRECIPIENT programs are focused on serving specific populations, no applicant may be denied access to any CITY-funded program, whether run directly by the SUBRECIPIENT or through a subcontractor, due to race or gender.
- K. The SUBRECIPIENT will include mention of the CITY's participation in this project, through the Bureau of Housing & Community Development, in all publicity to local media.
- L. The SUBRECIPIENT will maintain all records for the project, including performance; client eligibility; ethnic, gender, residence zip code and age data; and fiscal data, for a minimum of three years after termination of the contract. All records regarding the project, as well as general organizational and administrative information, will be made available to the CITY Project Manager, or other designated persons, upon request. At a minimum, records will be reviewed as part of the annual monitoring process.
- M. Additionally, the SUBRECIPIENT will require all subcontractors to maintain similar records and make them available, upon request, to the CITY Project Manager, or other designated persons. Records of subcontractors will also be reviewed as part of the annual monitoring process.
- N. All staff positions paid for with CITY funds, whether employees of SUBRECIPIENT or any subcontractor, are required to maintain time records indicating the number of hours worked on CITY-funded projects.
- O. Any changes to the Scope of Services must be approved in writing by the CITY Project Manager.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on achievement of the following levels of service (outputs) during the period of this agreement:
- ☐ 102 gang-impacted youth will be served.
 - ☐ 69 youth will graduate from pre-employment training
- B. SUBRECIPIENT will track and report on achievement of the following accomplishments (outcomes) during the period of this agreement:
- ☐ 60 youth will be placed in jobs
 - ☐ During this year, 44 youth served will reach their 60-day successful employment benchmark
 - ☐ During this year, 43 youth served will reach their 90-day successful employment benchmark
 - ☐ During this year, 42 youth served will reach their 120-day successful employment benchmark

IV. PERIODIC REPORTING REQUIREMENTS

- A. At the conclusion of the first quarter SUBRECIPIENT will submit a report outlining progress related to:
- Developing guidelines for participating YEEP agencies
 - Establishing a process for selecting and terminating YEEP agencies.
 - Establishing fiscal systems sufficient to assume direct management of funding for participating agencies
 - Establishing reporting systems sufficient to assume responsibility for managing program data directly
- B. On a quarterly basis SUBRECIPIENT will submit to the Bureau of Housing & Community Development a progress report including information related to participant demographics and identified performance measures. Payment will be based on receipt of these reports. Program reports will contain:
- ☐ Demographic data regarding gender and ethnicity using the aggregate beneficiary portion of the report form attached as "Attachment I-B."
 - ☐ Performance data related to Section II as well as information regarding the number of carry over youth from the previous fiscal year served using the progress portion of the report form attached as "Attachment I-B."

Reports also will include a narrative description of the YEEP program including:

- A list of current coalition service providers
- Special activities or accomplishments
- Developing relations with employers
- Challenges and lessons learned
- Anticipated changes including changes in service providers, services, etc.

Reports are due to the Bureau within 30 days of the end of the reporting period on the following dates:

1st Quarter -	October 30, 2001
2nd Quarter -	January 30, 2002
3rd Quarter -	April 30, 2002
4th Quarter -	July 30, 2002

- C. Financial reports regarding expenditures of all dollars associated with the contract for this project according to the budget included as Attachment "I-A" will be submitted within 30 days following the end of the quarter according to the above schedule and will include:
- ☐ Program expenditures for the quarter by gross service element as well as payment summary detail by provider.
- D. All required reports must accompany the billing of each quarter in order for the billings to be paid.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above-described services through CITY General Fund. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service. Funds will be disbursed to the SUBRECIPIENT, per the budget attached as Attachment "I-A," for actual expenditures as follows:
1. Payments to the SUBRECIPIENT for eligible expenses will be made quarterly, upon submission of a statement of expenditures and performance report using the invoice form included as "Attachment I-C." Expenditures will be listed by gross service element, using the same line items as are listed in the budget, attached hereto as Attachment "I-A."
 2. The SUBRECIPIENT will keep vendor receipts and evidence of payment for materials and services and time records and evidence of payment for program wages, salaries, and benefits, and SUBRECIPIENT services. Requests for payment will be submitted to the Bureau of Housing & Community Development.
- B. Any reallocation of funds between budget line items or between programs, as shown in the attached budget, must be approved in writing by the CITY Project Manager prior to making the change.

No funds under this Agreement may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into agreements without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, prorated to reflect the use of said equipment by CITY-funded programs.

- C. IT IS AGREED THAT TOTAL COMPENSATION UNDER THIS AGREEMENT SHALL NOT EXCEED TWO HUNDRED AND SEVEN THOUSAND EIGHT HUNDRED AND FORTYSIX DOLLARS (\$207,846) OF GENERAL FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Karen Belsey, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out all other CITY actions referred to herein.

ATTACHMENT K-A

**Multnomah County
Youth Employment and Empowerment Program**

BUDGET
July 1, 2001 - June 30, 2002
*****8

Administration:		\$54,190
	<i>5 agencies x 12 months x \$903/month</i>	
Outcome Payments:		\$56,125
	<i>60 placements @ \$216/placement =</i>	<i>\$12,960</i>
	<i>44 youth @ \$505/60 day retention =</i>	<i>\$22,220</i>
	<i>43 youth @ \$216/90 day retention =</i>	<i>\$ 9,288</i>
	<i>42 youth @ \$170/120 day retention =</i>	<i>\$ 7,140</i>
	<i>Additional incentives</i>	<i>\$ 4,517</i>
Job Developer		\$50,550
YEEC Coordination		\$36,871
Alcohol & Drug Treatment		<u>\$10,110</u>
	<u>TOTAL</u>	<u>\$207,846</u>

Youth Employment and Empowerment Program

Project Report

Section 1: AGGREGATE BENEFICIARY DATA

Reporting Period From: _____ To: _____

Individual Beneficiaries <u> X </u>	Household Beneficiaries <u> </u>
---------------------------------------	-------------------------------------

(check one)

Participant Information	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Y-T-D
-------------------------	-------------	-------------	-------------	-------------	-------

1. Gender Males					
Females					
Gender Total*					

2. Ethnicity African American					
Asian					
European American					
Hispanic					
Native American					
Ethnicity Total*					

3. Age					
14-15					
16-18					
19-21					
Age Total *					

(*Totals should equal one another)

ATTACHMENT K-B continued

Youth Employment and Empowerment Program

Project Report
Section II: Performance Report

Reporting Period From: _____ To: _____

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total YTD	Total Goal
Outputs						
# of gang impacted youth served each quarter						102
# of carry over youth from previous fiscal year served each quarter						
# of youth to successfully complete the pre-employment training (PET).						69
Outcomes						
# of youth placed in jobs						60
# of youth placed in full time unsubsidized jobs						
# of youth placed in part time unsubsidized jobs						
# youth that reach their 60-day successful employment benchmark						44
# youth that reach their 90-day successful employment benchmark						43
# youth that reach their 120-day successful employment benchmark						42

Progress Narrative: Please detail the following: A list of current coalition service providers; special program activities or accomplishments; program challenges and lessons learned; anticipated changes, including changes in service providers, services, etc.

**MULTNOMAH COUNTY
REQUEST FOR PAYMENT***

Project Name: Youth Employment and Empowerment Program Request For Payment # _____

Project Sponsor: _____

Billing Period: _____

Budget Category	Contracted Budget	Amount This Bill	Amount Billed to Date	Balance
Administration	\$ 54,190			
Outcome Payments	56,125			
Job Developer	50,550			
Alcohol & Drug Treatment	10,110			
YEEC Coordination	36,871			
TOTAL	\$207,846			

In addition, please provide billing detail.

Total Amount Requested _____

Prepared By _____ Phone # _____

Approved By _____

**NOTE: Please reproduce this form on agency letterhead or submit a cover letter to this invoice that includes total requested and authorizing signature.*

EXHIBIT L
MULTNOMAH COUNTY: HOME FUNDS
PROGRAM DELIVERY: HOME INVESTMENT PARTNERSHIP PROGRAM

I. AUTHORITY

The Portland HOME Consortium is the recipient of funding under the U.S. Department of Housing and Urban Development HOME Investment Partnership Program (authorized by Public Law 101-625, Title II, November 26, 1990) for the development of affordable housing for low and moderate income households. Multnomah County (SUBRECIPIENT) is a member of the Portland HOME Consortium as a signatory of the Consortium Agreement, dated June 28, 2000. The City of Portland is the lead agency for the Consortium, and as such is responsible for applying for, and receiving and managing HOME grant funds. Under the terms of the Consortium Agreement, a portion of the HOME grant is attributable to Multnomah County's participation in the Consortium, and Multnomah County is entitled to plan for the expenditure of such funds. Through the Multnomah County budget process they have determined how to allocate funds and assigned implementing agencies.

The Budget (Table J-1) provides detail regarding Multnomah County's HOME allocation from the Consortium for FY 2001-02. There is a total of \$161,772 available for Multnomah County in new FY 01-02 HOME funds. In FY 01-02, Multnomah County will implement a portion of the HOME Program in the amount of \$22,247. Pursuant to the direction from Multnomah County, the City of Gresham, through an IGA with the City of Portland, will implement \$115,000 of Multnomah County's FY 01-02 allocation. The balance of Multnomah County's FY 01-02 HOME allocation, \$24,525, will be administered by the City of Portland or contracted to other implementing agencies for CHDO Operating Support to Human Solutions, Inc., the City's HOME administrative expenses, a Tenant-Based Rental Assistance Program administered by the Housing Authority of Portland. The City will provide periodic updates regarding the status of Multnomah County's HOME commitments and expenditures.

The breakout of Multnomah County's FY 2001-02 HOME allocation is set out in the table below:

Table L – 1 FY 2001-02 Multnomah County HOME Funds		
Total FY 2001-02 Allocation: \$161,772		
	ACTIVITY	AMOUNT
<i>Mult. County HOME Funds Implemented by Multnomah County</i>	Mult. Co. Admin	\$7,792
	Development Fund	\$14,455
	Total Mult. Co. HOME	\$22,247
<i>Mult. County HOME Funds Implemented by City of Portland</i>	Consortium Admin	\$6,342
	CHDO Operating Supp – HSI	\$8,089
	TBRA – HAP Program	\$8,052
	TBRA – HAP Admin	\$2,042
	Total Portland	\$24,525
<i>Mult. County HOME Funds Implemented by City of Gresham</i>	On Your Own, Mainstream Housing, Inc.	\$15,000
	Chestnut Lane Assisted Living – Deaf Northwest, Inc.	\$100,000
	Total Gresham	\$115,000
<i>Allocation Total</i>		161,772

Unexpended HOME funding allocated to Multnomah County in Agreements covering prior fiscal years may be allocated by a future amendment to this Agreement.

II. SCOPE OF SERVICES

The SUBRECIPIENT has committed or will commit its allocation of HOME funds to eligible projects and activities administered by various implementing agencies.

Funds provided directly to Multnomah County under this Agreement will support staff and operating costs associated with program delivery and administration of Multnomah County's HOME program activities.

III. REPORTING REQUIREMENTS

The SUBRECIPIENT shall provide such reports and other information as may be required by the City from time to time. These reports shall be in the format and meet the timelines determined by the City. Reports or other information may be required as necessary for the City to track compliance with all federal regulations of the HOME Program, to provide required information to the U.S. Department of Housing and Urban Development, and to make such internal reports as may be required by the City.

IV. COMPENSATION AND METHOD OF PAYMENT

- A. The City will pay the SUBRECIPIENT for actual or anticipated expenses in accordance with the Budget (Table J-1) upon submission of an itemized statement of expenditures.
- B. IT IS AGREED THAT TOTAL COMPENSATION UNDER SECTION J OF THIS AGREEMENT SHALL NOT EXCEED TWENTY-TWO THOUSAND, TWO HUNDRED AND FORTY-SEVEN DOLLARS (\$22,247) OF HOME FUNDS.

V. CITY PROJECT MANAGER

- A. The City Project Manager shall be Andy Miller or such other person as may be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The City Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Agreement as provided herein, and to carry out any other City actions referred to herein.

VI. HOME INVESTMENT PARTNERSHIP PROGRAM REQUIREMENTS

A. HOME Investment Partnership Regulations

All activities under this Agreement are subject to the regulations governing the HOME Investment Partnership Program contained in 24 CFR 92 and such notices, circulars and other materials as may be issued by the U.S. Department of Housing and Urban Development. These regulations are incorporated by reference in this Agreement. The SUBRECIPIENT is responsible for compliance with all such regulations.

A variety of cross-cutting regulations referred to in the HOME regulations contained at 24 CFR 92 will apply to this Agreement. These include, but are not limited to, Davis-Bacon, Uniform Real Property Acquisition and Relocation Act, Environmental Review, Flood Insurance, Lead-based Paint, Debarment and Suspension, etc. These regulations are incorporated by reference in this Agreement. The SUBRECIPIENT is responsible and shall comply with all such applicable regulations.

All program income generated from HOME-funded activities will be returned by the SUBRECIPIENT to the Local HOME Account maintained by the City. Program income will be reprogrammed for eligible activities under the HOME Program as determined by the City.

Definitions

Integrated Disbursement and Information System (IDIS): The system for managing disbursement of funds in the HOME Program.

Community Housing Development Organization (CHDO): A community-based, nonprofit housing organization as defined at 24 CFR 92.2.

Period of Affordability: The length of time that HUD tenant guidelines, rent affordability, Housing Quality Standards and other compliance regulations apply to a particular project. The period of affordability will vary based on the HOME activity and the amount of subsidy provided to the project per 24 CFR Part 92.252.

- B. Under the terms of the HOME Consortium Agreement (Agreement # 50903), dated July 24, 1997, the City of Portland retains the authority to amend this Agreement for failure of the SUBRECIPIENT in performing this Agreement to meet any of the obligations imposed on it as a member of the Portland HOME Consortium.
- C. The SUBRECIPIENT will be responsible for performing all actions necessary to comply with the environmental review requirements contained in 24 CFR 92.633. The SUBRECIPIENT may not commit any HOME funds to projects nor allow any activities that would have an adverse environmental impact or limit the choice of reasonable alternatives until the environmental review requirements contained in 24 CFR 92.633 and 24 CFR Part 58 have been met. The SUBRECIPIENT will be responsible for preparing all review documents and publishing all required public notices on behalf of the City and shall identify the City to receive any public comments. The City is the Certifying Officer for purposes of these requirements. The City will process all necessary Requests for Release of Funds (RROF). When the RROF has been approved by HUD, the City will notify the SUBRECIPIENT that funds may be committed to the project. All review documentation, correspondence, public notices and other documents pertaining to environmental review shall be maintained by the City.

D. Funds under this Agreement must be obligated, committed and expended in the IDIS System according to the timelines described in the HOME regulations.

E. Monitoring for Regulatory Compliance

1. The SUBRECIPIENT will be responsible for assuring that all projects developed under this Agreement are monitored for compliance with HOME regulations contained in 24 CFR 92 including all other applicable federal regulations such as Davis-Bacon, Lead Based Paint, etc.
2. The SUBRECIPIENT shall assure that each HOME funded project is monitored throughout the predevelopment, development and rent-up phases to insure that the project initially complies with the HOME and all other applicable federal regulations. No less than 90 percent of rental units developed under this Agreement must be occupied by households whose annual incomes are at or below 60% of the area median income at initial occupancy. The remaining units must be occupied by households at or below 80% of area median income.
3. The SUBRECIPIENT shall also be responsible for assuring ongoing monitoring during the period of affordability for each project. This monitoring shall include required housing quality inspections, compliance with rent guidelines, and income verification of tenants, as well as any other periodic monitoring requirement under the HOME regulations. The SUBRECIPIENT shall allow for inspection or provide copies of reports of monitoring findings to the City as requested by the City.
4. If at any time during the period of affordability a project is found by HUD not to qualify as affordable housing, the SUBRECIPIENT will be responsible for repaying such funds to the City subject to first pursuing corrective and remedial actions and sanctions authorized at 24 CFR 92.551 and 552

MEETING DATE: October 4, 2001
AGENDA NO: C-5
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Director Custody Holds per ORS 426.215

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

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DCFS DIVISION: Behavioral Health

CONTACT: Donlon G. McGovern TELEPHONE #: (503) 988-5464, ext 22353
Shawin Khan #27067 BLDG/ROOM #: 166/6

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

10/05/01 copies to Shawin Khan

SIGNATURES REQUIRED:

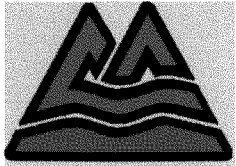
ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Lorenzo T. Poe, Jr.

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOARD OF
COUNTY COMMISSIONERS
01 SEP 28 AM 9:07
MULTNOMAH COUNTY
OREGON



Department of Community and Family Services
MULTNOMAH COUNTY OREGON

Behavioral Health Division
421 SW Sixth Avenue, Suite 600
Portland, Oregon 97204-1618
(503) 988-5464 phone
(503) 988-3926 fax
(503) 988-3598 TDD

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners
From: Shawin Khan, MA
Date: 09/13/01
Date of Agenda Placement:
Re: Authorizing designees of the Mental Health Program
Director to direct a peace officer to take an allegedly
mentally ill person into custody.

1. Recommendation/Action Requested:
Authorize additional individuals to direct peace officers to take an allegedly mentally ill person into custody.
2. Background/Analysis:
Outpatient mental health agencies depend upon certain staff having the ability to assess clients for a Director Designee Custody. This certification allows the designee to direct the police to take into custody any individual with mental health issues who is judged dangerous to self or others. Police then transport the individual to a treatment center (Crisis Triage Center or emergency room). As agencies experience staffing turnovers, new staff need to be trained and authorized.
3. Financial Impact:
None
4. Legal Issues:
In accordance with ORS 426.215
5. Controversial Issues:
Not aware of any controversial issues.
6. Link to Current County Policies:
Authorizing mental health staff to perform this function promotes public safety.
7. Citizen Participation: N/A
8. Other Government Participation: N/A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

- 1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
- 2. Added to the list of designees are:

Dana Molinari, MSW
Glen LaFollete

ADOPTED this day of , 2001.

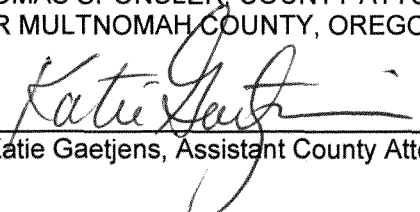
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Katie Gaetjens, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 01-128

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

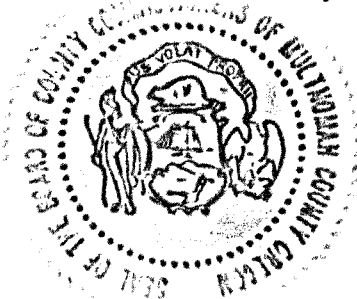
- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

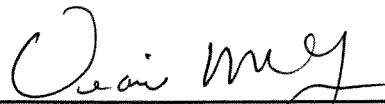
1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Dana Molinari, MSW
Glen LaFollete

ADOPTED this 4th day of October, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Katie Gaetjens, Assistant County Attorney

MEETING DATE: October 4, 2001
AGENDA NO: C-6
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IGA 0210213 HazMat Agreement

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

REGULAR MEETING: DATE REQUESTED: October 4, 2001
AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: DSCD DIVISION: Emergency Management
CONTACT: Doug McGillivray TELEPHONE #: (503) 793-3305
BLDG/ROOM #: 455/EM

PERSON(S) MAKING PRESENTATION: _____ N/A

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement 0210213 Between the State of Oregon, Acting by and through the State Fire Marshal and the City of Gresham/Multnomah County for Participation in the Regional Hazardous Materials Response Team for the 2001-2003 Biennium

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

CLERK OF
COUNTY COMMISSIONERS
01 SEP 28 PM 1:30
MULTNOMAH COUNTY
OREGON



OFFICE of EMERGENCY MANAGEMENT

MULTNOMAH COUNTY, OREGON

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Department of Sustainable Community Development
Division of Emergency Management

DATE: September 27, 2001

RE: Intergovernmental Agreement 0210213 between the State of Oregon acting by and through the State Fire Marshal and the City of Gresham/Multnomah County for participation in the Regional Hazardous Materials Response Team for the 2001-2003 biennium.

1. Recommendation/Action Requested:
Approval of intergovernmental agreement.

2. Background/Analysis:
This agreement is being submitted for approval to allow for continuation of the Regional Hazardous Materials Response Unit. This agreement shall be for the 2001-2003 biennium.

3. Financial Impact:
This agreement allows us to receive reimbursement for hazardous materials response within a designated area within the State.

4. Legal Issues:
The regional hazardous materials emergency response services are authorized under ORS 453.374 to 453.390.

5. Controversial Issues:
None

6. Link to Current County Policies:
None.

7. Citizen Participation:
None.

8. Other Government Participation:
The State of Oregon Fire Marshal's Office and City of Gresham.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 0210213
Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-6</u> DATE <u>10-04-01</u> DEB BOGSTAD, BOARD CLERK

Department: Environmental Services Division: Emergency Management Date: 9/10/2001
 Originator: Doug McGillivray Phone: 503-793-3305 Bldg/Rm: 455/EM
 Contact: Doug McGillivray Phone: 503-793-3305 Bldg/Rm: 455/EM
 Description of Contract:
 RENEWAL: ☒ PREVIOUS CONTRACT #(S): 500016-4
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☐ NONE (Check all boxes that apply)

Contractor <u>Office of State Fire Marshal</u>		Remittance address _____	
Address <u>4760 Portland Road NE</u>		(If different) _____	
Salem, OREGON 97305			
Phone <u>503-378-3473 Ex. 227</u>		Payment Schedule / Terms	
Employer ID# or SS# _____	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	
Effective Date <u>Upon Last Required Signature</u>	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	
Termination Date <u>June 30, 2003</u>	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	
Original Contract Amount \$ <u>300,000</u>	<input type="checkbox"/> Requirements Not to Exceed \$ _____		
Total Amt of Previous Amendments \$ _____	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No		
Amount of Amendment \$ _____			
Total Amount of Agreement \$ <u>300,000</u>			

REQUIRED SIGNATURES:

Department Manager [Signature] DATE 9/28/01
 Purchasing Manager [Signature] DATE _____
 (Class II Contracts Only)
 County Counsel [Signature] DATE 9/28/01
 County Chair [Signature] DATE 10-4-01
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____
 (Class I, Class II Contracts only)

LGFS VENDOR CODE 300123						DEPT REFERENCE WBS-EM002 CFDA#83.012					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01											
02											
03											

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

**INTERGOVERNMENTAL AGREEMENT FOR
REGIONAL HAZARDOUS MATERIALS EMERGENCY
RESPONSE TEAM SERVICES**

Between

**THE STATE OF OREGON, ACTING BY AND THROUGH
THE OFFICE OF STATE FIRE MARSHAL**

And

**CITY OF GRESHAM
MULTNOMAH COUNTY**

**STATE OF OREGON
John Kitzhaber, Governor**

Robert L. Garrison, State Fire Marshal

July 1, 2001

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Approving Signatures.....

Addenda

**INTERGOVERNMENTAL AGREEMENT FOR REGIONAL HAZARDOUS
MATERIALS
EMERGENCY RESPONSE TEAM SERVICES**

General Agreement Information

**This Intergovernmental Agreement constitutes the entire agreement between the
Office of State Fire Marshal and the Contractor.**

Agreement Type: This Agreement is between the State of Oregon, acting by and through the Office of State Fire Marshal (hereinafter "OSFM") and City of Gresham, and Multnomah County (hereinafter "Contractor") for the provision of regional hazardous materials emergency response services as described herein and authorized under ORS 453.374 to 453.390.

1.1 Recitals: In order to protect life and property against the dangers of emergencies involving hazardous materials, the State Fire Marshal may assign and make available for use in any county, city or district, any part of a regional hazardous materials emergency response team.

The OSFM desires to enter into this Agreement to establish Contractor as a Regional Hazardous Materials Emergency Response Team, and Contractor desires to be so designated and to enter into this Agreement.

1.2 Agreement Term: This Agreement shall be from the date of the last required signature to June 30, 2003. Subject to Legislative approval, future Agreements will be awarded on a biennial basis. The OSFM has sufficient funds currently available and authorized for expenditure to finance the costs of the Agreement within the OSFM's biennial appropriation or limitation. Contractor understands and agrees that the OSFM's payment of amounts under this Agreement attributable to work performed after the last day of the current biennium is contingent upon the OSFM receiving from the Oregon Legislative Assembly appropriations, limitations, or other expenditure authority sufficient to allow the OSFM, in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement.

Standard Agreement Terms and Conditions

2.0 Definitions:

"Agreement" means this intergovernmental agreement and Addenda.

“Automatic Response” means the authority to respond to any incident beyond the capabilities of local responders without approval prior to team response by the OSFM Duty Officer. Incident must involve a hazardous spill, leak, explosion, or injury, or potential thereof, with immediate threat to life, environment, or property.

“Clean-up” means the measures taken after emergency response to permanently remove the hazard from the incident site.

“Contractor” means the local government agency(s) by which the service or services will be performed under this Agreement, including those agencies under an approved inter-governmental / agency agreement.

“Emergency Response” means:

- a. Actions taken to monitor, assess and evaluate a spill or release or threatened spill or release of hazardous materials;
- b. First aid, rescue or medical services which may be required as the result of a spill or release or threatened spill or release of hazardous materials;
- c. Fire suppression, containment, confinement, or other actions appropriate to prevent, minimize or mitigate damage to the public health, safety, welfare or the environment which may result from a spill or release or threatened spill or release of a hazardous material if action is not taken.

“Emergency Response Costs” means the total emergency response expense, including team response costs, arising from a hazardous materials emergency. Such costs generally include, but are not limited to, all OSFM and local government expenses that result from the assessment and emergency phases of the response activity. Emergency response costs do not include clean-up or disposal costs of hazardous materials, except as may be reasonably necessary and incidental to preventing a release or threat of release of a hazardous material or in stabilizing the emergency response incident.

“Hazardous Materials” means "hazardous substance" as that term is defined in ORS 453.307(4).

“Incident” means any actual or imminent threat of a release, rupture, fire or accident that results, or has the potential to result, in the loss or escape of a hazardous material into the environment.

“Intergovernmental Agreement” means an agreement between an agency or agencies and one or more units of local government of the State of Oregon.

“Local Government Agency” means a city, county, special district or subdivision thereof.

“Oregon-OSHA” means the Oregon Occupational Safety and Health Act as administered by the Occupational Safety and Health Division of the Department of Insurance and

Finance.

“ORS” means Oregon Revised Statutes.

“Primary Response Area” means that geographical region where the Contractor is principally responsible for providing regional hazardous materials emergency response services.

“Regional Hazardous Materials Emergency Response Team” (RHMERT) means the designated employees of the Contractor who are expected to respond to, control, and/or stabilize actual or potential emergency releases of hazardous substances. A Regional Hazardous Materials Emergency Response Team operates within the limits discussed in Oregon-OSHA's OAR 437, Division 2, which is incorporated herein by this reference.

“Release” shall have the same meaning as that in ORS 465.200(14).

“Responsible Party” means the person or persons responsible for causing the emergency to which the Contractor responded. (See, e.g. ORS 453.382).

“State” means the State of Oregon acting by and through the State Fire Marshal.

“State Owned Equipment” means all vehicles, equipment, and supplies provided to Regional Hazardous Materials Emergency Response Teams as described in this agreement.

“State Spill Response Fund” means the response fund established under ORS 453.390 et seq.

“Teams Advisory Group” means a group consisting of one appointed member from each team, who provide technical advice to the State Fire Marshal on equipment, vehicles, operating guidelines and similar operational issues.

“Team Response Costs” means those Contractor expenses which are expressly allowed under this Agreement and are approved by the OSFM. Team Costs under this Agreement do not include the wide range of emergency response costs associated with hazardous materials emergency, but shall be limited to approved expenses directly related to Regional Hazardous Materials Emergency Response Team operations.

2.1 Statement of Work:

2.1.1 Services to be Provided by Contractor: During the term of this Agreement the Contractor agrees to provide regional hazardous material emergency response team services within the boundaries of Contractor assigned Primary Response Area as generally depicted and described in "Exhibit A", and Addendum #1 and by this reference incorporated herein. Contractor is hereby designated "HazMat 03".

Contractor response activities under this Agreement shall be limited to emergency operations, reporting and documentation activities arising from a hazardous materials emergency response. Contractor shall not provide under this Agreement any services with respect to the sampling, testing and analysis, treatment, removal, remediation, recovery, packaging, monitoring, transportation, movement of hazardous materials, cleanup, storage and disposal of hazardous materials except as these may be reasonably necessary and incidental to preventing a release or threat of release of a hazardous material or in stabilizing the incident.

Contractor shall not be required to maintain general security and/or safety perimeters at or near sites and vessels, locate underground utilities, insure appropriate traffic control services, conduct hydrological investigations and analysis, or provide testing, removal and disposal of underground storage tanks at or near the emergency response incident to which the Contractor is dispatched.

Contractor shall make no representation(s) or warranty(s) to third parties with regard to the ultimate outcome of the hazardous materials services to be provided, but shall respond to the best of its abilities, subject to the terms of this Agreement.

Contractor personnel shall perform only those actions and duties for which they are trained and equipped.

2.1.2 Compliance with Regulatory Requirements: Contractor certifies that it's employees, equipment, and vehicles meet or exceed applicable regulatory requirements.

2.1.3 Personnel: Contractor shall provide an adequate number of trained, medically monitored, competent, and supervised Regional Hazardous Materials Emergency Response Team (RHMERT) personnel as is necessary to operate within the safety levels of a regional hazardous materials emergency response team as specified in OR-OSHA's OAR 437, Division 2. Contractor shall limit its team activities to that within the safety and training levels specified by Oregon-OSHA for a hazardous materials response team.

2.1.4 Vehicles and Equipment: Contractor may utilize such vehicles and equipment as it currently has available as provided in 2.1.2 herein. The Contractor will operate a hazardous materials emergency response team using hazmat vehicle(s) and emergency response team equipment as specified in Exhibit "B" of this agreement, on loan from the OSFM. State owned vehicles shall meet or exceed all regulatory requirements. Routine

maintenance of state owned and local vehicles and equipment shall be the sole responsibility of the Contractor. Contractor shall limit its activities to that which can be safely accomplished within the technical limitations of the vehicles and equipment provided by the Contractor or the OSFM.

Physical damage specified in section 2.19.6 of this agreement and routine maintenance shall be the responsibility of the Contractor. All repairs to State owned vehicles and equipment shall be the responsibility of the OSFM. For purposes of this Agreement, routine maintenance means:

- A. Apparatus and Vehicles
 - 1. Daily/weekly/monthly checks of vehicle and equipment.
 - 2. Semiannual and/or mileage-related lubrication, oil and filter changes.
 - 3. Annual tune-up as required for preventive maintenance.
- B. Equipment checks and testing as outlined in the Oregon-OSHA standards and manufacturer's recommendations.
- C. Protective Clothing to be tested as per Oregon-OSHA standards and manufacturer's recommendations.
- D. Communications equipment checked regularly.

The Contractor may use state owned emergency response vehicles and equipment in conjunction with other non-hazardous materials emergency response activities. The vehicle and equipment shall at all times be immediately available for emergency response with hazardous materials incidents having highest priority. State owned vehicle(s) and equipment shall not be used by other than Contractor RHMERT employees, except as approved by the team leader/administrator.

When the state owned emergency response vehicles and equipment are used in conjunction with other non-hazardous materials emergency response activities, including assistance to local government entities at events not meeting State authorized response criteria, Contractor is liable for major repairs or replacement directly attributable to that use. Contractor is also liable for abuse or neglect of state owned emergency response vehicles and equipment when equipment is used in conjunction with other non-hazardous materials emergency response activities.

Contractor shall submit a monthly vehicle usage log to the OSFM no later than the 10th of the following month. Beginning and ending mileage for each trip must be recorded, whether it is incident response, training, maintenance, or any other activity.

2.1.5 Right of Refusal: The OSFM recognizes that the obligations of the Contractor in its own jurisdiction are paramount. If, on occasion, a response under this Agreement

would temporarily place an undue burden on the Contractor because Contractor resources are otherwise limited or unavailable within the Contractor Primary Response Area, and if

prior or immediate notice has been provided to the OSFM Duty Officer, the Contractor may decline a request for a regional emergency response, however, the state owned emergency response vehicles and equipment shall remain available for OSFM's use in this instance.

2.1.6 Standard Operating Guidelines: Contractor and OSFM agree that regional response team operations will be conducted in accordance with the OSFM's Standard Operating Guidelines as reviewed and recommended by the Teams Advisory Group and as mutually approved by the parties to this agreement.

2.1.7 Administrative Rules: The parties acknowledge that the OSFM has adopted OAR 837, Division 120 and that this agreement is consistent with those administrative rules. If those rules are amended, such amendments are incorporated into this agreement and may require modification of the procedures, terms and conditions of this agreement.

2.2 Contractor Compensation: There are three types of Contractor compensation under this Agreement: (1) Contractor stand-by costs, (2) Contractor team response costs, and (3) Contractor administrative costs. Each of these is discussed more fully below.

2.2.1 Contractor Stand-by Costs: Contractor shall be compensated by the OSFM under this Agreement for its OSFM approved stand-by costs. Such stand-by costs include:

Specialized Training Costs: The OSFM will provide funding for advanced training and education to Contractor RHMERT employees as specified in Exhibit "D" and if approved by the OSFM in advance. All such training and selection of training/training providers must comply with all federal, state and local rules and regulations. If training is approved, the OSFM agrees to pay the cost of tuition, and per diem/travel expenses at OSFM approved rates. With prior approval by the OSFM, up to one-third of the funding specified in Exhibit "D" may be used to reimburse personnel costs incurred by employees attending training.

Medical Surveillance: The OSFM will provide funding for baseline, maintenance and exit physicals for Contractor RHMERT employees as specified in Exhibit "E" of this Agreement. Cost will be based on competitive bid for the protocols covered in the OSFM Hazardous Materials Emergency Response Team Standard Operating Guideline T-015. Selection of health care provider must comply with all federal, state and local rules and regulations. Additionally, the OSFM will provide funding from the State's Spill Response Fund for exposure exams where no responsible party or parties is identified.

Vehicle(s) and Equipment Loans: The OSFM agrees to loan the Contractor emergency response vehicle(s) and emergency response equipment as specified in Exhibit "B" of this Agreement. Equipment and materials will be provided by the OSFM as specified in Exhibit "C" of this Agreement.

Level A/B Personal Protective Equipment (PPE) Acquisition: Contractor shall be exclusively responsible for its selection of PPE suits, suit types or models to meet its own specific needs, and the OSFM shall have no involvement in, and no responsibility or liability whatsoever arising out of Contractor's choice of suits, their safety or reliability, or their testing or maintenance. The OSFM will pay for, and Contractor is authorized to purchase, only PPE suits that meet or exceed all applicable regulatory requirements and National Fire Protection Association guidelines.

Contractor shall comply with all applicable public procurement laws, including the applicable provisions of ORS chapter 279 and Contractor's own procurement ordinances, codes, rules and regulations, in contracting for the acquisition of the suits. The suits shall be procured according to the procedure established in Standard Operating Guideline T021. Upon their acquisition, the suits become part of the state-owned equipment on loan to the Contractor as specified in Exhibit "B" of this agreement.

2.2.2 Contractor's Team Response Costs: Contractor shall be compensated by the OSFM under this Agreement for its OSFM-approved Team response costs. The funding available for team response costs as specified in Exhibit "J" of this Agreement is in addition to Contractor stand-by costs as specified in section 2.2.1. Such team response costs shall be limited only by the funds available in the State Spill Response Fund established under ORS 453.390 et seq. for the 2001-2003 biennium. Such Team response costs may include, but are not limited to:

Compensation for Contractor Vehicle(s) and Apparatus: Where the OSFM has approved the use of Contractor vehicles and equipment, OSFM shall compensate Contractor at the rates described in Exhibit "F" of this Agreement.

Compensation for Contractor Personnel Response Costs: Contractor RHMERT personnel response costs which are approved and authorized under this Agreement are compensable at the rates described in Exhibit "G". Hourly personnel rates for the 2001-2003 biennium will be calculated as follows:

- a) Base Hourly Rate/Non-officer - will be calculated at the hourly overtime rate, plus benefits, for the highest paid, technician trained team member who is not an officer.
- b) Base Hourly Rate/Officer (eligible for overtime) – will be calculated at the overtime rate, plus benefits for the highest paid, technician trained officer on the team.
- c) Base Hourly Rate/Salaried Officer (not eligible for overtime) - will be calculated at the salary rate, plus benefits, of the highest paid, technician trained officer on the team.

OSFM and Contractor understand that the base hourly rate of non-officers, officers, and salaried officers referred to in this section is subject to change pursuant to any collective bargaining agreement entered into between Contractor and Contractor's employees. It is

the intent of OSFM and Contractor that if, during the term of this agreement, the base hourly rate of Contractor's employees for non-officers, officers, or salaried officers changes due to a change in a collective bargaining agreement between Contractor and Contractor's employees, that on the date those changes become effective under a collective bargaining agreement, those changes will be incorporated in this agreement and used for purposes of calculating compensation for Contractor's Personnel Response Costs.

A Response Availability Rate of \$15.5788 will be added to each base hourly rate to determine the total hourly personnel response rate for each category. Contractor will be required to document total hourly personnel response rates for each category utilizing OSFM provided format. That documentation will be entered into this agreement as addendum #2. Contractor RHMERT personnel response costs shall be billed to the nearest one-fourth (1/4) hour period worked.

Emergency Expenses: Contractor necessary and reasonable emergency expenses related to services rendered under this Agreement are reimbursable. All such costs must be based on actual expenditures and documented by the Contractor. Original receipts must be submitted with the response billing. Emergency response purchases of up to \$100 per emergency response incident may be made at the Contractor's discretion without prior approval by the OSFM. The Team Leader or authorized Contractor representative will attempt to contact the OSFM Duty Officer for approval of Contractor emergency expenses exceeding \$100. Contractor claim for reimbursement must clearly document the nature of the purchases and extent of the OSFM prior verbal approval of Contractor emergency expenditures. The OSFM reserves the right to deny any payment of unjustifiable Contractor expenditures.

2.2.3 Contractor Administrative Costs: Team administrative costs, not to exceed 8% of the Contractor team response costs, may be billed as part of the emergency costs, and will be reimbursed to Contractor upon receipt from responsible party or parties.

2.2.4 Billing System: Contractor will notify OSFM Regional Teams Program Manager at (503) 373-1540, ext. 227 within 24 hours of a hazardous materials emergency response. An OSFM incident number will be assigned to the response at that time. Contractor shall leave a voice-mail message if notification is made after business hours. Contractor call will be returned the next business day. Contractor will provide an estimate of team response costs to the OSFM within 10 working days of the response. An expenditure report and invoice shall be submitted to the OSFM within 30 days of the response. Contractor claim for reimbursement shall be on OSFM approved forms and shall contain such documentation as is necessary to support OSFM cost-recovery operations and financial audits.

The State shall bill the responsible party or parties within 30 days of receipt of Contractor invoice. The OSFM agrees to bill responsible parties for team response costs and may bill for the total emergency response costs. Team response costs include such items as vehicle and equipment use, expendables, and personnel costs. Normally Contractor team response costs shall be collected by the OSFM from the responsible party or parties

before payment is made to the Contractor. Where payment has not been received by the OSFM within 30 days after the second billing to the responsible party or parties, then the Contractor approved team response costs shall be paid to the Contractor from the State Spill Response Fund. In no case shall the OSFM payment to the Contractor exceed 63 days after receipt of the Contractor invoice by OSFM, provided responsible party information supplied by the Contractor is correct to the best of the Contractor knowledge or belief.

Billing for State Owned Equipment Only: All responses to incidents utilizing state owned equipment will be billed for state owned equipment use only, including those incidents within the Contractor local jurisdiction. A statement for equipment used will be prepared by the Office of State Fire Marshal, and forwarded to the identified responsible party any time the state owned vehicle or equipment is used for hazmat response. If there is no responsible party identified, the local first responder will not be billed for the use of the equipment.

Option for Waiver: The Contractor shall have the option of requesting a waiver of state owned equipment charges for response to any public agency within the jurisdictional boundaries of the Contractor. In addition the Contractor may request a waiver of charges when there are extenuating circumstances which would preclude a billing to the responsible party or parties. Requests for waiver will be subject to review and approval by the State Fire Marshal.

Billing for Personnel/Incidents not meeting OSFM Response Criteria: If Contractor opts to bill for personnel cost during a local response not meeting state authorized response criteria, the OSFM will pursue billing for those personnel costs. Those personnel costs will be reimbursed to the Contractor only upon collection from the responsible party or parties, and will not be subject to reimbursement from the State Spill Response Fund.

Priority of Reimbursements: If the OSFM successfully recovers payment from the responsible party or parties it shall first be used to pay the Contractor team response costs, if these have not been paid in their entirety, then used to reimburse the State Spill Response Fund for the amount previously paid to the Contractor and the OSFM administrative costs. Any remaining funds will be used to pay emergency costs as billed. Contractor agrees to cooperate with the OSFM as is reasonable and necessary in order to bill third parties and pursue cost recovery actions.

If a disputed billing is resolved in favor of the responsible party or parties then the Contractor shall not be required to reimburse the OSFM for payments previously made.

2.2.5 Interest: If the OSFM fails to make timely payments to Contractor as described in 2.2.2, interest shall be paid to Contractor by the OSFM on amounts past due at the rate of interest specified in ORS 293.462(3). Interest payments will be made only if response costs are invoiced by the Contractor on OSFM-approved forms and responsible party

information supplied by the Contractor is correct to the best of the Contractor knowledge or belief.

2.2.6 State Funding available: The OSFM believes that sufficient funds will be available and authorized within the OSFM 2001-2003 appropriation or limitation. State funding for standby costs available under this Agreement for the 2001-2003 biennium shall be the sum of the amounts specified in exhibits C, D, E and H to this Agreement and are summarized in Exhibit I of this Agreement.

The funding available as specified in Exhibits C, D, E and H to this Agreement does not include Contractor team response costs as specified in 2.2.2. Such team response costs are available in addition to Contractor standby costs and shall be limited only by the funds available in the State Spill Response Fund established under ORS 453.390 et seq. for the 2001-2003 biennium and identified in Exhibit J to this Agreement.

Additional Contractor compensation shall be paid under this Agreement only if specifically agreed to by the OSFM and the Contractor in writing. OSFM payments under the terms of this agreement shall be considered full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work authorized under this Agreement. Acceptance of payment by the Contractor shall release of the OSFM from all claims by Contractor for reimbursement of team response costs except where partial payment has been made due to limitations of the State's Spill Response Fund and subject to further payment as set forth above.

2.2.7 Prior Approval: Contractor, when acting under this Agreement, may not respond without prior written or verbal approval by OSFM as set forth in Section 2.2.8. Granting of response approval by the OSFM Duty Officer constitutes the OSFM agreement to pay Contractor team response costs from the State Spill Response Fund if recovery from a responsible party or parties is not obtained in a timely manner. Contractor agrees to make reasonable and good faith efforts to minimize responsible party and/or OSFM expenses.

2.2.8 Response Procedures and Limitations/Automatic Response: If the Contractor has received state authority for automatic response, Contractor may, upon receipt of an emergency response request, provide emergency response services as specified under the terms of this agreement and the OSFM's Standard Operating Guidelines, which is incorporated herein by this reference. Contractor shall immediately thereafter notify the OSFM Duty Officer.

If the Contractor has *not* received state authority for automatic response or if the emergency response request does not meet the Standard Operating Guideline criteria, the Contractor shall refer the response request to the OSFM Duty Officer who will evaluate the situation and either authorize the Contractor response or decline the response request.

2.2.9 Spill Response Fund: If the Spill Response Fund becomes depleted or fiscally unsound, the OSFM shall immediately notify Contractor, who may upon receipt of such notice suspend response actions under this Agreement.

For purposes of this section, "fiscally unsound" shall mean the balance in the Spill Response Fund is less than \$20,000, and "immediately" shall mean within twelve (12) hours of a Contractor receiving the emergency response request which reduces the fund below the \$20,000 threshold.

If Contractor commences an emergency response action subsequent to notification of fiscally unsound State Spill Response Fund balance, Contractor assumes the risk of non-payment if the OSFM is unable to obtain additional funding for the Spill Response Fund, recover the Contractor team response costs from a responsible party or if there is no identifiable responsible party. Contractor shall immediately notify the OSFM Duty Officer of all emergency response activities undertaken pursuant to this Agreement.

If, after becoming depleted or fiscally unsound, additional funds become available in the Spill Response Fund and Contractor has billed the OSFM as set forth in Section 2.2.2, Contractor shall be reimbursed for unpaid team response costs to the extent funds are available.

2.3 Where No Responsible Party Can Be Identified: As previously mentioned in Section 2.2, OSFM agrees to bill the party or parties responsible for causing the hazardous materials emergency for total emergency response costs. Where there is no identifiable responsible party, or if the responsible party is unable to pay, the OSFM agrees to pay Contractor Team response costs from the State's Spill Response Fund provided funds are available and Contractor has complied with 2.2. herein.

2.4 Contractor Status: Contractor certifies it is not an employee of the State of Oregon and is a local government agency or agencies.

2.5 Retirement System Status: Contractor is not entitled under this Agreement to any Public Employees Retirement System benefits and will be responsible for payment of any applicable federal or State taxes. Contractor is not entitled under this Agreement to any benefits for payments of federal Social Security, employment insurance, or workers' compensation.

2.6 Assignments/Subcontracts: Contractor shall not assign, sell, transfer, subcontract or sublet rights, or delegate responsibilities under this Agreement, in whole or in part, without the prior written approval of OSFM. Such written approval will not relieve Contractor of any obligations of this Agreement, and any assignee, transferee or subcontractor shall be considered the agent of Contractor. Except where OSFM expressly approves otherwise, Contractor shall remain liable as between original parties to this Agreement as if no such assignment had occurred.

Contractor shall not agree in writing or otherwise with other local governmental entities to provide the state owned emergency response vehicles and equipment to assist those entities at events not meeting OSFM authorized response criteria unless the OSFM also is a party to that agreement.

2.7 Successors in Interest: The provisions of the Agreement shall be binding upon and shall inure to the benefit of the parties to the Agreement and their respective successors and assigns.

2.8 Compliance With Government Regulations: Contractor agrees to comply with federal, state and local laws, codes, regulations and ordinances applicable to the work performed under this Agreement including, but not limited to, OAR 437-02-100(q) and its Appendix B. Contractor specifically agrees that the provisions of ORS 279.312 and 279.316 are conditions of this Agreement. Failure to comply with such requirements shall constitute a breach of this Agreement and shall be grounds for termination.

2.9 Force Majeure: Neither party to this Agreement shall be held responsible for delay or default caused by fire, riots, acts of God and/or war which is beyond that party's reasonable control. OSFM or Contractor may terminate this Agreement upon written notice after determining such delay or default will reasonably prevent performance of the Agreement.

2.10 State Tort Claims Act:

2.10.1 Scope: During operations authorized by this contract, Contractor and Contractor's RHMERT employees shall be agents of the state and protected and defended from liability under ORS 30.260 to 30.300. For purposes of this section, operations means activities directly related to a particular emergency response involving a hazardous material by a regional hazardous materials emergency response team. Operations also include advanced training activities provided under this contract to the Contractor's hazardous materials emergency response team employees, but does not include travel to and from the training.

2.10.2 Limitations: Except as provided in Section 2.1.4, this Agreement in no way limits a Contractor from responding with State owned vehicles, equipment and supplies under local authority, mutual-aid Agreements, or other contracts under local authority.

2.10.3 Notifications: Contractor shall immediately report by telephone and in writing any demand, request, or occurrence that reasonably may give rise to a claim against the State. Such reports shall be directed to:

State Fire Marshal Hazardous Materials Duty Officer
4760 Portland Road NE
Salem, Oregon 97305
Pager: (503) 370-1488

Copies of such written reports shall also be sent to:

State Risk Management Division
1225 Ferry Street SE.
Salem, Oregon 97310

2.11 Indemnification: When performing operations not authorized under ORS 453.374 – 453.390, while using State's vehicles, equipment, procedures, or training, the Contractor shall indemnify, defend and hold harmless the State, its officers, divisions, agents, employees, and members, from all claims, suits or actions of any nature arising out of the activities or omissions of Contractor, its officers, subcontractors, agents or employees subject to the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution.

2.12 Severability: If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

2.13 Access to Records: Subject to the State's Public Record Laws, each party to this contract, the federal government, and their duly authorized representatives shall have access to the other party's books, documents, investigative reports, papers and records which are directly pertinent to this Agreement for the purpose of making financial, maintenance or regulatory audit. Such records shall be maintained for at least three (3) years or longer where required by law.

2.13.1 Confidentiality: Except as otherwise provided by law, each party to this Agreement mutually agrees that they shall not in any way, disclose each others confidential information to a third party. The rights and obligations set forth in this section shall survive termination of the Contract.

2.14 Amendments: The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever without prior written approval of OSFM and Contractor.

2.15 Payment of Contractor Obligations: Contractor agrees to make payment promptly, as due, to all persons furnishing services, equipment or supplies to Contractor. If Contractor fails, neglects, or refuses, to pay any such claims as they become due and for which the OSFM may be held liable, the proper officer(s) representing the OSFM, after ascertaining that the claims are just, due and payable, may, but shall not be required to, pay the claim and charge the amount of the payment against funds due Contractor under this Agreement. The payment of claims in this manner shall not relieve Contractor of any duty with respect to any unpaid claims.

2.16 Nondiscrimination: Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Contractors are encouraged to recruit qualified women and minorities as RHMERT personnel.

2.17 Dual Payment: Contractor shall not be compensated for work performed under this Agreement by any state agency or person(s) responsible for causing a hazardous materials emergency except as approved and authorized under this Agreement.

2.18 Payment for Medical Care: Contractor agrees to make payment promptly, as due, to any person, partnership, association or corporation furnishing medical, surgical, hospital or other needed medical care to Contractor employees, except as noted in 2.2.1, Medical Surveillance. Such payment shall be made from all sums, which Contractor has agreed to pay for such services, and from all sums, which Contractor has collected or deducted, from the wages of employees pursuant to any law, contract or Agreement for the purpose of providing or paying for such service. It is the intent of the parties that this section includes any collective bargaining agreements that the Contractor has entered into with Contractor employees.

2.19 Insurance Coverage:

2.19.1 Worker Compensation: Contractor, its subcontractors (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 workers' compensation coverage for all their subject workers. Nothing in this Agreement is intended or shall be construed to create the relationship of employer and employee as between the OSFM and Contractor. If, however, the Contractor Workers' Compensation costs increase as a direct result of an injury, illness or participation as regional hazardous materials emergency response team, the OSFM will compensate the Contractor for the increased costs.

2.19.2 Comprehensive or Commercial General Liability: Contractor shall maintain at its own expense, and keep in effect during the term of this Agreement, comprehensive or commercial general liability insurance, or its equivalent for self-insured Contractor, covering personal injury and property damage. This insurance shall include coverage for contractual liability related to the indemnity provisions of this Agreement. Contractor general liability coverage limits shall not be less than five hundred thousand dollars (\$500,000) in the aggregate, or the equivalent.

2.19.3 Automobile Liability: Contractor and OSFM shall obtain and keep in effect automobile liability insurance or its equivalent for self-insured Contractor, for their respective vehicle(s) during the term of this Agreement. The Contractor shall obtain separate automobile liability insurance providing primary coverage for OSFM vehicles when Contractor uses OSFM vehicles as provided in Section 2.10.2 of the Agreement. Auto liability coverage limits shall not be less than five hundred thousand dollars (\$500,000) combined single limit occurrence, or equivalent.

2.19.4 Notice of Cancellation or Change: Contractor and OSFM agree there shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew their respective insurance coverage without 30 days' written notice to the other party.

2.19.5 Certificate(s) of Insurance: As evidence of the insurance coverage required by this Agreement, both OSFM and Contractor shall furnish copies of or updates of previously provided Certificates of Insurance, or Certificates of Self-Insurance as the case may be, to each other prior to the beginning of work under this agreement.

2.19.6 Physical Damage Clause: Excluding ordinary wear and tear, Contractor is responsible for any physical damage to or loss of, State-owned vehicle(s) and equipment that is directly attributable to local response, regardless of fault. When Contractor acts under OSFM authority, the OSFM will be responsible for physical damage to or loss of State-owned vehicles and equipment regardless of fault, subject to the terms and conditions of the Oregon Risk Management Division Policy 125-7-101 (Property Policy Manual).

2.20 Remedies: This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon as interpreted by the Oregon courts. Any litigation arising out of this Agreement shall be conducted in the courts of the State of Oregon.

2.21 Termination: This Agreement may be terminated by mutual consent of both parties, or by either party upon 180 days notice, in writing, and delivered by certified mail or in person.

The OSFM or Contractor may terminate this Agreement at will effective upon delivery of written notice to the Contractor or OSFM, or at such later date as may be established by the OSFM or Contractor, under any of the following conditions:

- a. if State Fire Marshal funding from federal, state, or other sources is not obtained or continued at levels sufficient to allow for payment of costs under the terms of this Agreement. The Agreement may be modified to accommodate a reduction in funding.
- b. if federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or are no longer eligible for the funding proposed for payments by this Agreement.
- c. if any license or certification required by law or regulation to be held by the Contractor to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.

Any termination of the Agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

2.21.1 Default: The OSFM or Contractor, by written notice of default (including breach of contract) to the other party, delivered by certified mail or in person, may terminate the whole or any part of this Agreement:

- a. if the other party fails to provide services called for by this Agreement within the time specified herein or extension thereof; or,
- b. if the other party fails to perform any other provision 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 the other party, fails to correct such failures within 10 days or such longer period as the notice may authorize.

2.22 Approval Authority: Contractor representatives certify by their signature herein that he or she, as the case may be, has the necessary and lawful authority to enter into contracts and Agreements on behalf of the local government entity.

2.23 Insufficient Funds: The obligation of the Contractor under this Agreement is contingent upon the availability and allotment of funds by the OSFM to Contractor and Contractor may, upon thirty (30) days' prior written notice, terminate this contract if funds are not available..

2.24 Written Notifications: Any written notifications required for the administration of this agreement shall be sent to the following:

Office of State Fire Marshal
4760 Portland Rd. NE
Salem, OR 97305

City of Gresham/Multnomah Co.
c/o Gresham Fire Department
1333 NW Eastman Parkway
Gresham, OR 97030

EXHIBIT A

Regional Teams Map and Primary Response Area Boundary Descriptions

Oregon Hazardous Materials Emergency Response Team Regions

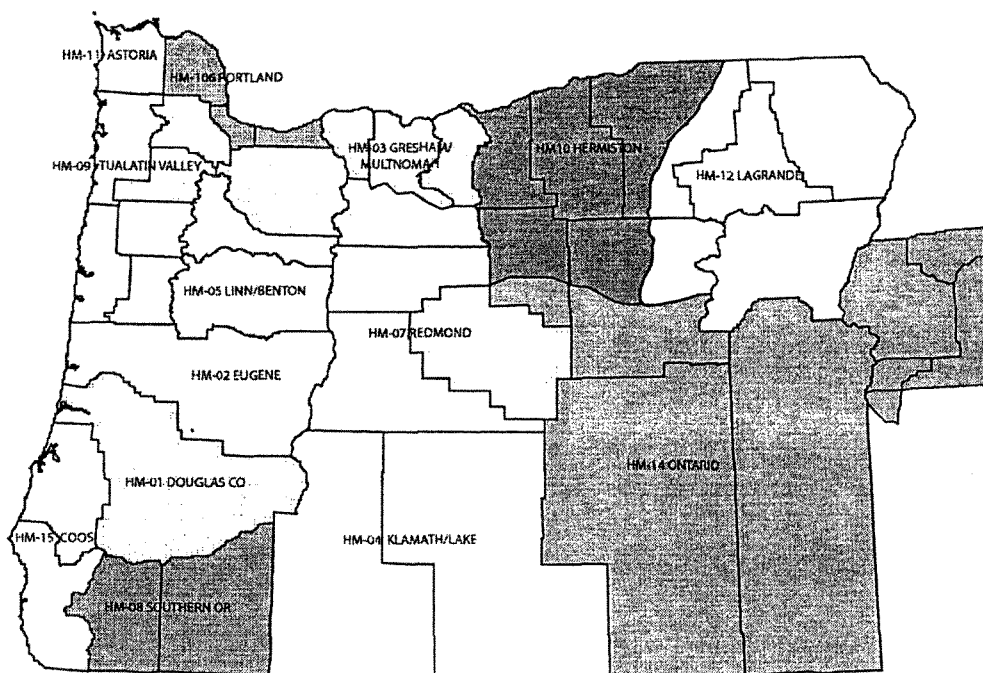


EXHIBIT B**HM03**

**INVENTORY OF
OSFM-PROVIDED VEHICLES AND EQUIPMENT**

Revised 02/01

I. LIBRARY	QUANTITY	
ACGIH Guidebook (Manual)	1 ea.	
American Railroad Emergency Action Guide	1 ea.	ER0024
B.O.E. Emergency Handling of Hazardous Materials in Surface Transportation	1 ea.	
CHRIS Response Methods Handbook	1 ea.	ER1365
DOT Guidebook	2 ea.	
Farm Chemical Handbook	1 ea.	ER0940
Firefighter Hazardous Materials Reference Book	1 ea.	ER1475
Firefighters Handbook to Hazardous Material	1 ea.	ER0004
GATX Tank Car Manual	1 ea.	ER0034
Handbook of Compressed Gases	1 ea.	ER0973
Hawleys Chemical Dictionary	1 ea.	ER0148
Matheson Gas Book and First Aid	1 ea.	ER1140
Merck Index - 10th Edition	1 ea.	ER0136
NFPA Fire Protection Guide on Hazardous Materials	1 ea.	ER1735
NIOSH (TLVS) Manual	1 ea.	
Pestline	1 ea.	ER0954
Radiological Health Handbook		
SAX Manual	1 ea.	ER0131
State Clandestine Lab Book - 4th Edition	1 ea.	
First Responder HAZMAT Awareness Refresher	1 ea.	0020 5/27/99
First Responder HAZMAT Operations Refresher	1 ea.	98-027 5/27/99
HAZMAT Hazard Communication, Worker Right to Know	1 ea.	0023 5/27/99
II. MAPS AND MISC. EQUIPMENT		
Binoculars	1 ea.	ER0181
Spotting Scope	1 ea.	ER0189
Copier	1 ea.	SN: NTW 93257
First Aid Kit	1 ea.	ER0737
Traffic Cones	20 ea.	
Flashing Strobe Lights	4 ea.	
Hand Held Portable Radios	8 ea.	ER0335,0336,0347,0353, 0356,0358,0362,0372
6 Unit Charger	2 ea.	ER0293, 1 purchased 11/00
Single Unit Charger	2 ea.	ER1172, 1173
Mobile Telephone	2 ea.	ER2797, 2798
Cellular Connection	1 ea.	ER2799
Video Camera & Tripod with color TV Monitor	1 ea.	Camera ER0413, Monitor ER0419
35mm Camera	1 ea.	ER0071
Polaroid Land Camera	1 ea.	ER0075

Regional Hazardous Materials Emergency Response Team Agreement – HM03

Stream-light Lantern	2 ea.	ER2692 - 2693
Weather Station	1 ea.	ER1352
Weather PAK	1 ea.	ER1746
Wheel Chocks - (2)	2 ea.	
Hand Truck, 1 regular, 1 convertible purchased 9/00	2 ea.	ER0200
Drum Truck	1 ea.	ER0205
Drum Up Ender	1 ea.	ER1005

III. PROTECTIVE EQUIPMENT

Chemtex-Sijal - 1992	3 doz	12 ea. Lg, Xlg, XXlg
Chemtex Training Suits	12 ea.	
SCBA Packs & Bottles	8 ea.	Packs:0769,0768,0767, 0765,0770,0771,0766,0764, Bottles:0753,0754,0755,075 7,0751,0752,0756, 0758
Spare SCBA Tanks	16 ea.	ER1049 - 1064
Trelleborg - 1991	6 ea.	ER1816 thru ER1821
Trelleborg Repair Kit	1 ea.	ER2500
Chemtex Training Suits	6 ea.	
MSA SCBA	8 ea.	Frame 1762-1769/Bottle 1770-1777
Spare MSA SCBA Tanks	16	ER1085,1084,1083,1082, 1095,1094,1093,1092,1091, 1090,1087,1089,1096,1081, 1080,1086
Goggles		4 ea.
Chemical Resistant Boots	24 pr	4 pr ea. 8, 9, 10, 11, 12, 13
Full Firefighting Turnouts with Nomex Hoods	16 sets	
Ranger Firefighting Boot	6 sets	3 pr 10 1/2 - 1 pr 9 1/2 - 2 pr 1
Nomex Jumpsuits	15 ea.	
Hard Hats	6 ea.	
Gear Bags	15 ea.	
PASS Device	8 ea.	ER0684,0689,0702,0698, 0682,0701, 0705,0686
Tympanic Thermometer	1 ea.	ER1910
Polycarb Face Shields	2 ea.	

IV. LEAK CONTROL EQUIPMENT

Chlorine Kit "A"	1 ea.	ER1132
Chlorine Kit "B"	1 ea.	ER1136
Chlorine Kit "C"	1 ea.	ER1137
Air Bag Systems	1 set	ER2783
Dome Cover Clamps 3/set	2 sets	ER2716, 2717
Overpack Drums	1 ea.	95gl, 55gl, 30gl, 14gl

V. TOOLS

Hand Tools		
Craftsman 144 piece Mechanics	1 ea	
Basic 215 piece set	1 ea.	

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Open End/Box End Wrenches - Large	6 ea.	
Pliers	1 ea.	
Locking Pliers	1 ea.	
Arc Joint Pliers	1 ea.	
Utility Knife	1 ea.	
Putty Knife	1 ea.	
Wire Brush	1 ea.	
Screwdriver Set	1 ea.	
Chisel & Punch Set	1 ea.	
Drill Index	1 ea.	
Non-Sparking Tools:		
2 lb Maul	1 ea.	
55 Gal Drum Bung Wrench (2)	2 ea.	
Dead Blow Hammer	1 ea.	
Scoop Shovel (2) - Aluminum	2 ea.	
Pinch Bar - 18"	1 ea.	
Pipe Wrench (2) - 24"	2 ea.	
Pipe Wrench (2) - 36"	2 ea.	
Scraper	1 ea.	
Screw Driver - Straight tip, large	1 ea.	
10" Non Spark Adjustable Wrench	1 ea.	
Tool Box	4 ea.	
Air Drill w/drill bit, auto oiler	1 ea.	ER2119
3 1/8" Hole Saw	2 ea.	
Air Hose - 3/8" x 50'	2 ea.	
Scissors	1 ea.	
Shovels – Round point	2 ea.	
Shovels – Square point	2 ea.	
Grounding Equipment/Bonding Equipment	4 sets	ER2610 - 2 sets ea. 25 ft., 50 ft.
Pulaski - (2)	2 ea.	
Pry Bar - 54"	1 ea.	
Bolt Cutters - 18"	1 pr	
Rotary Rescue Saw	1 ea.	ER1636
Easy-Outs/Stud Extractors	2 sets	
Plastic Milk Crates	5 ea.	
Hydraulic Jack	1 ea.	
Aviation Shears - Right, Left, Straight	3 pr	
Lockout/Tagout Kit	1 ea.	
Wilden Pump Mdl. 200 w/hose kit	1 ea.	

VI. DETECTION EQUIPMENT

AIM 3250	1 ea.	ER1466
Sensidyne Detection Kit	1 ea.	ER1370
HazCat Kit	1 ea.	ER0551
CD-V777-1 Radiation Detection Monitor	3 ea.	

VII. SUPPRESSION EQUIPMENT

Pro Pak Foam Applicator	1 ea.	
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VIII. DECONTAMINATION EQUIPMENT

Decontamination Shower	1 ea.	Shower ER1865, Heater ER1878
Emergency Eyewash Kit - Saline Solution	1 ea.	ER0502
Garden Hose with Nozzle & Adapter	2 ea.	

IX. MISCELLANEOUS EQUIPMENT - VEHICLE

Gateway P2-266 Computer	1 ea.	
Canon 3 in 1 Printer, MPC530	1 ea..	Printer, Fax, Copier, Scanner
Canon PC-6RE Copier w/Cartridge	1 ea.	
Color Monitor 17"	1 ea.	
HP 6L Laser Printer	1 ea.	
Multimedia Speakers	1 ea.	
Bag Phone, MC 480	1 ea.	
Micro-cassette Recorder	2 ea.	ER0575, 0579
Calculator	1 ea.	ER0082,
White Plexiglas Board	1 ea.	
Plotting Board	1 ea.	
Porta-Potty (Optional)	1 ea.	
High Pressure Regulator	1 ea.	
UPS	1 ea.	ER1704
128 Channel Radio - VHF	1 ea.	ER0512
128 Channel Radio - UHF	1 ea.	ER0531
800 MHz 35 Watt Radio	1 ea.	
MDT Mobile Workstation	1 ea.	
Tire Chains	1 set ea.	Cable singles/Link singles
Duo Safety Ladder	1 ea.	ER2678
Response Vehicle w/Generator & Cascade system	1 ea.	

X. CONSUMABLE SUPPLIES (QUANTITIES MAY VARY)

Hand Cleaner	1 ea.	
Barricade Tape	6 rl	
Cyalume Lights, 20 ea. of 3 colors	60 ea.	
Gloves – Neoprene	12 pr	4 pr ea. Md, Lg, Xlg
Rubber Gloves	8 pr	4 pr ea. 10, 12
Butyl	12 pr	4 pr ea. 9, 10, 11
Pacesetter II Replacement Gloves	6 pr	
4 H Gloves	150 pr	50 pr ea. 9, 10, 12
PVC	12 pr	One size fits all
Cryogenic	4 pr	2 pr ea. Lg, Xlg
Disposable foot covers	75 pr	25 pr ea. L, Xlg, Jumbo
Coveralls (disposable) 25/cs	2 cs	1 cs ea. Lg, Xlg
Earplugs	1 cs	
Spil-fyter	1 tube	
Ammonia and Dispenser	1 ea.	

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PH Paper	2 rl	
Inflatable Kiddie Pool	2cs/24	
Vinyl Coat Apron	6 ea.	
Tracing Dye (Solid and Liquid)	1 ea.	

EXHIBIT C

**ESTIMATED COST OF STATE-PROVIDED EQUIPMENT
TO BE PURCHASED
2001-2003 Biennium Funding**

Funds for approved equipment purchases are available under this Agreement as follows:

Training Equipment, Materials and Supplies	\$1,000.00
---------------------------------------------------	-------------------

Replacement of capital equipment and expendable items will be provided as necessary, by prior approval of the Office of State Fire Marshal, not to exceed a maximum of	\$15,000.00
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

Funding Available for Equipment	\$16,000.00
----------------------------------------	--------------------

EXHIBIT D

TRAINING

2001-2003 Biennium Funding

Funds for approved Technician; Specialty, Recertification, and HazCat training are available under this Agreement as follows:

Funding Available for Training

\$38,376.00

Contractor may elect to use up to 33% of funding available in this exhibit for the reimbursement of personnel costs incurred as a result of RHMERT employees attending advanced training. Reimbursement for personnel cost during 2001-2003 biennium is not to exceed \$12,779.00.

EXHIBIT E

**MEDICAL SURVEILLANCE
2001-2003 Biennium Funding**

Funds for approved medical surveillance are available for Contractor RHMERT employees under this Agreement as follows:

Up to 18 personnel may receive medical surveillance exam(s), up to a maximum of \$600 per person, not to exceed total funding available for medical surveillance shown below.

This amount shown above is the per-person maximum payable for medical surveillance exam(s) during the 2001-2003 biennium, within. It is understood that costs will vary for baseline, maintenance and exit exams, and therefore, the total funding available for medical surveillance *is not* based on the maximum per-person allowance, but rather on \$600 per person *average* cost. This allows *flexibility* in the per-person cost *within* the maximum funding available for medical surveillance.

Funding Available for Medical Surveillance

\$10,800.00

EXHIBIT F

Compensation for Vehicles and Apparatus

State to provide the compensation for use of Contractor's vehicles and apparatus in response to a hazardous materials incident at the following rates:

<u>Vehicles</u>	<u>Rate Per Hour</u>
Each engine	\$100.00
Each aerial ladder	150.00
Each utility/staff vehicle	50.00

Contractor Equipment Charges

Cellular/Mobile/SMR Telephone Charge	\$50.00 per incident per phone
--------------------------------------	--------------------------------

Other Associated Costs

Replacement and/or repair costs for damaged and/or expended equipment and supplies will be charged on an actual cost basis.

EXHIBIT G

CONTRACTOR'S RESPONSE PERSONNEL

OSFM to provide compensation for Contractor personnel utilized in response to a hazardous materials incident as follows:

Personnel Category

Gresham Fire Department

Rate per hour

HazMat Team Member-Non Officer

\$53.85

HazMat Team Member – Officer

\$61.05

HazMat Team Member - Salary

\$52.77

Gresham Police Department

HazMat Team Member-Non Officer

\$62.60

Multnomah Co..Sheriff Office

HazMat Team Member-Non Officer

\$62.94

HazMat Team Member – Officer

\$73.66

All other support personnel at actual costs.

Pursuant to section 2.2.2. of this agreement, it is the intent of OSFM and Contractor that if, during the term of this agreement, the base hourly rate of Contractor's employees for non-officers, officers, or salaried officers changes due to a change in any collective bargaining agreement between Contractor and Contractor's employees, that on the effective date those changes become effective under a collective bargaining agreement, those changes will be incorporated in this agreement and used for purposes of calculating compensation for Contractor's Personnel Response Costs.

EXHIBIT H

**OUTREACH TRAINING
2001-2003 Biennium Funding**

Funds for approved outreach training, allowing team personnel to interface with, educate and train other local agencies.

Funding Available for Outreach Training	\$5,285.00
------------------------------------------------	-------------------

EXHIBIT I

Summary - 2001-2003 Biennium Funding Available for Standby Costs

Equipment Purchases - 2001-2003 Biennium Funding - (See Exhibit C)	\$16,000.00
Training - 2001-2003 Biennium Funding - (See Exhibit D)	\$38,376.00
Medical Surveillance - 2001-2003 Biennium Funding - (See Exhibit E)	\$10,800.00
Outreach Training - 2001-2003 Biennium Funding	\$5,285.00
Total 2001-2003 Biennium Funding Available for Standby Costs	\$70,461.00

EXHIBIT J

State's Spill Response Fund

2001-2003 Biennium Funding

\$ 300,000.00

This is the *Total* State's Spill Response Funding limitation available for the 2001-2003 biennium RHMERT services by *all* Contracted RHMERTs. This does *not* guarantee that any Contractor will be reimbursed for any specific amount from the State's Spill Response Fund; only that funding in this amount is available for reimbursement of emergency response team costs is available within the OSFM limitation or appropriation.

Approving Signatures:

On Behalf of the State of Oregon,

Dated this _____ day of _____, 2001

Robert L. Garrison
State Fire Marshal

On Behalf of _____ Oregon State Police

Dated this _____ day of _____, 2001

Signature _____
Printed Name **Ken Weese** _____
Title _____
Address _____
City _____ **Zip** _____

On Behalf of _____

Dated this _____ day of _____, 2001

Signature _____
Printed Name _____
Title _____
Address _____
City _____ **Zip** _____

On Behalf of _____

Dated this _____ day of _____, 2001

Signature _____
Printed Name _____
Title _____
Address _____
City _____ **Zip** _____

Approving Signatures:

On Behalf of City of Gresham

Dated this 5 day of September, 2001

Signature Charles Becker

Printed Name: Charles Becker

Title: Mayor

Address: 1333 NW Eastman Parkway

City: Gresham, OR 97030

On Behalf of City of Gresham

Dated this 5th day of Sept, 2001

Signature Bonnie Kraft

Printed Name: Bonnie Kraft

Title: City Manager

Address: 1333 NW Eastman Parkway

City: Gresham, OR 97030

APPROVED AS TO FORM

On Behalf of City of Gresham

Dated this 7 day of August, 2001

Signature Susan Bischoff

Printed Name: Susan Bischoff

Title: City Attourney

Address: 1333 NW Eastman Parkway

City: Gresham, OR 97030

On Behalf of Multnomah County Oregon

Dated this 4th Day of October, 2001

Signature

Printed Name Diane Linn

Title Multnomah County Chair

Address 501 S.E. Hawthorne Blvd #600

City Portland, Oregon Zip 97214

On Behalf of Multnomah County Oregon

Dated this 28th Day of September, 2001

Reviewed:

Thomas Sponsler, County Counsel

Multnomah County, Oregon

By:

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

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-6 DATE 10.04.01
DEB BOGSTAD, BOARD CLERK

ADDENDUM # 1

Primary Response Area Boundary Description

HazMat 3 - Beginning at the Columbia River at the City of Gresham's western boundary, south along the Gresham service boundary to the Clackamas County line, then west of the Clackamas county line to the Willamette River. South along the Willamette to the northern boundary of Canby Fire District. Continue east, south and west along the Canby RFD boundary to Highway 99E. South along Highway 99E to the Clackamas/Marion County line. South and east on Clackamas County border to the western boundary of the Warm Springs Indian Reservation. North and East on Warm Springs border to Highway 26 at its junction with Highway 216. East on Highway 216 to the Wasco Sherman County line then south and east along the Wasco County line to the John Day River. North along John Day River to the Columbia River. West on Columbia River to the point of beginning.

Addendum #2
Hourly Personnel Response Rate
Calculation Worksheet

NON-OFFICER (Eligible for Overtime)

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for team members who are officers eligible for overtime.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY

Regular hourly rate $18.38 \times 1 \frac{1}{2} =$ \$ 27.57

INSURANCE/BENEFITS

Premium paid per month $\div 173.33$ hours worked per month = \$ 3.02

PERS

Employer's contribution paid per month $\div 173.33$ hours worked per month = \$ 2.25

WORKERS COMP INSURANCE*

Base hourly rate $27.57 \times .02 =$ \$.55

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate $27.57 \times 7.65\% =$ \$ 2.11

UNEMPLOYMENT TAX**

Base hourly rate _____ \times _____ % = self insured \$ —

PAYROLL TAX**

Base hourly rate $27.57 \times .615\% =$ \$.17

INCENTIVE/PREMIUM PAY

Incentive pay paid per month $\div 173.33$ hours worked per month = \$ 2.60

RESPONSE AVAILABILITY RATE

\$ 15.5788

TOTAL HOURLY RATE

\$ 53.8488

* Percentage for calculation provided by Don Matthews, Oregon State Payroll System, effective January 1, 2001.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Graham Fine

Hourly Personnel Response Rate Calculation Worksheet

OFFICER (Eligible for Overtime)

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for team members who are officers eligible for overtime.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY

Regular hourly rate $22.13 \times 1 \frac{1}{2} =$ \$ 33.20

INSURANCE/BENEFITS

Premium paid per month $\div 173.33$ hours worked per month = \$ 3.02

PERS

Employer's contribution paid per month $\div 173.33$ hours worked per month = \$ 2.71

WORKERS COMP INSURANCE*

Base hourly rate $33.20 \times .02 =$ \$.66

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate $33.20 \times 7.65\% =$ \$ 2.54

UNEMPLOYMENT TAX**

Base hourly rate _____ \times _____ % = self insured \$ —

PAYROLL TAX**

Base hourly rate $33.20 \times .6195\% =$ \$.21

INCENTIVE/PREMIUM PAY

Incentive pay paid per month $\div 173.33$ hours worked per month = \$ 3.13

RESPONSE AVAILABILITY RATE

\$ 15.5788

TOTAL HOURLY RATE

\$ 61.0488

* Percentage for calculation provided by Don Matthews, Oregon State Payroll System, effective January 1, 2001.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Gresham Fire

Addendum #2
Hourly Personnel Response Rate
Calculation Worksheet

OFFICER/Salaried (Not Eligible for Overtime)

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for team members who are officers, but not eligible for overtime.

NOTE: Base Hourly Rate/Salaried Officer is calculated at the hourly salary rate of the highest paid, technician trained team member who is an officer.

BASE SALARY

Regular hourly rate = \$ 26.71

INSURANCE/BENEFITS

Premium paid per month ÷ 173.33 hours worked per month = \$ 3.02

PERS

Employer's contribution paid per month ÷ 173.33 hours worked per month = \$ 2.18

WORKERS COMP INSURANCE*

Base hourly rate 26.71 x .02 = \$.53

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate 26.71 x 7.65% = \$ 2.04

UNEMPLOYMENT TAX**

Base hourly rate _____ x _____ % = self insured \$ —

PAYROLL TAX**

Base hourly rate 26.71 x .645% = \$.17

INCENTIVE/PREMIUM PAY

102 M⁺ Incentive pay paid per month ÷ 173.33 hours worked per month = \$ 2.54

RESPONSE AVAILABILITY RATE

\$ 15.5788

TOTAL HOURLY RATE

\$ 52.7688

* Percentage for calculation provided by Don Matthews, Oregon State Payroll System, effective January 1, 2001.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Gresham Fire

Hourly Personnel Response Rate Calculation Worksheet

NON OFFICER (Eligible for Overtime)

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for team members who are officers eligible for overtime.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY

Regular hourly rate $24.70 \times 1 \frac{1}{2} =$

\$ 37.05

INSURANCE/BENEFITS

Premium paid per month $\div 173.33$ hours worked per month =

\$ 3.15

PERS

Employer's contribution paid per month $\div 173.33$ hours worked per month =

\$ 3.02

WORKERS COMP INSURANCE*

Base hourly rate $37.05 \times .02 =$

\$.74

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate $37.05 \times 7.65\% =$

\$ 2.83

UNEMPLOYMENT TAX**

Base hourly rate _____ \times _____ % = self insured

\$ —

PAYROLL TAX**

Base hourly rate $37.05 \times .6195\% =$

\$.23

INCENTIVE/PREMIUM PAY

Incentive pay paid per month $\div 173.33$ hours worked per month =

\$ —

RESPONSE AVAILABILITY RATE

\$ 15.5788

TOTAL HOURLY RATE

\$ 62.5988

* Percentage for calculation provided by Don Matthews, Oregon State Payroll System, effective January 1, 2001.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

Gresham PD

Addendum #2

Hourly Personnel Response Rate
Calculation Worksheet

~~NON-OFFICER~~
OVERTIME

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY

Regular hourly rate _____ x 1 1/2 = \$ 33.89

INSURANCE/BENEFITS

Premium paid per month ÷ _____ hours worked per month = \$ 2.44

PERS

Employer's contribution paid per month ÷ _____ hours worked per month = \$ 5.71

WORKERS COMP INSURANCE*

Base hourly rate _____ x .02 = \$.63

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate _____ x 7.65% = \$ 2.59

UNEMPLOYMENT TAX**

Base hourly rate _____ x _____ % = \$.08

PAYROLL TAX**

Base hourly rate _____ x _____ % = \$ 0

INCENTIVE/PREMIUM PAY

Incentive pay paid per month ÷ _____ hours worked per month = \$ 2.03

RESPONSE AVAILABILITY RATE

\$ 15.5788

TOTAL HOURLY RATE

\$ 62.94

* Percentage for calculation provided by Don Matthews, Oregon State Payroll System, effective January 1, 2001.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

MCSO

Hourly Personnel Response Rate Calculation Worksheet

~~NON~~ OFFICER Overtime

Complete calculations for each line item and enter amount in column to the right. When calculations are complete, add together all amounts in the right hand column for a total, which will determine the contracted hourly personnel rate for non-officer team members.

NOTE: Base Hourly Rate/Non-Officer is calculated at the overtime rate for the highest paid, technician trained team member who is not an officer.

BASE SALARY

Regular hourly rate 27.70 x 1 1/2 =

\$ 41.55

INSURANCE/BENEFITS

Premium paid per month ÷ _____ hours worked per month =

\$ 3.00

PERS

Employer's contribution paid per month ÷ _____ hours worked per month =

\$ 7.00

WORKERS COMP INSURANCE*

Base hourly rate _____ x .02 =

\$.77

FICA* (Medicare 1.45%, OASDI 6.2%)

Base hourly rate _____ x 7.65% =

\$ 3.18

UNEMPLOYMENT TAX**

Base hourly rate _____ x _____ % =

\$.10

PAYROLL TAX**

Base hourly rate _____ x _____ % =

\$ 0

INCENTIVE/PREMIUM PAY

Incentive pay paid per month ÷ _____ hours worked per month =

\$ 2.49

RESPONSE AVAILABILITY RATE

\$ 15.5788

TOTAL HOURLY RATE

\$ 73.66

* Percentage for calculation provided by Don Matthews, Oregon State Payroll System, effective January 1, 2001.

** Unemployment and Payroll Taxes are local taxes which, if applicable, are calculated by the percentage allowed by local laws.

MCSO

MEETING DATE: October 4, 2001
AGENDA NO: R-1
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement with Portland Development Commission for Children's Receiving Center

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

REGULAR MEETING: DATE REQUESTED: October 4, 2001
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: DSCD DIVISION: Admin-Community Econ Dev

CONTACT: Steve Pearson TELEPHONE #: (503) 988-3278
BLDG/ROOM #: 503/320

PERSON(S) MAKING PRESENTATION: Lisa Naito, Steve Pearson and Helen Smith

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement 0210268 with Portland Development Commission Transferring \$953,350 to Multnomah County to Pay for Selected Site Improvements and for Land on the Children's Receiving Center Site

10/05/01 ORIGINALS TO STEVE PEARSON

SIGNATURES REQUIRED:

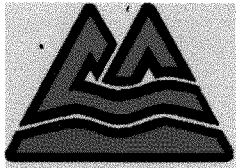
ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Michael Oswald

BOARD OF
COUNTY COMMISSIONERS
01 SEP 28 AM 9:16
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Department of Sustainable Community Development
MULTNOMAH COUNTY OREGON

501 SE Hawthorne Blvd, Suite 320
Portland, Oregon 97214
(503) 988-5000 phone
(503) 988-3048 fax

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Steve Pearson-Community Economic Development
Department of Sustainable Community Development

DATE: September 25, 2001

RE: IGA with Portland Development Commission for the Children's Receiving Center
IGA with City of Portland for the Children's Receiving Center

1. Recommendation/Action Requested:

Approve the two Intergovernmental agreements. The one with the City of Portland transfers \$1,000,000 from City of Portland to Multnomah County for the Children's Receiving Center (CRC), while the one with the Portland Development Commission (PDC) transfers \$953,350 to Multnomah County to pay for selected site improvements and for land on the CRC site.

2. Background/Analysis:

Both the City of Portland and Multnomah County requested financial assistance with the capital costs of the CRC from the Gateway Urban Renewal District while it was being finalized last spring. The original request was for up to \$4 million plus reasonable financing costs. In Resolution No. 01-072 for the Opportunity Gateway Urban Renewal District, the Board resolved: "We urge the Portland City Council to mitigate the significant financial impact upon County revenues. We recommend dedication of up to \$4 million plus reasonable financing costs to the County for the construction of the Child Receiving Center and the remodeling of the Multidiscipline Team building. "

Further, the Board resolved: "The Board of Commissioners will consider transferring vacant property at 102nd and Burnside to the City of Portland, subject to approval by the City of partition of the parcel, for use as a park compatible with the Child Receiving Center."

The City of Portland in its ordinance 175699 approving the Gateway Regional Center Urban Renewal Plan authorized expenditure of \$1 million for renovation and

construction of the Children's Receiving Center's MDT building from the City of Portland 2002-2003 General Fund CIP, and directed PDC to work with the County for conveying property right to PDC equivalent to \$1.2 million in exchange for PDC investment of \$1.2 million in the CRC.

The County and PDC met repeatedly through the summer, with the principle issue being whether the County could and would transfer the "Board Room" to the PDC to be used as a community room. Finally, it was determined that the financial, operational, and programmatic risks of transferring the Board room were too great. Given this concern and the desire of the County to restrict the transfer discussions to the CRC site, a final value for transfer of \$953,350 was negotiated. This represented \$275,000 for required site improvements, and \$678,350 for land on the site. Denise Chuckovich and Helen Smith from DCFS and the DA's office, respectively, were involved in the negotiations and determined the criteria for acceptable uses of the land parcels if they are used for commercial development by PDC. The property value was determined by appraisal jointly funded by PDC and the County.

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The capital budget for completing phases 1 and 2 of the CRC project called for \$2.2 million additional revenue above what the County had already identified to complete the \$12.7 million dollar project. With the contribution of PDC and the City of Portland of \$1,953,350 Facilities and Property Management is committed to modifying the scope to keep costs within the overall capital available.

Operational funding for the CRC is dependent on the rents received from County and other tenants. This is one of the reasons the Board Room was not transferred. This staff report does not cover operational budgeting or revenue coverage needs of the CRC.

4. Legal Issues:

None known

5. Controversial Issues:

The Gateway Urban Renewal Area Program Advisory Committee (PAC) wanted the use of the Board Room for a community focus.

6. Link to Current County Policies:

These IGA's provide construction funding to complete the CRC without drawing on the County General Fund.

7. Citizen Participation:

The Chair of the Gateway PAC participated in the negotiations.

8. Other Government Participation:

We have worked with Portland Development Commission in a very cooperative and professional manner on the negotiations and with the City of Portland on overall funding issues.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 0210268
Amendment #: _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-1</u> DATE <u>10.4.01</u> DEB BOGSTAD, BOARD CLERK </div>

Department: Environmental Services Division: Admin/Facilities Date: Sept. 26, 2001
 Originator: Steve Pearson Phone: 988-3278 Bldg/Rm: 503/320
 Contact: Darin Matthews Phone: 988-3322 x28177 Bldg/Rm: 274/1
 Description of Contract: Childrens Receiving Center

RENEWAL: ☐ PREVIOUS CONTRACT #(S): _____
 RFP/BID: N/A RFP/BID DATE: N/A
 EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: ORS 279.015

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☒ NONE (Check all boxes that apply)

Contractor <u>Portland Development Commission</u> Address <u>1900 SW 4th Avenue</u> <u>Portland, Oregon 97204</u> Phone <u>503-823-4000</u> Employer ID# or SS# _____ Effective Date <u>October 1, 2001</u> Termination Date <u>July 31, 2002</u> Original Contract Amount \$ <u>953,350</u> Total Amt of Previous Amendments \$ <u>0</u> Amount of Amendment \$ <u>0</u> Total Amount of Agreement \$ <u>953,350</u>	Multnomah County Facilities, Attn: Colleen Bowles Remittance address <u>401 North Dixon</u> (If different) <u>Portland, Oregon 97227</u> Payment Schedule / Terms <input checked="" type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

REQUIRED SIGNATURES:

Department Manager <u>[Signature]</u>	DATE <u>9/27/01</u>
Purchasing Manager <u>[Signature]</u>	DATE _____
County Counsel <u>[Signature]</u>	DATE <u>9/28/01</u>
County Chair <u>[Signature]</u>	DATE <u>10.4.01</u>
Sheriff _____	DATE _____
Contract Administration <u>[Signature]</u>	DATE _____

(Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01											
02											
03											

INTERGOVERNMENTAL AGREEMENT CHILDREN'S RECEIVING CENTER

This Intergovernmental Agreement, dated this _____ day of October 2001, is made and entered into by and between the Portland Development Commission, as the duly designated Urban Renewal Agency of the City of Portland (PDC) and Multnomah County (County). The project subject to this agreement is located at 10225 East Burnside Street, Portland, Oregon.

RECITALS

- 1) Whereas, PDC, as the duly designated Urban Renewal agency of the City of Portland, is granted powers under ORS 451.170 for the planning and implementation of urban renewal projects; and
- 2) Whereas, on May 15, 2001, the Portland Development Commission recommended approval of the Gateway Regional Center Urban Renewal Plan to the Portland City Council in PDC Resolution No. 5689, and subsequently, City Council adopted Ordinance No. 175699 on June 21, 2001 which approved the Gateway Regional Center Urban Renewal Plan.
- 3) Whereas, the County is developing a multi-service Children's Receiving Center (the "CRC") which will consolidate child abuse-related social and law enforcement services into a single facility to better serve the needs of children and families.
- 4) Whereas, the subject real property is a 3.5 acre parcel currently described as 10225 East Burnside Street, Portland, Oregon (the "Property"). The County intends to divide the Property into four separate parcels to be known as Parcels A, B, E, and F.
- 5) Whereas, PDC and the County have completed this agreement whereby urban renewal funding will be used to acquire certain properties at 102nd and Burnside as well as fund certain public improvements, all of which are described below, associated with the capital construction of the CRC project. PDC's contribution of \$953,350 is made in consideration of the acquisition of Parcels A, B, E, and F and the County's construction of public improvements, all described on Map 1 and in attachment "A" and consistent with the terms of Portland City Council Ordinance No. 175699.

Now therefore, the parties agree as follows:

AGREEMENT

1. The understandings and commitments between PDC and the County are described below as well as graphically indicated in Map 1. A summary of the financial structure and obligations of this agreement is provided in Attachment 1.

2. PDC shall:

A. Acquire Parcels A, B, E & F - PDC shall purchase from the County, by warranty deed, Parcels A, B, E & F. The purchase is contingent upon final approval of the partition of the Property as described in paragraph 3(B) as indicated on Map 1. Closing will occur on June 28, 2002. The parties agree that the purchase price for Parcels A, B, E, and F shall be \$678,350 based on an appraisal dated August 31, 2001 by Integra Realty Resources.

PDC agrees that Parcels A, B, E & F shall be redeveloped in a manner that is not incompatible with the functions and customers of the CRC. PDC agrees that in the selection of owners and tenants in the redevelopment project the following uses shall be prohibited:

- 1) Services to adults or adolescent intervention programs.
- 2) Direct services to juvenile offenders.
- 3) Direct services to adult criminal defendants.
- 4) Direct mental health and legal services to juveniles ages 13-18.

PDC's redevelopment of the property will be consistent with the City Council adopted Gateway Regional Center Urban Renewal Plan's goals of supporting compact development and a mixture of land uses, especially in light rail transit station areas and along commercial corridors.

All redevelopment decisions will be made in the sole discretion of the PDC subject to the conditions noted above. PDC will invite County representatives to participate in the Request for Proposal process to select the future development team for the property subject to this section of the agreement. PDC agrees to keep County informed of the status of the redevelopment effort and solicit comments pertaining to the re-use program, development schedule and construction coordination.

B. Fund Site Improvements C and D – PDC shall fund landscape and streetscape capital improvements to the CRC site, as indicated on Map 1 as Improvements C & D (the "Site Improvements"). The sidewalk right-of-way dimension shall be 17 feet from the curb lines of Burnside and 102nd. The funds provided by PDC are for exterior improvements that enhance the visual character and functionality of the site, excluding utilities or utility connections, but including soft costs and demolition. The funding of Site Improvements C and D is consistent with the Gateway Regional Center Urban Renewal Plan's goals for

establishing a pedestrian orientation, distinctive identity, and mixture of public spaces in the Gateway Regional Center.

Construction of Site Improvements shall occur as part of the CRC Phase 1 construction by the end of Fall, 2001.

The estimated and agreed cost of Site Improvements C and D is \$275,000. If the actual cost exceeds this sum, PDC shall not be required to pay any additional funds to the County; if the actual cost is less than this sum, the County shall not be required to refund any funds to PDC.

C. Obtain Funding to Meet PDC Obligations in This Agreement

Both parties acknowledge that the Gateway Regional Center Urban Renewal Area is newly adopted and has not yet begun to collect tax increment revenues. PDC will work with the City Office of Management and Finance to determine the most cost-effective and timely manner for the City to advance funds to PDC in order for PDC to meet its obligation to provide \$953,350, as described herein, concurrent with conveyance of title from the County.

3. The County shall:

- A. Convey Parcels A, B, E & F** – The County shall convey to PDC, by warranty deed, Parcels A, B, E & F.
- B. Land Partition** - The County shall prepare a land partition application of the Property and manage the review and approval process. The County shall provide a copy of the survey and partition application for review and comment by PDC prior to submission to the City of Portland Office of Planning and Development Review. Transfer of Parcels A, B, E, and F is contingent upon City approval of partition.
- C. Site Improvements C and D** – The County will manage construction of the Site Improvements, in accordance with the revised final construction drawings. County will revise the final construction plans to accommodate the two foot addition to the sidewalk width requested by PDC. County will obtain PDC's approval of the revised sidewalk design plans. The County will provide to PDC copies of the final construction design and general contractor bidding documentation. Construction of all Site Improvements will be completed by end of Fall, 2001.

4. Mutual Cooperation

Both parties acknowledge that redevelopment of the entire 102nd and Burnside parcel is at a preliminary stage and that many as-of-yet unidentified issues may emerge. As redevelopment planning begins and more information is determined regarding easements, utilities, accessways, parking, etc., additional development issues may be identified that will need to be or benefit from being addressed jointly by the County and PDC. Both PDC and the County agree to make a good faith effort in addressing all concerns, issues and

opportunities related to the properties owned by either party. If these items cannot be resolved in a good faith effort, both parties agree to seek resolution through arbitration.

5. Other Terms and Conditions

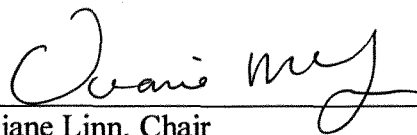
- A. Real Estate Transactions** - Upon execution of this IGA, PDC and the County will use best efforts to close the sale of Parcels A, B, E, and F by the date set forth in paragraph 2. The County will provide copies of all environmental assessments existing as of September 25, 2001 to PDC by October 30, 2001.
- B. Funding Availability** - PDC shall provide \$953,350 to the County on June 28, 2002 contingent upon final approval of the partition of the property in consideration for the conveyance of Parcels A, B, E, and F by the County to PDC and the construction of the Site Improvements by the County.
- C. Transactions Costs** - PDC and the County shall equally divide the following costs associated with this agreement: appraisal, land use fees, legal costs and survey and engineering fees. The total amount of fees incurred will be determined at the time of the conveyance of Parcels A, B, E, and F and equally divided between the parties. Costs not enumerated herein are the responsibility of the party incurring the cost. These costs are not included in the schedule of values in Attachment A.

Executed this _____ day of October, 2001

PORTLAND DEVELOPMENT COMMISSION

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Donald F. Mazziotti, Executive Director




Diane Linn, Chair

REVIEWED:

REVIEWED:

By _____
Matthew R. Baines, PDC Counsel

By  _____
John S. Thomas, Assistant County Attorney

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 10.4.01
DEB BOGSTAD, BOARD CLERK

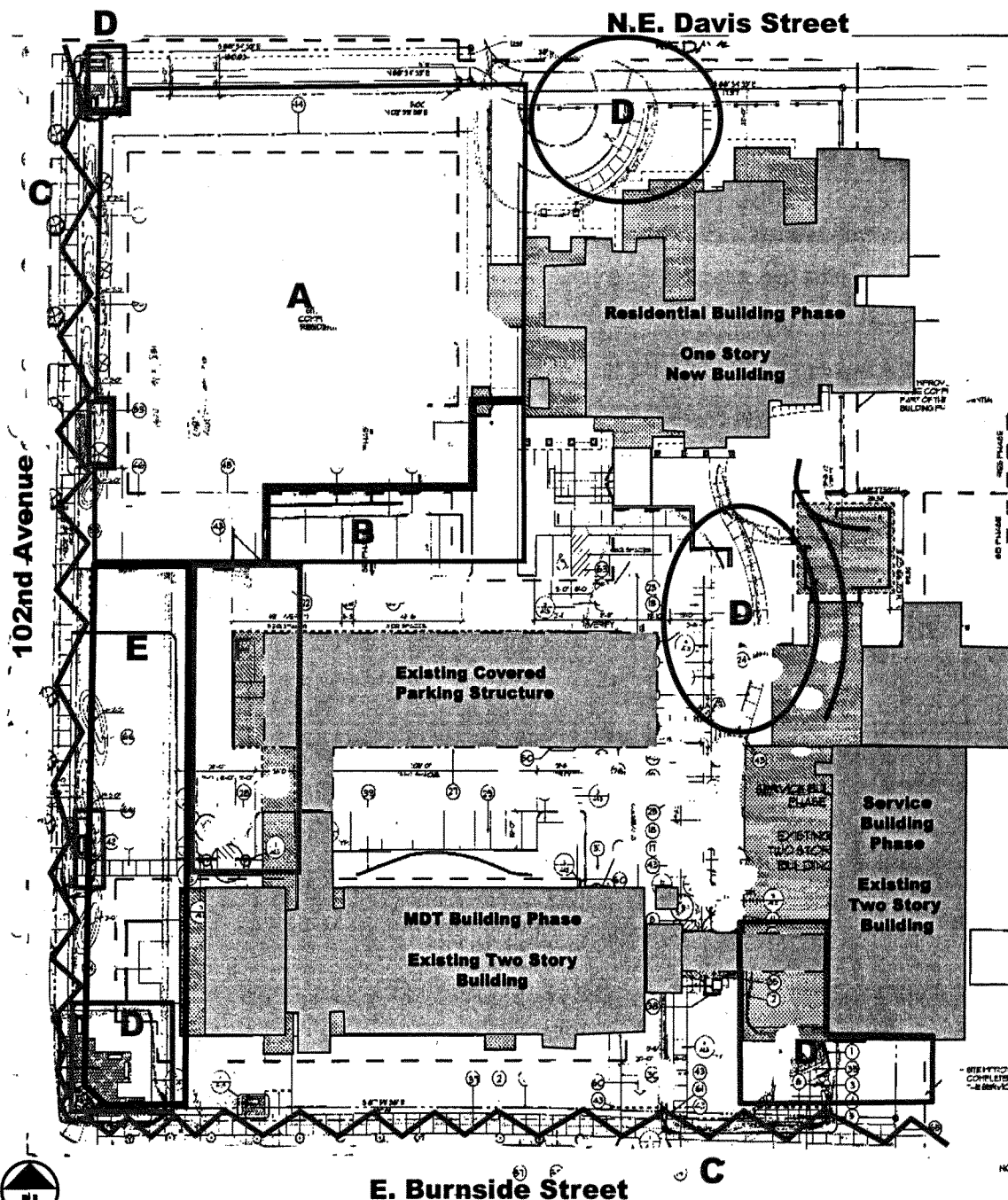
MAP 1

Gateway Children's Receiving Center Transaction Portland Development Commission/Multnomah County

Real Property Acquisition and Public Improvements Value Summary

REAL PROPERTY ACQUISITION	SQ. FEET	SUBTOTAL	PUBLIC IMPROVEMENTS	SQ. FEET	SUBTOTAL
A. Surplus Land Acquisition	30,041	\$451,000	C. Streetscape Improvements	-	-
B. Additional Surplus (parking)	2,778	\$41,000	D. Plaza and Other Site Improvements	-	-
E. Plaza Land	8,151	\$122,000			\$275,000
F. Additional Interior Land	5,148	\$64,350			
		\$678,350			

TOTAL VALUE: \$953,350



Attachment A

Summary of Financial Structure Acquisition of Real Property and Public Improvements

Appraised Value of Real Estate Acquisition

Parcel A	\$ 451,000
Parcel B	\$ 41,000
Parcel E	\$ 122,000
Parcel F	<u>\$ 64,350</u>
Subtotal	\$ 678,350

Construction Value of Public Improvements (the "Site Improvements")

C & D Landscape and Streetscape Improvements	<u><u>\$ 275,000</u></u>
-------------------------------------------------------------	---------------------------------

Total Real Estate/Public Improvement Values	\$ 953,350
----------------------------------------------------	-------------------

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 01-128

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

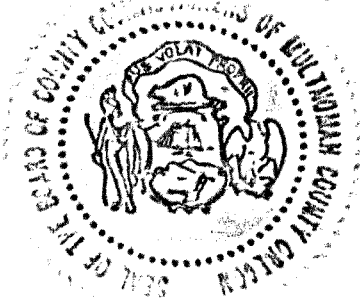
- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

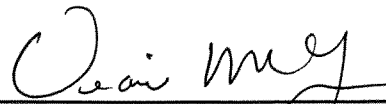
- 1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
- 2. Added to the list of designees are:

Dana Molinari, MSW
Glen LaFollete

ADOPTED this 4th day of October, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Katie Gaetjens, Assistant County Attorney

MEETING DATE: October 4, 2001
AGENDA NO: R-2
ESTIMATED START TIME: 10:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement with the City of Portland for Children's Receiving Center

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

REGULAR MEETING: DATE REQUESTED: October 4, 2001
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DSCD DIVISION: Admin-Community Econ Dev

CONTACT: Steve Pearson TELEPHONE #: (503) 988-3278
BLDG/ROOM #: 503/320

PERSON(S) MAKING PRESENTATION: Lisa Naito and Steve Pearson

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement 0210267 with the City of Portland, Transferring \$1,000,000 from City of Portland to Multnomah County for the Children's Receiving Center

10/05/01 originals to STEVE PEARSON

SIGNATURES REQUIRED:

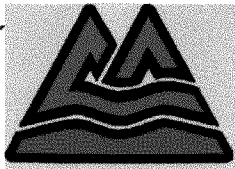
ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOARD OF
COUNTY COMMISSIONERS
01 SEP 28 AM 9:18
MULTNOMAH COUNTY
OREGON



Department of Sustainable Community Development
MULTNOMAH COUNTY OREGON

501 SE Hawthorne Blvd, Suite 320
Portland, Oregon 97214
(503) 988-5000 phone
(503) 988-3048 fax

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Steve Pearson-Community Economic Development
Department of Sustainable Community Development

DATE: September 25, 2001

RE: IGA with Portland Development Commission for the Children's Receiving Center
IGA with City of Portland for the Children's Receiving Center

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Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 0210267
Amendment #: _____


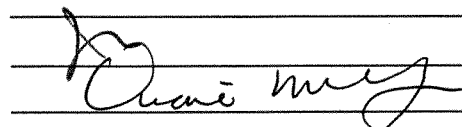
CLASS I	CLASS II	CLASS III
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Department: Environmental Services Division: Admin/Facilities Date: Sept. 26, 2001
 Originator: Steve Pearson Phone: 988-3278 Bldg/Rm: 503/320
 Contact: Darin Matthews Phone: 988-3322 x28177 Bldg/Rm: 274/1
 Description of Contract: Childrens Receiving Center

RENEWAL: ☐ PREVIOUS CONTRACT #(S): _____
 RFP/BID: N/A RFP/BID DATE: N/A
 EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: ORS 279.015
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☒ NONE (Check all boxes that apply)

Contractor <u>City of Portland</u> Address <u>1221 SW 4th Avenue</u> <u>Potland, Oregon 97204</u> Phone <u>503-823-4000</u> Employer ID# or SS# _____ Effective Date <u>October 1, 2001</u> Termination Date <u>July 31, 2002</u> Original Contract Amount \$ <u>1,000,000</u> Total Amt of Previous Amendments \$ <u>0</u> Amount of Amendment \$ <u>0</u> Total Amount of Agreement \$ <u>1,000,000</u>	Multnomah County Facilities, Attn: Colleen Bowles Remittance address <u>401 North Dixon</u> (If different) <u>Portland, Oregon 97227</u> Payment Schedule / Terms <input checked="" type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Due on Receipt <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Other	

REQUIRED SIGNATURES:

Department Manager  DATE 9/27/01
 Purchasing Manager _____ DATE _____
 (Class II Contracts Only)
 County Counsel  DATE 9/28/01
 County Chair _____ DATE 10.4.01
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____
 (Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01											
02											
03											

**INTERGOVERNMENTAL AGREEMENT
BETWEEN MULTNOMAH COUNTY AND THE CITY OF PORTLAND
FOR FUNDING CONTRIBUTION TO CHILDREN'S RECEIVING CENTER**

This agreement is entered into on October 15, 2001 between the City of Portland, Oregon (City) and Multnomah County (County)

Recitals

- 1) The Children's Receiving Center (CRC) project is the development of a 3.5-acre site into a campus that supports young children removed from their homes because of allegations of neglect or abuse. There is a need for a central facility where children can receive safe, comfortable short-term care while mental and physical assessments are made and a stable living environment is established for each child.
- 2) The multi-disciplinary campus development includes construction of a short-term Residential Building and the renovation of two existing buildings to house support services (the Social Services Building and the Multi-Disciplinary Team (MDT) Building).
- 3) Both the City and County acknowledge that the CRC campus will provide significant benefits to the community. The City desires to assist in the construction cost of the CRC both directly and through the Gateway Urban Renewal Area under the direction of the Portland Development Commission (PDC). A separate Intergovernmental Agreement shall be consummated between County and PDC.
- 4) In Ordinance 175699 (as amended), the City Council directs: "1. That \$1 million from the City of Portland 2002-03 General Fund CIP is authorized for expenditure on renovation and construction of the Children's Receiving Center MDT Building, such funding to be available no later than July, 2002."


NOW THEREFORE, the parties agree to the following:

- 1) City will transfer \$1 million (City funds) to County on or before July 31, 2002, to assist in funding the renovation and construction of the CRC. The City will have no other obligation or responsibility regarding the project.
- 2) The County will use the City funds for the renovation and construction of the CRC, including the construction of a short-term Residential Building and the renovation of two existing buildings to house support services.
- 3) The County represents that it has available funding or agreements for sufficient funding from outside sources, to complete the project. However, if,

for any reason, the CRC project is not undertaken, or if there are funds remaining after completion of the renovation and construction, the County will return the City funds, or such portion of them that remain.

- 4) The County will make its records relating to the project available for inspection upon request by the City.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 
Diane Linn, Chair

Date 10.04.01

CITY OF PORTLAND

By _____
Dan Saltzman, Commissioner

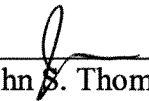
Date _____

By _____
Gary Blackmer, Auditor

Date _____

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

By 
John S. Thomas, Assistant County Attorney

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 10.4.01
DEB BOGSTAD, BOARD CLERK

JEFFREY L. ROGERS, PORTLAND CITY ATTORNEY
FOR CITY OF PORTLAND, OREGON

By _____

MEETING DATE: October 4, 2001
AGENDA NO: R-3
ESTIMATED START TIME: 10:0 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ordinance amending the Multnomah County Code Chapters 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Portland's Zoning Code, Comprehensive Plan and Maps and Community Plans

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

REGULAR MEETING: DATE REQUESTED: Thursday, September 20, 2001
AMOUNT OF TIME NEEDED: 90 Minutes

DEPARTMENT: DSCD DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: (503) 988-3043
BLDG/ROOM #: 455 / 116

PERSON(S) MAKING PRESENTATION: Susan Muir and Karl Lisle

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Public Hearing to consider an Ordinance amending the Multnomah County Code Chapters 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to adopt Portland's Zoning Code, Comprehensive Plan & Maps and Community Plans. C 01-04

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: slm KB Michael Oswald

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

01 SEP 20 AM 9:50
MULTNOMAH COUNTY
OREGON
CLERK OF BOARD
COMMUNITY SERVICES



DEPARTMENT OF
SUSTAINABLE COMMUNITY DEVELOPMENT
LAND USE PLANNING DIVISION

1600 SE 190TH Avenue
Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

TO: Multnomah County Board of Commissioners
FROM: Susan Muir, Principal Planner, Land Use Planning Division
Karl Lisle, Associate Planner, Portland Bureau of Planning
DATE: September 20, 2001
RE: Multnomah County-Portland Compliance Project

1. **Recommendation/Action Requested:** Staff recommends the Board of Commissioners adopt the recommendations of the Planning Commission with several changes. At a public hearing on June 18, 2001, the Planning Commission recommended the Board adopt the following items for application to unincorporated areas within Portland's Urban Services Boundary:

- a. Proposed land use zoning maps.
- b. City of Portland Code Titles 32 (signs), 33 (zoning) and 34 (land division).
- c. City of Portland Comprehensive Plan and Comprehensive Plan Maps (with the understanding that they will be amended to include all Multnomah County unincorporated areas within Portland's Urban Services Boundary).
- d. Proposed Region 2040 Design Type Maps.

Staff recommends the Board also adopt the following items:

- e. City of Portland Code Title 10 (sediment and erosion control regulations).
 - f. Updated environmental zoning overlays as illustrated in August 15, 2001 memo from Tom McGuire. The Proposed Zoning Maps have been updated to reflect these changes.
 - g. City of Portland Outer Southeast Community Plan and Plan Map and Southwest Community Plan Draft Map and Vision, Policies, and Objectives
2. **Background/Analysis:** The purpose of this project is to bring the urban areas of Multnomah County within Portland's Urban Services Boundary into compliance with the requirements of the Metro 2040 Functional Plan. Multnomah County and Portland have a history of working together in areas of common interest. Long-

range future planning for County urban lands located within the City's Urban Services Boundary is one common interest area. All of the areas included in this project are urban lands located outside Portland's city limits, within the city's Urban Planning Area boundary, and inside the Urban Growth Boundary. A map of the project area is included as Exhibit A.

The County and the City have a jointly adopted agreement on land use policy for these County urban lands. Part of this Urban Planning Area Agreement¹ calls for the City to provide urban planning services to the County to address Metro's Urban Growth Management Functional Plan. Since Multnomah County focuses its resources on rural planning, the County cannot cost-effectively provide urban planning services. The County and the City of Portland have entered into an agreement to achieve Functional Plan compliance by applying Portland's codes to the County's unincorporated areas.

In order to address Metro's Functional Plan requirements for the project areas, the County Board of Commissioners will consider adopting portions of the City's Code (Titles 10, 32, 33, and 34), Comprehensive Plan and new zoning maps for the unincorporated areas. With the adoption of the City's current regulations, the County will achieve 'substantial' Functional Plan compliance with all sections of the Functional Plan except Title 3. Full County compliance with Title 3 will be achieved only after the City has completed its own Title 3 compliance effort and made any necessary amendments to the zoning code. Metro staff has approved of this arrangement.

With the Board of Commissioners' adoption of the City zoning code, County land use zones and regulations will transition to Portland's land use zones and regulations for these areas. Administration of planning services for these areas will transfer to Portland's Office of Planning and Development Review (OPDR). The details of this transfer of services will be addressed in a new intergovernmental agreement between OPDR and Multnomah County.

Annexation of these areas into Portland is not a part of this project. The City is not actively pursuing any annexations and there are currently no plans to change this policy. However, to receive urban-level services provided by Portland (particularly water delivery and sewer services in areas not currently served) a property owner would need to request and receive annexation approval from the City.

In order to apply Portland's Zoning Code to the unincorporated areas, all areas have to be assigned new City of Portland zoning designations. New maps have been prepared showing proposed City of Portland zoning and environmental overlays for the County areas. With the exception of several minor changes to the

¹ The Urban Planning Area is those unincorporated areas where the City has agreed to accept responsibility for providing planning services pursuant to the terms of the jointly adopted Urban Planning Area Agreement (effective March 5, 1998).

environmental overlay zones, these are the same maps recommended by the Planning Commission on June 18th. The changes made to the environmental zones (e-zones) are documented in Tom McGuire's memo (Exhibit B). The Planning Commission directed the City and County staff to work with property owners who had testified about the proposed e-zones and make modifications as necessary before coming to the Board and prior to adoption. The Planning Commission wanted to give the staff the flexibility to make modifications based on the concerns of the affected property owners. The memo from Tom McGuire indicates the modifications proposed in response to the concerns.

3. **Financial Impact:** The County has contracted with the City of Portland to provide the planning services required to complete the legislative process necessary for this transition. Funds were allocated under the terms of 2 previous IGA's to complete this project. There will be additional costs associated with the transition of planning administration. These costs will be addressed in a new IGA between the County and the City.
4. **Legal Issues:** Because of the relative rarity of this type of agreement between jurisdictions, there are several legal issues related to the transfer of zoning administration. These issues will be addressed in the IGA portion of this project.
5. **Controversial Issues:** Because the Portland Zoning Code uses a different system of zoning designations than the County Code and includes various overlays, there are several issues that have been controversial during this process.
 - a. **City versus County Code:** Throughout this process, there has been public testimony that applying City zoning and transferring authority will be burdensome to the property owners in these areas. In reality, County zoning is currently out of compliance and has not been updated to comply with numerous changes to state and local regulations. If this cooperative effort with the City were not underway, the County would still be making significant changes to its zoning ordinance. In order to comply with State and Metro regulations the County's codes would need to be revised to look similar Portland's codes.
 - b. **Environmental overlay zones:** The areas included in this project are receiving environmental overlay zones for the first time. The City uses a two-zone classification system intended to preserve significant environmental resources. Development options available to property owners within these environmental zones are limited. The environmental survey work is documented in several available documents. Staff has worked extensively with property owners on verifying the location of environmental zones and made adjustments when merited. The changes made to the environmental overlays are documented on a case-by-case basis in two memos (dated July 23, 1999 and August 15, 2001) from Tom McGuire (Exhibit B).
 - c. **Change in base zone for Dunthorpe-Riverdale:** Portions of the Dunthorpe-Riverdale area are currently zoned County R30. Portland has no direct

equivalent to R30. Because the area is serviced with sewer and water at adequate levels to support a slight increase in density, City zone R20 is proposed. This represents a reduction in minimum lot size from 30,000 square feet to 20,000 square feet. A handout was prepared to address the concerns about this change prior to the June 2001 Planning Commission hearing. (Exhibit C)

- d. **Change in base zone for Barbara Welch Road area:** Like Dunthorpe-Riverdale, the current County zoning (LR40) in the Barbara Welch Rd area has no direct Portland equivalent. However, because there is currently no sanitary sewer service to this area, and because septic system development is constrained by soil conditions in the area, City base zone RF is proposed. This represents a change in minimum lot size from 40,000 square feet to 2 acres (87,000 square feet). However, this area has a Portland Comprehensive Plan designation of R10. The R10 zoning (10,000 square foot minimum lot size) would become available upon annexation and agreements with Portland for service provision.

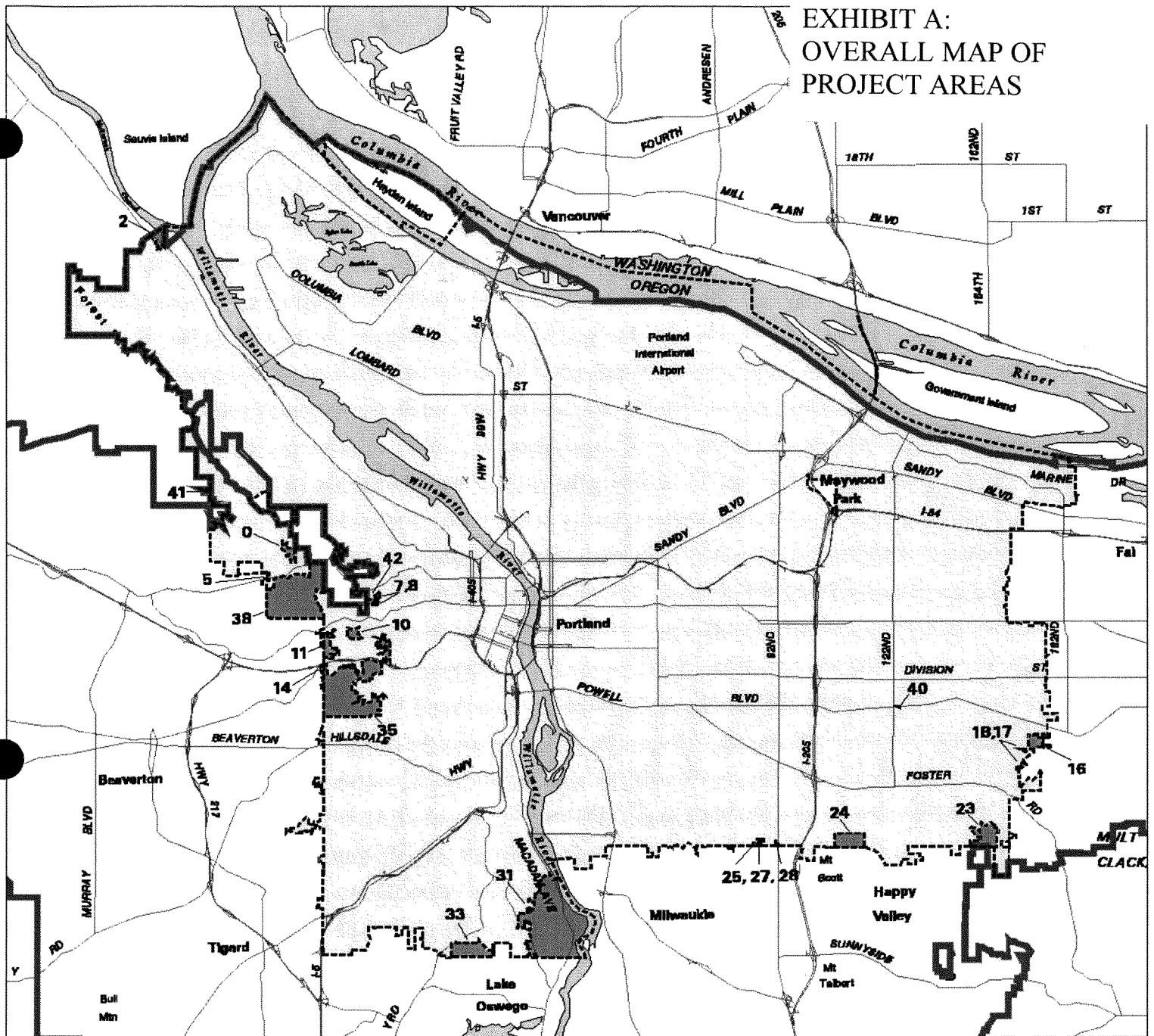
6. **Link to Current County Policies:** Resolution A, passed in 1983, is the primary County policy behind contracting with cities to provide urban services in unincorporated areas. Entering into an agreement with the City of Portland to provide an urban level of planning and zoning administration is consistent with the stated purpose of Resolution A.

7. **Citizen Participation:**

- January 1999: an informational mailing was sent to all affected residents and property owners.
- May 1999: three community open houses were held near the southwest, northwest and outer southeast project areas. Draft maps were on display and project information was available. Project staff met with property owners, residents and other persons to explain and discuss the proposed changes, and public comments were collected.
- July 1999: two public hearings before the Planning Commission were held. Public testimony was collected. The Commission agreed to forward the recommended proposal to the County Board of Commissioners.
- April 2001: an informational update mailer was sent to all effected residents and property owners explaining that work on the project had resumed and that public hearings before the Planning Commission and the Board of Commissioners will be held this summer.
- April 2001: a Web page was created for the project with all relevant documents available. See www.multnomah.lib.or.us/lup.
- May 2001: all property owners received notice of the County Planning Commission hearing on June 18, 2001.
- June 18, 2001: a public hearing was held before the County Planning Commission. Public testimony was collected.
- August 2001: all property owners and interested parties received notice of this hearing before the Board of County Commissioners.

8. **Other Government Participation:** Throughout this project, County staff has worked closely with staff from the City of Portland and Metro. In addition, notice required under the Department of Land Conservation and Development has been served appropriately.
9. **List of Exhibits:**
 - A. Overall Map of Project Areas
 - B. Memos from Tom McGuire (City of Portland Environmental Planner) documenting consultations with property owners on environmental zoning overlays and changes made to the proposed zoning (dated July 23, 1999 and August 15, 2001).
 - C. Analysis of base zone density change in Dunthorpe-Riverdale area.
 - D. Proposed Land Use Zones and City-County Zoning Comparison Chart
 - E. Handout: "What is an Environmental Overlay Zone?"
 - F. Handout: "Transfer from County to City Zones for the Multnomah County-Portland Functional Plan Compliance Project" (conversion methodology)
 - G. Handout: List of Existing and Proposed Zoning for the Project Areas (pocket by pocket summary of changes).
 - H. Planning Commission Resolution dated June 18, 2001
 - I. Draft Ordinance with Exhibits
Ordinance Exhibits:
 - A. Recommended City of Portland Zoning and Comprehensive Plan Maps for the unincorporated areas (11x17, color).
 - B. Portland Comprehensive Plan Goals and Policies.
 - C. Proposed Region 2040 Design Type Maps
 - D. City of Portland Code Titles: 10 (Erosion and Sediment Control), 32 (Signs), 33 (Zoning), and 34 (Land Division). In MS Word format on CD-ROM.
 - E. Portland Outer Southeast Community Plan and Plan Map.
 - F. Portland Southwest Community Plan Vision, Policies and Objectives and Proposed Plan Map.

EXHIBIT A: OVERALL MAP OF PROJECT AREAS



Multnomah County Compliance Project UIA's (Unincorporated Areas)



Scale

0' 8500' 13000' 19500'



City of Portland
Bureau of Planning
Geographic
Information System
May 25, 2001

LEGEND

- Unincorporated Study Areas
- City of Portland (Incorporated)
- Urban Services Boundary
- Urban Growth Boundary

INFORMATION SOURCES:

Taxlots: Originally produced by Oregon Dept. of Revenue. Modified and updated by Multnomah County Assessment & Taxation and Portland Dept. of Transportation. Updated through March 2001. Accuracy - +/- .1 feet.

Urban Growth Boundary: Source: Digitized by Metro, updated by Washington County DLJT & Metro (Nov. 23, 1992). Registered to taxlot base. Updated by Metro (Aug. 2000).

All data compiled from source materials at different scales. For more detail, please refer to the source materials or City of Portland, Bureau of Planning.

The information on the map was derived from digital databases on the City of Portland, Bureau of Planning GIS. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. However, notification of any errors will be appreciated.



CITY OF PORTLAND, OREGON
BUREAU OF PLANNING

EXHIBIT B:
ENVIRONMENTAL
ZONING MEMOS

Phone: (503) 823-6868
E-mail: pdxplan@ci.portland.or.us

August 15, 2001

MEMORANDUM

TO: Multnomah County Board of Commissioners
FROM: Tom McGuire, Senior Planner, Portland Planning Bureau
SUBJECT: Multnomah County - Portland Compliance Project; Modifications to Multnomah County Planning Commission Recommendations

The following are staff responses to environmental zoning issues raised by citizens at the Planning Commission hearing on 6/18/01. The Planning Commission voted to recommend the staff proposal on to the County Board of Commissioners but directed staff to meet with property owners who had concerns about the environmental overlay zone proposal. The Planning Commission asked staff to resolve issues if possible and provide a report to the County Board of Commissioners on the status of the property owner concerns.

This memo provides a summary of the status of each of the property owner concerns. Staff attempted to contact or met with all of the property owners and was able to work out most of the issues. Refinements to the proposed environmental overlays are recommended on certain properties to more accurately reflect current site conditions. Staff advises that the County Board of Commissioners amend the Planning Commission recommended environmental zoning as described in this memo and shown in the attached figures. The memo is organized into three sections with the first section being sites where staff recommends a change in the environmental overlay zone locations, the next section being areas where staff does not recommend a change, and the final section, sites where staff has provided information and assistance to the property owner and a map change is not involved.

Key to Figures. In the figures below, dark gray shades represent the Environmental Protection overlay zone, lighter gray shades indicate the Environmental Conservation overlay zone. The subject property boundaries are outlined and some figures include topographic information using 2-foot contours. All aerial photos are from the summer of 2000.

SECTION 1- Recommended Changes to Environmental Overlay Zone Locations

Respondent #1: Hulce Property, represented by Ken Sandblast

Property Location: 8445 NW Tuality Way **Map:** 3021

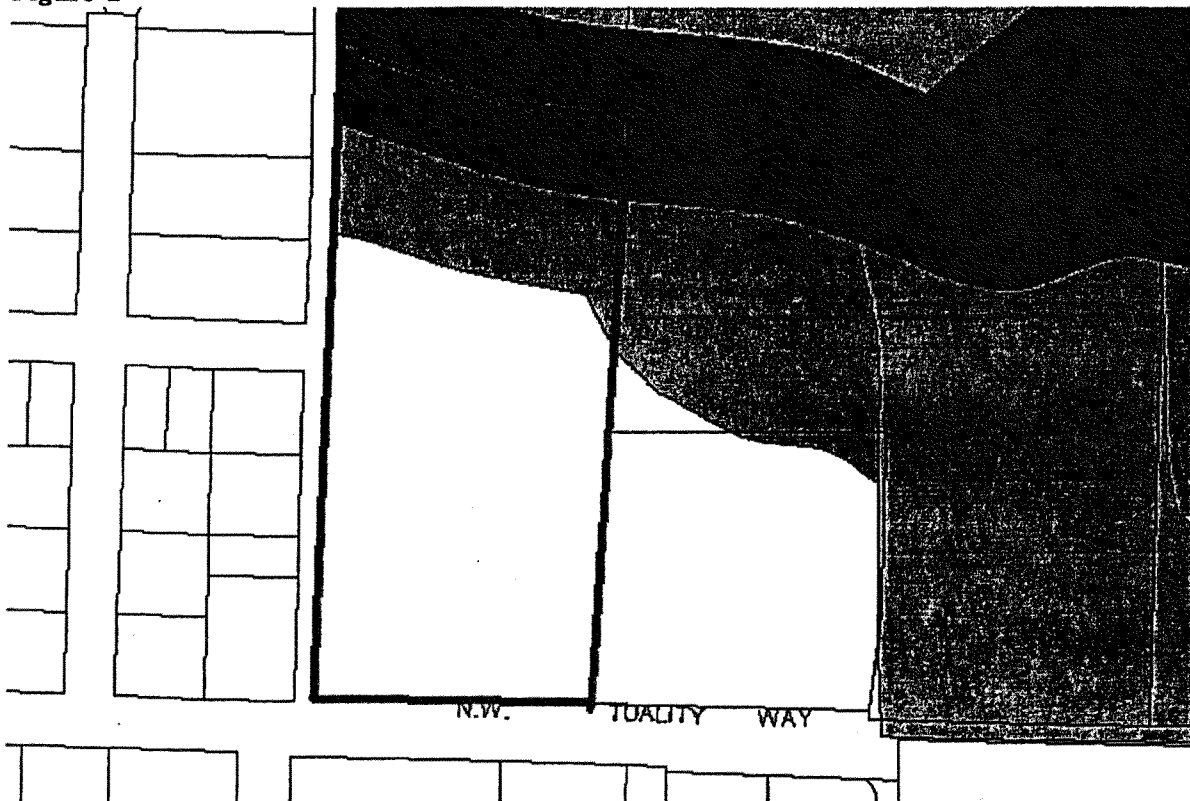
Issue: The owners representative questioned the accurate location of the Environmental Conservation overlay on the 5.8 acre property. A portion of the north end of the property is proposed for the Environmental Conservation overlay.

Staff Response: Staff met Mr. Sandblast, a consultant representing the property owner, on the property and walked the site on 8/01/01. After visiting the property and reviewing the inventory documents staff recommends a refinement of the location of the Environmental Conservation overlay. Portions of the Holce property are recommended to be removed from the Environmental Conservation overlay because the presence of development and the lack of resources.

Staff confirms that significant natural resources are present on the property and adjacent properties. There are a-quality and c-quality resources on the site but not to the extent originally mapped. There are stream, forest, and wildlife habitat resources on the north end of the property that extend onto the properties to the north, west, and east.

Recommended Action: Staff recommends that the County Board of Commissioners modify the Environmental Conservation overlay zone, as shown in Figure 1, to better match the c-quality resources on the site. Mr. Sandblast confirmed on site that this proposal was acceptable.

Figure 1



Respondent #2: Robert Allen

Property Location: 275 NW Miller Road **Map:** 3021

Issue: Mr. Allen was concerned about the accuracy of the application of Environmental Conservation overlay to his 30,000 square foot property. Nearly the entire property is proposed for the Environmental Conservation overlay.

Staff Response: Staff met Mr. Allen on the property and walked the site on 8/01/01. After visiting the property and reviewing recent aerials and topographic maps staff recommends refinement of the location of the Environmental Conservation overlay and application of the Environmental Protection overlay. A small portion of the Allen property is proposed to be placed within the Environmental Protection overlay because of the presence of a surface intermittent stream. Other portions of the property are recommended for removal from the Environmental Conservation overlay because of the presence of development and the lack of resources.

Staff confirms that significant natural resources are present on the Allen property and adjacent properties. The recommended addition of Environmental Protection overlay zone is made because of the presence of an intermittent stream. Staff had initially thought that the stream was piped in this area and that it crossed under Miller Road farther to the south. The site visit confirmed the presence of the intermittent stream on the surface and that it was an a-quality resource. The additional Environmental Protection overlay also affects three neighboring properties and touches on two others.

Recommended Action: Staff recommends that the County Board of Commissioners amend the proposed Environmental Conservation zone, as shown in Figure 2 below, in order to add Environmental Protection overlay zoning to the a-quality resources, add Environmental Conservation overlay zoning to areas newly identified with c-quality resources and to remove the Environmental Conservation overlay from areas where significant resources are not present.

Figure 2



Respondent #3: Rheza Afghan

Property Location: 999 SW Englewood **Map:** 4228

Issue: Mr. Afghan raised concerns about the extent of the Environmental Conservation overlay zone on his property.

Staff Response: Staff met Mr. Afghan on the property and walked the site on 8/6/01. After visiting the property staff agreed that the Environmental Conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The Environmental Conservation overlay as originally proposed extended onto the pasture and barns on the property. These areas are outside the extent of the significant resources on the property.

Recommended Action: Staff recommends that the County Board of Commissioners amend the Environmental Conservation overlay as shown in Figure 3. Mr. Afghan is satisfied with the staff modification.

Figure 3



Respondent #4: Douglas Pontifex

Property Location: 1932 SW Highland Drive **Map:** 3225

Issue: Mr. Pontifex raised concerns about the extent of the Environmental Conservation overlay zone on his property.

Staff Response: Staff met Mr. Pontifex on the property and walked the site on 7/12/01. After visiting the property staff agreed that the Environmental Conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The Environmental Conservation overlay as originally proposed extended onto a landscaped terrace on the property. Mr. Pontifex still has concerns with the location of the Environmental Conservation overlay on the property. He would prefer that the line be located farther down the hill or removed from his property entirely. Staff disagrees with Mr. Pontifex because there are b-quality resources on the site beginning at the vegetation line at the top of the slope and extending down to the remnant drainage at the bottom of the slope.

Recommended Action: Staff recommends that the County Board of Commissioners amend the Environmental Conservation overlay as shown in Figure 4. Mr. Pontifex is not satisfied with the extent of the staff modification.

Figure 4



Respondent #5: Tim Maginnis

Property Location: 1931 SW Highland Road **Map:** 3225

Issue: Mr. Maginnis raised concerns about the extent of the Environmental Conservation overlay zone on his property.

Staff Response: Staff met Mr. Maginnis on the property and walked the site on 6/19/01. After visiting the property staff agreed that the Environmental Conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The Environmental Conservation overlay as originally proposed extended into landscaped terraces on the property. Mr. Maginnis still has concerns with the location of the Environmental Conservation overlay on the property. He would prefer that the line either be removed from his property entirely or extend no farther than 10 feet onto the south side of his property. Staff disagrees with Mr. Maginnis because there are c-quality forest and habitat resources on the south side of the site.

Recommended Action: Staff recommends that the County Board of Commissioners amend the Environmental Conservation overlay as shown in Figure 5. Mr. Maginnis is not satisfied with the extent of the staff modification.

Figure 5



Respondent #6: Eric Lemelson

Property Location: SW 61st Street **Map:** 3123

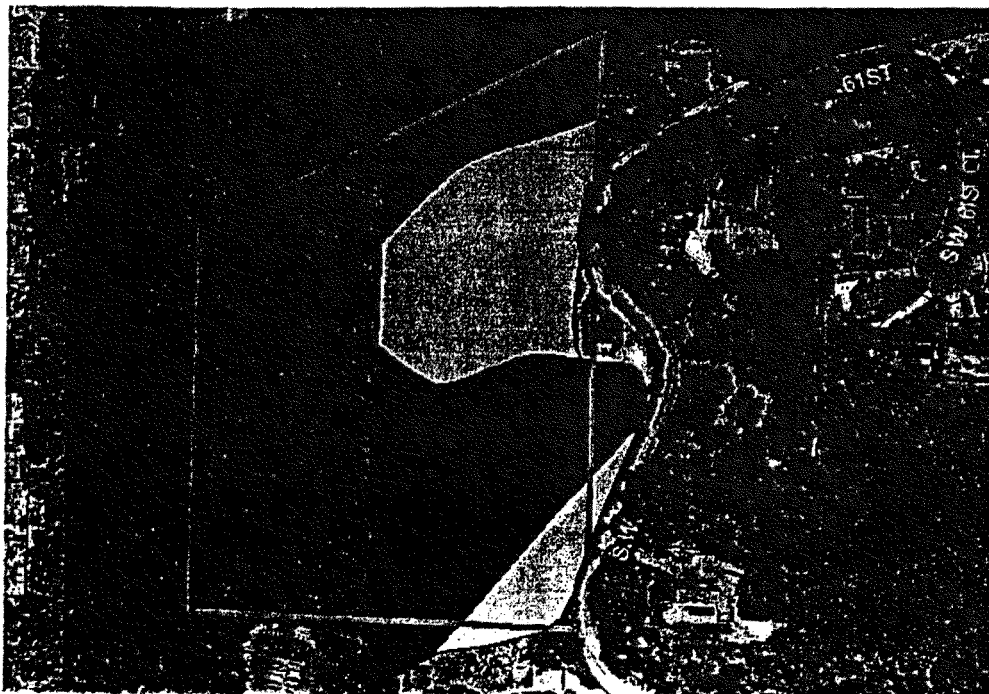
Issue: Mr. Lemelson is concerned with the amount of Environmental Protection overlay zone proposed for the property.

Staff Response: Staff had phone conversations with Mr. Lemelson on 6/21/01, 7/24/01, and 8/2/01 discussing the issues on this site. Mr. Lemelson is donating the property to the Northwest Tibetan Cultural Association for the possible construction of the Northwest Tibetan Cultural Center. Staff also met with the planning consultant and architect working on the cultural center project on the property on 8/9/01. After walking the site and reviewing the inventory information, Staff agreed that the overlay zones should be adjusted to better reflect the location of the significant resources on the property. While Staff does not consider specific development applications in the determination of the location of the zone lines the recent site visit did indicate that the proposed locations of the overlay zones and the a-quality and b-quality resources on the site should be refined.

The resources on the site include steep forested slopes, a major stream, a secondary intermittent stream, and habitat for a large number of species. The Planning Commission recommendation has a-quality resource identified in areas as much as 400 feet or more from the stream. Staff has determined that this is inaccurate and that the a-quality resource areas extend only 200 to 250 feet from the major stream and 100 feet on the secondary stream.

Recommended Action: Staff recommends that the County Board of Commissioners amend the proposed Environmental Protection and Conservation zones, as shown in Figure 6 below, in order to reduce the amount of Environmental Protection overlay zoning and a-quality resource designation and replace those with additional Environmental Conservation overlay zoning and b-quality resource designation. As of the writing of this memo there was no response from Mr. Lemelson or his consultants about the proposed change.

Figure 6



SECTION 2- No Changes Recommended

Respondent #7: Tom Triplett

Property Location: 1521 SW 61st Drive **Map:** 3223

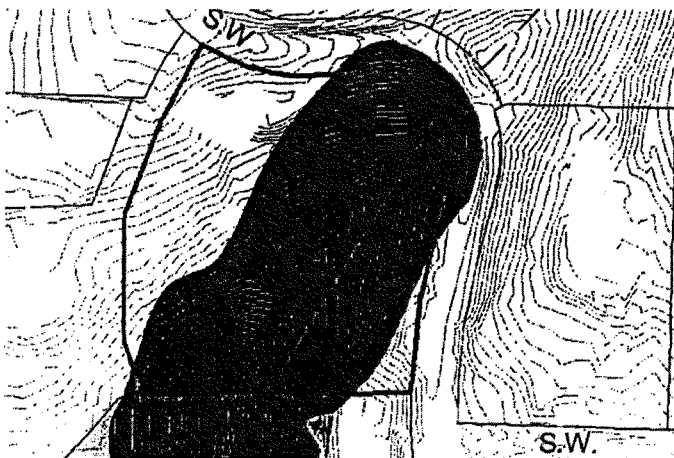
Issue: Mr. Triplett owns two properties that are adjacent to each other. One is occupied by his home the second is vacant. He opposes the extent of the Environmental Protection overlay zone on the vacant property.

Staff Response: Staff contacted Mr. Triplett by phone on 6/18/01 and discussed with him the reasons for applying the overlay and how the regulations work. At that time staff indicated to Mr. Triplett that there did not appear to be any error in the proposed Environmental Protection overlay location. After the Planning Commission hearing Mr. Triplett continued to express his concerns that the Environmental Protection overlay extends too far onto his vacant property and that it will reduce its potential value as a buildable lot. Staff again tried to contact Mr. Triplett by phone on 7/25/01. Mr. Triplett did not return the phone call. Staff visited the site and observed the property from the extensive right-of-way. Staff also reviewed recent aerials and topographic maps and concludes that the proposed Environmental Protection overlay is in the correct location on this property.

Almost all of the vacant lot is composed of a-quality resource. The property is a narrowly triangular lot with a drainageway running down the length of one of the property lines. A steep ravine slopes from the 61st Ave. right-of-way down to the creek. The proposed Environmental Protection zone extends 100 feet out from both sides of the drainageway centerline. On this site there is no adjacent Environmental Conservation overlay so the Transition Area is within the Environmental Protection overlay zone. This means that the effective regulated area is 75 feet from the drainageway centerline. This is a minimum distance to protect this type of resource. Even with the Environmental Protection overlay there is a triangular building area on this lot that is roughly 150 feet by 50. That is a building area that is larger than many entire lots within the City.

Recommended Action: No change.

Figure 7



Respondent #8: Harry Czyzewski and Tina Christensen

Property Location: Near 1966 NW Ramsey Crest **Map:** 2821

Issue: Mr. Czyzewski has concerns about the extent of the Environmental Protection overlay zone on his property.

Staff Response: Staff met with Mr. Czyzewski on 8/01/01 after the Planning Commission hearing. The property is at the top of the ridge separating the Balch Creek basin and the Cedarmill Creek basin. This area does not and will not have access to sanitary sewer. The site is extremely steep and septic systems are the only option. The main issue is the proposed location of the Environmental Protection overlay zone. Staff has already modified the location of the Environmental Protection overlay on the site based on discussions resulting from the 1999 Planning Commission hearing in order to accommodate development with septic systems (see Figure 8). Staff has visited the property, spoken with the owners, and reviewed the inventory information and is satisfied that the current proposal reflects the correct location of the a-quality and b-quality resources on the site and the overlay zones.

Recommended Action: No change.

Figure 8



August 7, 2001
Page 10

Respondent #9: Ross Day representing the Fred's Marina property

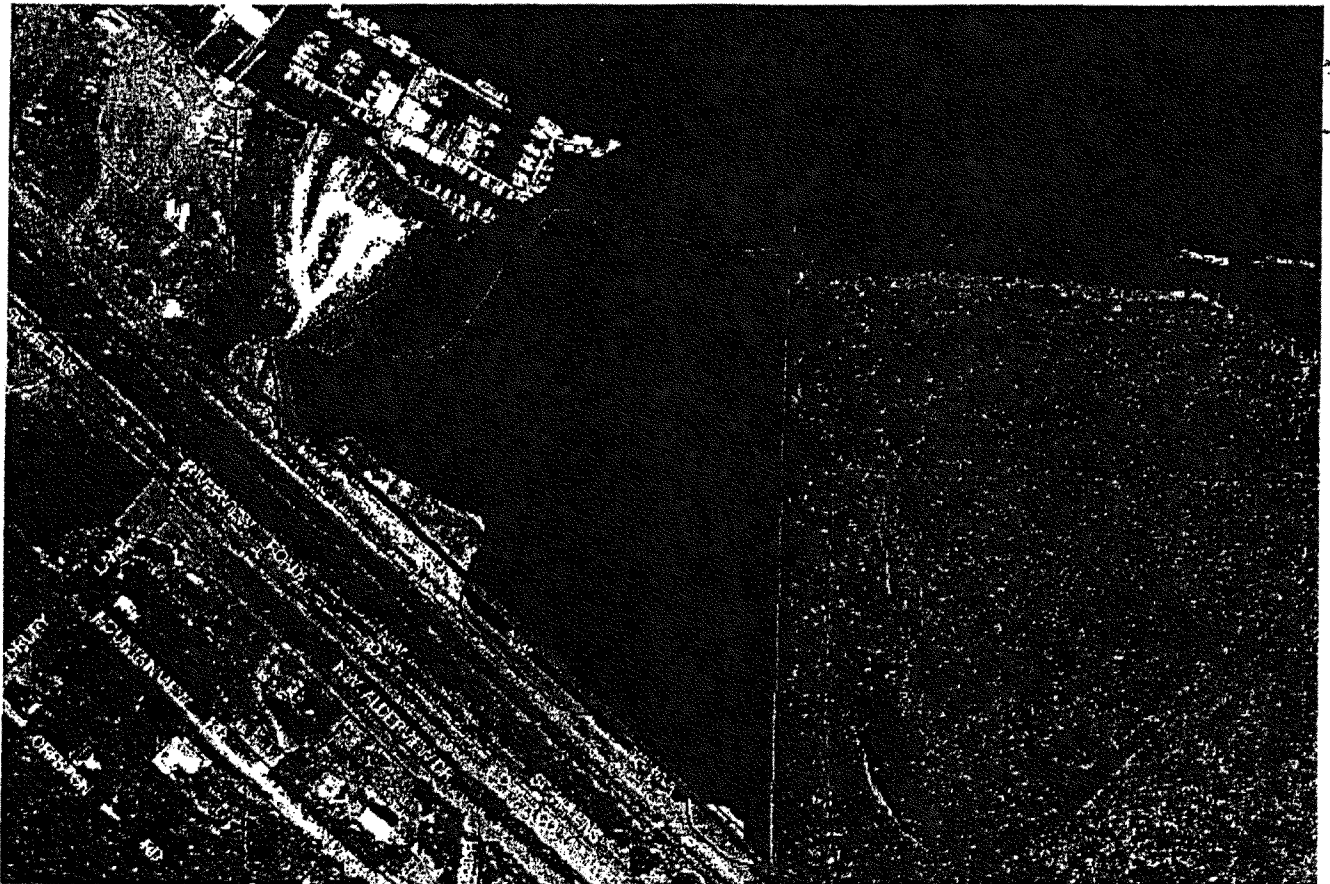
Property Location: 12800 NW Marina Way **Map:** 1717

Issue: The owner and his representative oppose the Environmental Conservation and Environmental Protection overlay zones on the property.

Staff Response: In a phone conversation on 7/25/01 staff discussed the issues on this site with Mr. Day, the property owners representative. At this time they have no specific request just a general concern about the placement of the overlay zones on the property. Staff has reviewed the inventory information and is satisfied that the current proposal reflects the correct location of the overlay zones and the a-quality and c-quality resources on the site—which include substantial wetland areas, Willamette River floodplain, and native vegetation on the Willamette bank.

Recommended Action: No change.

Figure 9



Respondent #10: Larry Porter representing Greg Goodman

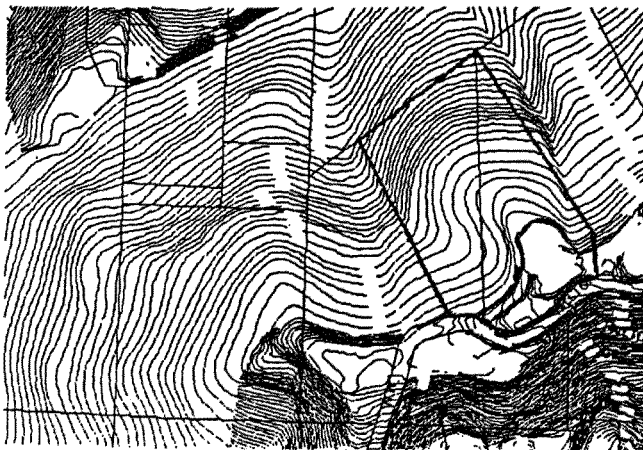
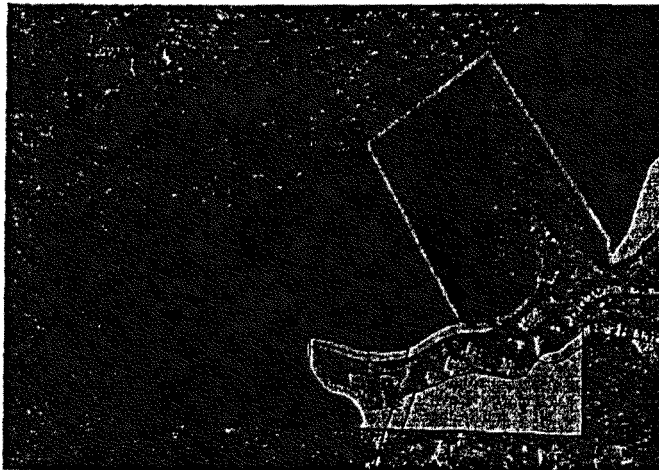
Property Location: Between 321 and 345 NW Hilltop Drive. **Map:** 3024

Issue: The owner and his representative oppose the Environmental Protection overlay zone proposed for a newly acquired vacant lot to the west of the residence property. Mr. Goodman's residence property is already within City jurisdiction.

Staff Response: In a phone conversation on 7/17/01 staff discussed the issues on this site with Mr. Porter the property owners representative. At this time they have no specific request just a general concern about the placement of the Environmental Protection overlay zone on the property. Mr. Porter indicated that the owner was considering developing the lot at some point in the future. The property owner Mr. Goodman recently completed a property line adjustment with his neighbor to the west, Mr. Wessinger, after Mr. Wessinger purchased the property (see Respondent #12). Staff has reviewed the inventory information and is satisfied that the current proposal reflects the correct location of the overlay zones and the a-quality and b-quality resources on the site—which are extremely steep forested slopes and drainages.

Recommended Action: No change.

Figures 10 and 11



Respondent #11: Peter Voorheist

Property Location: 4900 SW Humphrey Blvd. **Map:** 3324

Issue: Mr. Voorheist opposes application of the Environmental Conservation overlay to his three acre property. The majority of the property is proposed for the Environmental Conservation overlay. Mr. Voorheist testified at the Planning Commission hearing on 6/18/01 that he had clear-cut the entire property and had the stumps removed, therefore the proposed Environmental Conservation overlay zone should be removed.

Staff Response: The Planning Commission did not address Mr. Voorheist's request.

Recommended Action: No change.

SECTION 3- Information and Assistance Provided

Respondent #12: William Wessinger

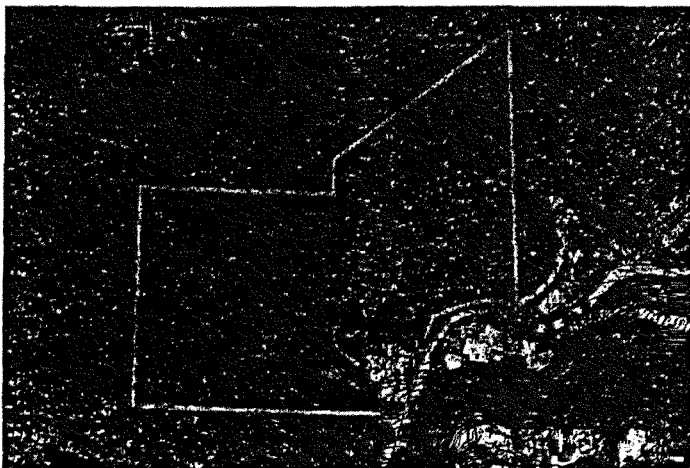
Property Location: 321 NW Hilltop Drive **Map:** 3024

Issue: Mr. Wessinger had concerns about the application of Environmental Protection and Environmental Conservation overlay to his property and about the code regulations. The majority of the property is proposed for the Environmental Protection overlay.

Staff Response: Staff spoke with Mr. Wessinger over the phone on 5/30/01 and 6/18/01 and met with him at the Bureau of Planning Office in early June. After hearing more about the overlay zones and regulations Mr. Wessinger was comfortable with the location of the overlay zones and had no further issues. Mr. Wessinger stated that he was comfortable with the Environmental Protection overlay zone because he had no intention of developing in the areas covered by the overlay and that was the reason he bought the property between his home and Mr. Goodman's home, to keep it from being developed.

Recommended Action: No change.

Figure 12



Respondent #13: Brad Fletcher

Property Location: 1537 SW Comus **Map:** 4030

Issue: Mr. Fletcher wanted to make sure that the map proposal presented to the County Board of Commissioners accurately reflected the overlay zone location that was agreed upon after the 1999 Planning Commission hearing.

Staff Response: Staff spoke with Mr. Fletcher numerous times in May, June, and July to confirm the Environmental Conservation and Protection overlay zone lines as we had agreed to them in 1999. What was agreed to was an Environmental Protection overlay that is 100 feet wide with an Environmental Conservation overlay extending another 100 feet beyond the Environmental Protection overlay onto Mr. Fletcher's property. The 100-foot Environmental Conservation overlay includes a 25-foot Transition Area. The zone lines shown in Figure 13 below illustrate the accurate location as recommended by the Planning Commission. Mr. Fletcher has reviewed these zone line locations and is in agreement.

Recommended Action: No change.

Figure 13



Respondent #14: James Meier

Property Location: Near 7324 NW Penridge Road

Map: 2922

Issue: Mr. Meier had concerns about the application of Environmental Conservation overlay to his property and about the code regulations. The majority of the property is proposed for the Environmental Conservation overlay.

Staff Response: Staff spoke with Mr. Meier over the phone on 7/16/01 and discussed the overlay zone and regulations. After the discussion Mr. Meier was less concerned with the location of the overlay zone and had no further issues.

Recommended Action: No change.

Respondent #15: Maxine Selling

Property Location: 5701 SW Patton Road

Map: 3323

Issue: Ms. Selling wanted to confirm that the map proposal presented to the County Board of Commissioners accurately reflected the location of the Environmental Conservation overlay that was agreed upon after the 1999 Planning Commission hearing.

Staff Response: Staff sent Ms. Selling a copy of the current proposal for the location of the Environmental Conservation overlay on her property on 7/12/01. There has been no other communication from Ms. Selling.

Recommended Action: No change.



CITY OF PORTLAND, OREGON BUREAU OF PLANNING

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July 23, 1999

MEMORANDUM

TO: Multnomah County Planning Commission

FROM: Tom McGuire, Senior Planner, Portland Planning Bureau

SUBJECT: Multnomah County - Portland Compliance Project, Responses to Public Comments

The following are staff responses to environmental zoning issues raised by citizens at the Planning Commission hearing on 7/12/99. Also attached is the proposed environmental zoning information requested by Commissioner Reddick. Staff contacted or met with all of the property owners and was able to work out most of the issues. Refinements to the proposed environmental overlays are recommended on certain properties to more accurately reflect current site conditions. Staff recommends that the Planning Commission amend the proposed environmental zoning as described in the staff responses and shown in the attached figures. Staff further recommends that the Commission add the attached zoning summaries requested by Commissioner Reddick to the ESEE document.

Respondent #1: Peter Voorheist

Property Location: 4900 SW Humphrey Blvd. **Map:** 3324

Issue: Opposes application of Environmental Conservation overlay to his 3 acre property. The entire property is proposed for the Environmental Conservation overlay.

Staff Response: The conservation zone was proposed for this site as part of the Southwest Community Plan (SWCP).

Staff met Mr. Voorheist on the property and walked the site on 7/19/99. After visiting the property and reviewing SWCP documents, recent aerials, and topographic maps staff recommends refinement of the location of the Environmental Conservation overlay. Portions of the Voorheist property are proposed to be removed from the conservation overlay because the presence of development and the lack of resources.

Staff confirms that significant natural resources are present on the Voorheist property and adjacent properties to the south. The forested uplands, slopes, and creek headwaters provide medium to high quality food and cover for birds and mammals. The Voorheist property sits at the top of the ridge separating the Hwy. 26 canyon from the Fanno Creek Basin. The property has mature conifer-topping-hardwood canopy cover and is notable in this area of SWCP study for the lack of invasive exotic plants. The understory and groundcover layers are composed almost entirely of diverse native species. The forest cover continues onto the neighboring properties to the south and southwest. The topography begins to drop off on the neighboring properties down to the headwaters of two tributaries of Fanno Creek. The investigation of this property has lead to the discovery that a conservation zone proposed under the SWCP is missing from land to the south of this property.

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Recommended Action: Staff recommends that the Planning Commission amend the proposed conservation zone, as shown in Figure 1 below, in order to respond to existing development on the property and to preserve these upland and headwaters resources and the connections between this area and other resources in the Fanno Creek basin consistent with the SWCP recommendations.

Figure 1:



1. The above mentioned information is being furnished to you for your information and use only. It is not to be distributed outside of your agency without the express written consent of the FBI. The information is being furnished to you under the provisions of the Freedom of Information Act, 5 U.S.C. 552, and is not to be released to the public or other agencies without the express written consent of the FBI.

Respondent #2: John Gilleland

Property Location: 350 NW 83rd Place **Map:** 3021

Issue: Opposes application of Environmental Conservation overlay and "c" quality significance ranking on his 2.1 acre property. The eastern portion of the property is proposed for the Environmental Conservation overlay.

Staff Response: Staff visited the site on 7/23/99 and agrees with Mr. Gilleland in part. There are c-quality resources on the site but not to the extent originally mapped. There are forest and wildlife habitat resources on the eastern edge of the property that extend onto the properties to the south.

Recommended Action: Staff proposes to modify the conservation overlay zone, as shown in Figure 2, to better match the c-quality resources on the site. Mrs. Gilleland confirmed on site that this proposal was acceptable.

Figure 2



Respondent #3: Jeffrey Keeney, representing Mr. And Mrs. Mort Bishop

Property Location: 10707 SW Riverside Drive **Map:** 4031

Issue: Raised concerns about the extent of the Environmental Conservation overlay zone on the Bishop property.

Staff Response: Staff met Mr. Keeney and Mrs. Bishop on the property and walked the site on 7/15/99. After visiting the property staff agreed that the environmental conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The conservation overlay as originally proposed extended onto the landscaped terrace on the property.

Recommended Action: Staff recommend modification to the conservation overlay as shown in Figure 3. Mr. Keeney and Mrs. Bishop were satisfied with the staff modification.

Figure 3



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Respondent #4: Ron Vandehey

Property Location: SW Shattuck road **Map:** not applicable

Issue: Had concerns about the Environmental Conservation overlay zone on his property.

Staff Response: Staff spoke with Mr. Vandehey over the phone and found that his property is currently within the Portland City limit and therefore is not affected by this project.

Recommended Action: None.

Respondent #5: Bette Franklin

Property Location: Near 1110 NW Greenleaf Rd. **Map:** 2922

Issue: Concerned about the placement of the Environmental Protection overlay zone on a vacant property that she owns near her residence. She has an approved septic drainfield location for the property and is concerned that the protection overlay may extend onto the approved area.

Staff Response: Staff met Ms. Franklin on the property and looked at the site on 7/20/99. After visiting the property and reviewing documents supplied by Ms. Franklin on the location of the septic approval staff believes the protection overlay will not encroach onto the area approved for septic. The protection overlay as proposed is 100 feet from the centerline of the creek to the east of the property. Using the best topographic data available and the documents provided by Ms. Franklin staff concludes that the protection overlay is at least 30 feet beyond the area approved for the septic field.

Staff also discussed with Ms. Franklin the fact that the drainfield approval predates the application of the proposed environmental overlays and if any portion of the approved drainfield area is found to be within the protection overlay zone the drainfield approval would be "grandfathered" and could be built as approved. Ms. Franklin indicated that she understood this position.

While viewing this property staff noted that the Franklin's had constructed a new house on a nearby property that they own. The house and cleared area, which received County permits in 1997, are within the proposed conservation and protection overlays.

Recommended Action: Make no modification to the proposed environmental overlays on the vacant lot. Modify the environmental conservation and protection overlays on the lot containing the house, as shown in Figure 4. Ms. Franklin was satisfied with this staff recommendation.

Figure 4



The map shows the proposed environmental overlays on the lot containing the house. The overlays are shown in white lines on a dark background. The lot is located in the center of the map. The overlays include a large area in the center of the lot, and several smaller areas along the boundaries. The map also shows a network of roads and other land parcels. The north arrow is in the top right corner.

Respondent #6: Judith Rafferty

Property Location: Barbara Welch Road **Map:** 3846 (Lava Domes)

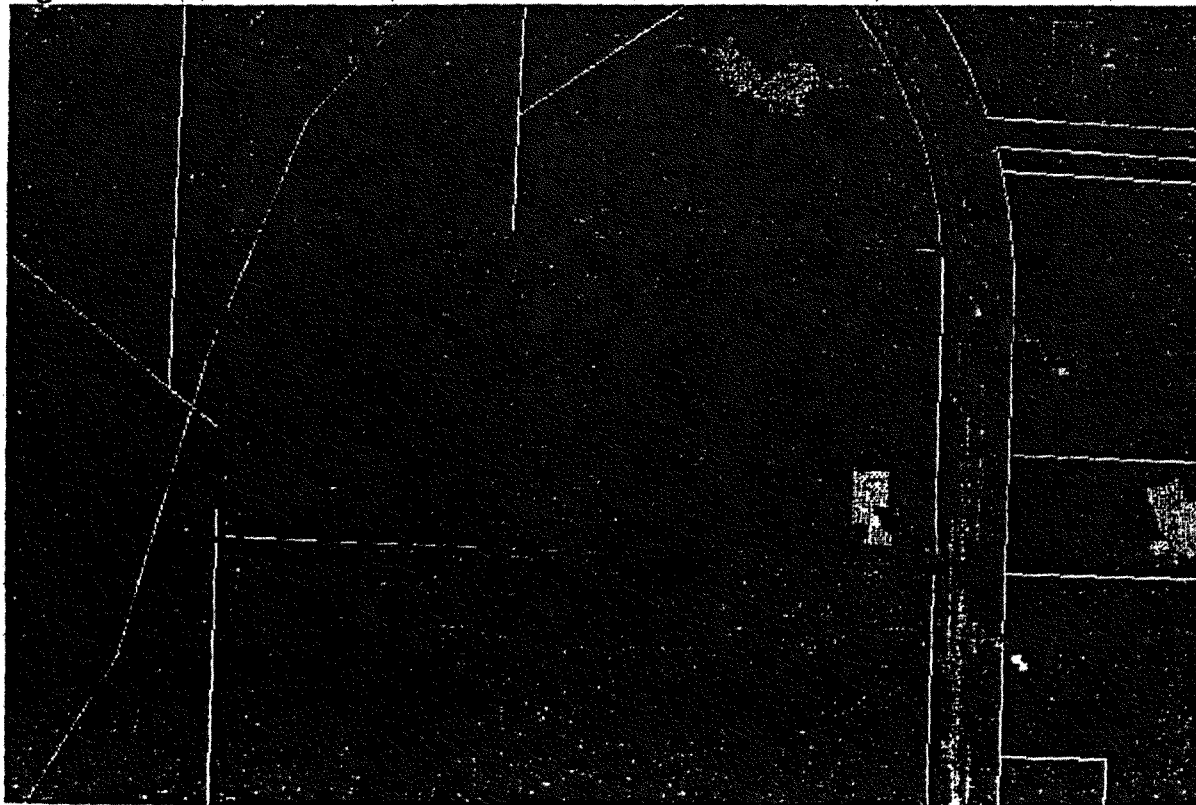
Issue: Opposes the extent of the Environmental Protection overlay zone on her property.

Staff Response: Environmental overlay zoning was proposed for this property and adopted by the City of Portland as part of the Boring Lava Domes study area that was completed by the City in November 1997.

Staff contacted Ms. Rafferty by phone on 7/20/99. Staff has previously contacted Ms. Rafferty by phone and has walked the site with her. Ms. Rafferty is concerned that the environmental protection overlay extends too far to the east on her property and will remove the potential for two buildable lots. The staff position is that the proposed environmental overlays are in the correct location on this property. Staff believes that the protection zone only extends to the top of the slope leading down to a creek which is the area identified as A-quality resource in the Boring Lava Domes study. With clustering of the development and public sewer service extension, Mrs. Rafferty should not lose any potential lots/units.

Recommended Action: No change.

Figure 5



Respondent #7: Logan Ramsey

Property Location: Between NW Walmer and Skyline Blvd. **Map:** 2821

Issue: Opposes the Environmental Conservation overlay zone proposed for the south approximately 75 feet of the property.

Staff Response: At this time, Mr. Ramsey has not returned staff's telephone call. The south side of Mr. Ramsey's property contains a headwaters drainageway that flows down to protected creeks within the City of Portland. Staff has proposed a 75-foot-wide Environmental Conservation overlay centered on the drainageway with 37.5 feet on each side of the centerline. This means that effectively there is a 12.5-foot-wide regulated area on either side of the drainageway because the outer 25 feet of the environmental zone is a "transition area". Depending on the exact location of the drainageway centerline there may be even less conservation area on Mr. Ramsey's property because the drainageway is very close to his south property line. Staff believes that the decision to limit conflicting uses through application of the Environmental Conservation overlay is appropriate and recommends no change.

Recommended Action: No change.

Figure 6



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Respondent #8: Brad Fletcher

Property Location: N537 SW Comus **Map:** 4030

Issue: Concerns about the extent of the Environmental Conservation overlay on his property and how the regulations may affect his maintenance of view corridors.

Staff Response: Staff met Mr. Fletcher on the property and walked the site on 7/22/99. After visiting the property staff determined that some modification of the conservation overlay is necessary. The conservation overlay should extend 100 feet south of the Environmental Protection overlay zone on the property. The protection zone extends 50 feet south from the centerline of a creek on the property. This results in a total of 125 feet of regulated area south of the creek centerline and an additional 25 feet of transition area.

Mr. Fletcher was also concerned about continuing tree trimming and maintenance of view corridors on his property. The Environmental Overlay Zone has an exemption for continued landscape maintenance. This exemption does apply to tree trimming and maintenance for view corridors if the property owner has a clear record of past maintenance activities.

Recommended Action: Modify the conservation overlay as shown in Figure 7. Mr. Fletcher was satisfied with the staff proposal.

Figure 7



Respondent #9: Harry Czyzewski

Property Location: Near 1966 NW Ramsey Crest **Map:** 2821

Issue: Concerns about the extent of the Environmental Protection overlay zone on his property.

Staff Response: Staff met with Mr. Czyzewski after the Planning Commission hearing on the 12th and then again at his property on 7/20/99. This area is at the top of the ridge separating the Balch Creek basin and the Cedermill Creek basin. This area does not and will not have access to sanitary sewer. The site is extremely steep but septic systems are the only option. The main issue is whether the proposed location of the protection overlay zone leaves enough space for septic systems. It does appear that some modification of the protection overlay is necessary to accommodate development with septic systems.

Recommended Action: Modify the proposed protection overlay zone as shown in Figure 8.



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Request from Commissioner Reddick: Commissioner Reddick requested information on the amount of Environmental Conservation and Protection overlay zoning proposed for each site similar to information provided in other resource plans prepared by the City. The following tables contain information on the amount of environmental zoning for each site. Information is provided for each proposed base zone and for vacant versus developed parcels.

Recommended Action: Add the following summary tables to the ESEE analysis for each site.

RESOURCE SITE 28, Johnson Creek

Proposed Zoning	Status	Acres of "C"	Acres of "P"
EG1	vacant	.02	.52
	developed	.14	.37
Total EG1		.16	.89
OS	vacant	.95	.70
	developed	--	--
Total OS		.95	.70
R20	vacant	--	.07
	developed	.44	2.11
Total R20		.44	2.18
R5	vacant	--	2.28
	developed	--	.48
Total R5		0	2.76
Total for Site	vacant	.97	3.55
	developed	.57	2.56
Total vacant and developed		1.54	6.11
Total Site Area	56 acres		
Total Proposed Environmental Zoning	7.65 acres		

RESOURCE SITE 105-A, Linnton

Proposed Zoning	Status	Acres of "C"	Acres of "P"
RF	vacant	.38	13.33
	developed	--	--
Total RF		.38	13.33
R10	vacant	.30	.36
	developed	.34	.40
Total R10		.64	.76
Total for Site	vacant	.67	13.69
	developed	.34	.40
Total vacant and developed		1.01	14.09
Total Site Area	40 acres		
Total Proposed Environmental Zoning	15.1 acres		

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RESOURCE SITE 111-A, Sylvan

Proposed Zoning	Status	Acres of "C"	Acres of "P"
RF	vacant	25.87	33.97
	developed	8.81	6.75
Total RF		34.68	40.72
R10	vacant	38.43	20.32
	developed	75.33	27.09
Total R10		113.76	47.41
R20	vacant	15.84	10.45
	developed	33.89	15.14
Total R20		49.73	25.59
Total for Site	vacant	80.14	64.74
	developed	118.02	48.98
Total vacant and developed		198.16	113.72
Total Site Area	626 acres		
Total Proposed Environmental Zoning	311.9 acres		

RESOURCE SITE 117-A, Dunthorpe

Proposed Zoning	Status	Acres of "C"	Acres of "P"
R10	vacant	2.07	.5
	developed	2.45	1
Total R10		4.52	1.5
R20	vacant	23.53	6.85
	developed	39.53	14.84
Total R20		63.06	21.69
Total for Site	vacant	25.60	7.35
	developed	41.99	15.84
Total vacant and developed		67.59	23.19
Total Site Area	660 acres		
Total Proposed Environmental Zoning	90.8 acres		

EXHIBIT C:
ANALYSIS OF BASE ZONE
CHANGE IN DUNTHORPE-
RIVERDALE

**INCREASE in Dwelling Unit Capacity (vacan
for a Portion of Dunthorpe-Riverdale with proposed Zone Change
from County R30 to City R20**

This analysis estimates dwelling unit capacity for land listed in the Metro's *Vacant Land Inventory* and located in the Dunthorpe-Riverdale area that now has County R30 zone. The portions of Dunthorpe-Riverdale currently zoned County R10 and R20 are not included in this analysis because the number of developable lots is not altered by a change in base zone. Dunthorpe-Riverdale currently contains 538 acres of land zoned County R30.

A zone change from County R30 to City R20 would yield a potential increase of 57 additional buildable lots for these properties. The dwelling unit capacities shown below are the maximum development potential for each zone, based on the database used and on each zone's required minimum lot size. This estimate is based on the best available data. It does not take into consideration a variety of factors affecting development including some environmental factors, adequate public facility capacity, minimum lot dimension requirements, variances and adjustments, or the potential for development on substandard lots of record. An analysis of the change in substandard lot development procedures is included after the capacity estimates.

Metro's Vacant Land Inventory was used in this calculation. Properties with vacant and buildable land were categorized into sizes that would accept 1 new dwelling unit (DU), 2 DU, and so forth, up to 8 DU. The lot size categories were based upon the minimum lot size of 30,000 SF for the existing County R30 zone, and 20,000 SF for the proposed City R20 zone.

Existing Situation - County R30 Zone

Dwelling Unit Capacity Potential	Number of Database Records	Maximum Additional Dwelling Unit Capacity *
One DU	35	35
Two	3	6
Three	1	3
Four	3	12
Five	1	5
Six	0	0
Seven	0	0
Eight	0	0
Totals	43	61

* lot size of 30,000 Square Feet was used to determine additional capacity.

Proposed City R20 Zone

Dwelling Unit Capacity Potential	Number of Database Records	Maximum Additional Dwelling Unit Capacity *
One DU	63	63
Two	7	14
Three	2	6
Four	2	8
Five	0	0
Six	2	12
Seven	1	7
Eight	1	8
Totals	78	118

* lot size of 20,000 Square Feet was used to determine additional capacity.

Net Increase

Zoning	Maximum Dwelling Unit Capacity
County R30 Zoning	61
City R20 Zoning	118
Difference (increase)	57

Change in 'Substandard Lot' Development Regulations from County R30, R20, R10 to City R20

Some areas in the Dunthorpe-Riverdale neighborhood were originally platted with lots of 5,000 square feet or less. Many of these lots are smaller than the minimum size required by both the current zoning (County R30, R20 or R10) and the proposed zoning (City R20 or R10). This analysis provides an overview of how these substandard 'lots of record' are regulated under the existing County Code and how this will change with the proposed application of the Portland Code.

Multnomah County Code:

Until 1994, the County Code allowed development on "lots with a deed of record" as small as 3,000 square feet in County zones R30 and R20. The Code's lot definitions were refined in 1994 to require grouping contiguous substandard lots of record under common ownership to comply "as nearly as possible" with the base zone's minimum lot sizes. This provision was added only to the regulations of County zones R30 and R20. (*Multnomah County Zoning Ordinance: 11.15.2848*) Substandard lots greater than 3,000 square feet remain developable under current County R10 regulations.

City of Portland Code:

Under the current recommendation, Dunthorpe-Riverdale properties zoned County R30 or R20 will be converted to City R20. The City's Code takes a different approach to development on substandard lots. In the City R20 zone, substandard lots larger than 14,000 square feet are developable by right. (*Portland Zoning Code: 33.291*) For development on substandard lots smaller than 14,000 square feet, a Type II discretionary review process is required.

In the City R10 zone, substandard lots larger than 7,000 square feet are developable by right. Lots smaller than 7,000 square feet require the discretionary review process.

Portland Zoning Code Chapter 33.291 on Substandard Residential Lots is attached.

How Many Developable Substandard Lots of Record are there in Dunthorpe-Riverdale?

The portions of Dunthorpe-Riverdale that were originally platted with small lots (with an average of 5,000 square feet) are limited to three areas in the northwestern portion of the district. The attached map shows the areas with small-lot platting. The rest of the Dunthorpe-Riverdale area will be largely unaffected by the change in substandard lot regulations because there are few undeveloped lots of record smaller than 20,000 square feet (the minimum required by the City R20 base zone).

The northernmost area with small-lot platting is currently zoned County R10 and will be zoned City R10. As there is currently no clause in the County Zoning Ordinance to prohibit development of substandard lots in the R10 zone, this area will not experience any increase in substandard lot development due to the change in zoning regulations. There may be a decrease in the development potential for substandard lots in the transition to the City's R10 zone because of the discretionary review process required for lots smaller than 7,000 square feet.

The rest of the area with small-lot platting is partly zoned County R20 and partly R30. The current proposal will zone this area to City R20. With the transition to Portland's Code, there may be some increase in development on substandard lots in this area. However, because the area is largely developed and many existing homes are sited over originally platted lot lines, it is staff's opinion that relatively little substandard lot development will occur. In addition, development on substandard lots can only take place without a Type II discretionary review if the lot or combination of lots has an area 14,000 square feet or greater.

Variances and Adjustments to minimum lot sizes in County and City Codes

Multnomah County Code:

The County Code allows for variances to dimensional standards (setbacks or height) only. It does not allow for variances to minimum lot sizes.

City of Portland Code:

The City of Portland Zoning Code contains a provision for adjustments to the minimum lot size in residential zones. Requests for adjustment are processed through a Type II discretionary review. Adjustments that meet the approval criteria (outlined in Section 33.805.040 of the Portland Zoning Code) may be granted to allow the creation of new lots according to the chart below:

Zone	Adjusted minimum lot size
RF	1 acre
R20	15,000 square feet
R10	8,750 square feet
R7	6,000 square feet
R5	3,000 square feet

Section 33.805 "Adjustments" of the Portland Zoning Code is attached.

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S.W. PALATINE
HILL

Area currently zoned
County R20

Area currently zoned
County R10



Areas currently zoned
County R30

Small-Lot* Platting in Dunthorpe-Riverdale

* Areas with platting with average lot size of 5,000 square feet.

Source: Multnomah County Sectional Zoning Maps

CHAPTER 33.291 SUBSTANDARD RESIDENTIAL LOTS

Sections:

- 33.291.010 Purpose
- 33.291.020 Substandard Lot Types
- 33.291.030 Allowed Housing
- 33.291.040 Development Standards
- 33.291.050 Procedure
- 33.291.060 Approval Criteria

33.291.010 Purpose

The substandard residential lot regulations allow infill housing on existing lots which do not meet the minimum lot size requirements of the current zone, while maintaining compatibility with the neighborhood. The regulations are intended to allow for a reasonable use of the land, but not to legitimize parcels which were divided after subdivision and partitioning regulations were established, and which did not comply with the jurisdiction's regulations. The regulations also allow development on lots which were rendered substandard by condemnation for right-of-way.

33.291.020 Substandard Lot Types

(Amended by Ord. No. 165417, effective 6/5/92. Amended by Ord. No. 166702, effective 7/30/93). Substandard lots are divided into two types.

A. Type A. Except as provided in subsection B below, a Type A substandard lot is:

1. A lot of record, or a combination of lots of record; and
2. Which is currently vacant; and
3. Which **does not** meet one or more of the dimensional requirements for new lots in the zone; and
4. Which **does** meet all of the dimensional requirements of Table 291-1. Lots in the R2.5 and R5 zones are exempt from meeting any dimensional requirements, and are considered Type A lots if they comply with paragraphs 1, 2, and 3 above.

or

5. A lot of record, or a combination of lots of record; and
6. Which is currently vacant; and
7. Which **did** meet all the dimensional requirements of Table 291-1, but was reduced below one or more of those requirements solely because of condemnation by a public agency for right-of-way.

B. Exception to Type A Lots. Within the West Portland Park subdivision, a lot of record that would otherwise meet the definition of a Type A substandard lot, is regulated as a Type B substandard lot.

Table 291-1 Minimum Size For Type A Lots					
Standard	R F	R 20	R 10	R 7	R 5 & R 2.5
Lot Area	1 acre	14,000 Sq. Ft.	7,000 Sq. Ft.	5,000 Sq. Ft.	No Minimum
Lot Width	80 Ft.	70 Ft.	60 Ft.	50 Ft.	No Minimum
Lot Depth	120 Ft.	100 Ft.	80 Ft.	70 Ft.	No Minimum

C. Type B. A Type B substandard lot is:

1. A lot of record, or a combination of lots of record; and
2. Which is currently vacant; and
3. Which **does not** meet all of the dimensional requirements of Table 291-1.

or

4. A tract or a combination of tracts of land which is **not** a lot of record; and
5. Was created and recorded before July 26, 1979 by a deed or other instrument recorded with the appropriate county recorder; and
6. Which is currently vacant.

D. Lots with damaged or destroyed housing. A substandard lot which at one time was developed with housing and the housing has been damaged or destroyed by fire or other causes beyond the control of the owner, is subject to the following:

1. If the repair cost is more than 75 percent of the assessed value of the structure, and the structure or site has been vacant for more than 5 years, then the requirements of this chapter apply.
2. If the repair cost is less than 75 percent of the assessed value of the structure, or if the repair cost is more than 75 percent of the assessed value of the structure and the structure or site has been vacant for less than 5 years, then the requirements of 33.258.060, Nonconforming Residential Densities apply.

33.291.030 Allowed Housing

(Amended by Ord. No. 165417, effective 6/5/92.) Houses are allowed by right on Type A substandard lots, subject to the requirements of the base zone and the standards of 33.291.040 below. Houses may be allowed through a substandard lot review on a Type B substandard lot. They are subject to the requirements of the base zone and the standards of 33.291.040 below. Housing is prohibited on a tract created after July 26, 1979, which did not comply with the zoning regulations when it was recorded.

33.291.040 Development Standards

(Amended by Ord. No. 165417, effective 6/5/92.)

- A. When these standards apply.** The development standards of this section apply to Type A and B substandard lot development. The development standards of the base zone apply unless specifically addressed in this section.

- B. Setbacks.** In cases where existing development on an abutting lot has less than the currently required side or rear building setback, the required side and rear building setbacks of the substandard lot are increased to make up the difference, and provide the minimum required separation between buildings (double side setbacks.)
- C. Required outdoor areas.** In the R5 and R2.5 zones, the minimum required outdoor area is 200 square feet with a minimum dimension of 10 by 10 feet.
- D. Sewers.** If a sanitary sewer is available, the development must hook up to the sewer. If sanitary sewer is not available, then the applicant must sign a waiver of remonstrance against the creation of a local improvement district to provide sewers. The applicant must also sign a mandatory hook-up agreement with the Bureau of Environmental Services.
- E. Streets.** If the abutting street is not improved to City standards, then the applicant must sign a waiver of remonstrance against the creation of a local improvement district to improve the street.
- F. Orientation to the street.**
 - 1. **Purpose.** The intent of this subsection is to encourage compatibility with the neighborhood, promote housing which will provide opportunities for surveillance of the street, and assure that garages and driveways do not dominate the site as seen from the street.
 - 2. The front facade of the house may not include more than 40 percent of garage wall area. On corner lots, the requirement applies to the street that will contain the address of the house.
 - 3. The ground-level front facade of a house must contain at least 20 square feet of windows on exterior walls of living areas. On corner lots, each frontage must meet this standard.

33.291.050 Procedure

Substandard lot reviews for Type B lots are processed through a Type II procedure.

33.291.060 Approval Criteria

(Amended by Ord. No. 165417, effective 6/5/92.) Substandard lot reviews will be approved if the review body finds that the applicant has shown that all of the following criteria have been met:

- A.** On July 26, 1979, or any time since that date, the lot did not abut any substandard lot owned by the same family or business. The intent of this criterion is to not allow ownerships to be split into substandard building sites;
- B.** The proposed development is as compatible with the surrounding housing as is practical. Compatibility is based on considerations such as placement on the lot, size, height, number of stories, angle of roof pitch, architectural style, size and placement of accessory structures such as garages, building materials, and landscaping materials; and
- C.** Any requested adjustments are consistent with the purpose of this chapter and the intent of the regulation being adjusted.

**CHAPTER 33.805
ADJUSTMENTS**

(Amended by: Ord. No. 167127, effective 12/17/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 175204, effective 3/1/01.)

Sections:

- 33.805.010 Purpose
- 33.805.020 Procedure
- 33.805.030 Regulations Which May and May Not Be Adjusted
- 33.805.040 Approval Criteria

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

- A. Eligible regulations.** Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.
- B. Ineligible regulations.** Adjustments are prohibited for the following items:
 - 1. To allow a primary or accessory use that is not allowed by the regulations;
 - 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
 - 3. As an exception to a threshold for a review. An example is 33.140.100.B.3 in the Employment and Industrial Zones chapter. It states that a single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;
 - 4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030.B, which says that mobile home parks are allowed only in the R3 and R2 zones. An adjustment could not be granted to allow a mobile home park in any other R zone;

5. As an exception to a definition or classification. An example is a convenience store, which is defined as being under 4,000 square feet in area, requiring a package store liquor license, and being open more than 15 hours a day. An adjustment could not be granted to change the amount of square feet, the package store liquor license, or the hours a convenience store is open;
6. As an exception to the procedural steps of a procedure or to change assigned procedures;
7. To allow an increase in density of more than one-half of a dwelling unit in the R3, R2, or R1 zones. An example would be the owner of an R1 lot at between 6,000 and 6,499 square feet could not ask for a seventh unit, but an owner of a lot between 6,500 and 6,999 could; and
8. To create a **new lot** on vacant land in a residential zone below the sizes stated below, unless specifically allowed by this Title:

RF	43,560	square feet
R20.....	15,000	square feet
R10.....	8,750	square feet
R7	6,000	square feet
R5 through RH.....	3,000	square feet

33.805.040 Approval Criteria

The approval criteria for signs are stated in Chapter 33. 286, Signs. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- D. City-designated scenic resources and historic resources are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;
or
- G. Application of the regulation in question would preclude all reasonable economic use of the site; and

- H. Granting the adjustment is the minimum necessary to allow the use of the site;
and
- I. Any impacts resulting from the adjustment are mitigated to the extent practical.

EXHIBIT D

Proposed Land Use Zones Multnomah County - Portland Compliance Project

Below is an explanation of land use zones, with a description of each zone being proposed for the project areas. For more information, contact project staff, or see the Portland Zoning Code. The Portland Zoning Code is also available for review on the City's web site at <http://www.planning.ci.portland.or.us/>.

Base Zones & Overlay Zones

There are two basic types of land use zones: **base zones** and **overlay zones**. Every property in both the County and the City has a base zone. Each base zone has its own regulations designed to fulfill the purpose of that zone. The zone's regulations provide detailed land use information including the types of land uses allowed in that zone, and development standards such as minimum lot size. For example, the Residential 10,000 (**R10**) base zone is a single-family residential zone with a 10,000 square foot minimum lot size requirement. The R10 base zone allows primarily residential homes, may allow other uses under certain conditions, such as a corner neighborhood store, and does not allow others. For example, industrial land uses are not allowed in the R10 zone.

Overlay zones are an additional set of land use regulations beyond those specified in the base zone. Overlay zones supercede base zone requirements and may be more restrictive or flexible than the base zone. Overlay zones are used when more than one area shares the need to address a specific issue or combination of factors. For example, state law requires cities and counties to have specific regulations for land uses on land near the shores of the Willamette River. These regulations are designed to preserve the Willamette River for future generations of Oregonians. The Willamette River Greenway (**WRG**) overlay zone is applied to these areas to address these requirements. Environmental zones are also overlay zones, and are designed to balance property development rights and conservation of natural resources.

Proposed Zones

Below is a list of the land use zones that are being proposed for lands within the Multnomah County Compliance Project. For this project, existing land uses will be allowed to continue when the proposed new zones become effective. For more information, contact project staff or visit the Portland Permit Center. As mentioned, the current Portland Zoning Code is available for review on the City's web site at <http://www.planning.ci.portland.or.us/>.

Open Space Zone (OS)

Used to preserve lands that serve an active and passive recreational function and/or provide a sense of open space in the urban environment, it is applied almost exclusively to publicly owned property, parks, golf courses and cemeteries.

Single Dwelling Residential Zones (R zones)

The residential zones foster different types and densities of single-dwelling development. They are intended to preserve land for housing and to provide housing opportunities for individual households.

☐ Residential Forest (RF)

The RF zone is intended to generally be an agricultural zone. Residential use is allowed. A site or property zoned RF must be a minimum of 2 acres in order to develop it. Agricultural uses are allowed in the RF zone.

Single Dwelling Residential Zones (R zones) - continued -

- **Residential 20,000 (R20)**

A site or property zoned R20 must have at least 20,000 square feet to be developed. Agricultural uses are allowed.

- **Residential 10,000 (R10)**

A site or property zoned R10 must have at least 10,000 square feet to be developed. Agricultural uses require a conditional use review.

- **Residential 7,000 (R7)**

A site or property zoned R7 must have at least 7,000 square feet to be developed. Agricultural uses require a conditional use review.

- **Residential 5,000 (R5)**

A site or property zoned R5 must have at least 5,000 square feet to be developed. Agricultural uses are prohibited.

Commercial Zones

Commercial zones are designed to provide for a wide range of commercial activities. These zones create economic opportunities and provide benefits to consumers by providing convenient places to obtain commercial goods and services.

- **Office Commercial 1 (CO1)**

The CO1 zone allows low-density or small-scale office uses in or near residential areas or between residential and commercial areas. This zone would allow uses such as medical/dental offices, real estate or other professional offices.

Employment Zones

Employment zones are generally found in areas that were traditionally industrial and have been diversifying over the years to other uses. They are located in areas that are best suited for locating businesses and industrial uses. They also include supportive uses that create jobs and provide commercial and residential opportunities.

- **General Employment 1 (EG1)**

The EG1 zone allows for a variety of employment and business opportunities. It is generally located in older developed areas that have an existing street system.

Industrial Zones

Industrial zones are applied in areas where a full range of industrial development can occur. Uses such as vehicle repair, manufacturing and production, warehouse, wholesale sales and railroad yards are permitted in the Industrial zones.

- **General Industrial 2 (IG2)**

The IG2 zone allows a variety of industrial opportunities. Generally this zone includes industrial areas with larger lots and an irregular or more dispersed street system.

CITY-COUNTY ZONING COMPARISON CHART

Allowed Housing Types	West Side Base Zones											
	County MUA-20	County R-40	County R-30	City RF	County R-20	City R-20	County R-10	City R-10	County R-7	City R-7	County R-4	City R-5
Housing Type												
-House	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-Attached house (2 only)	No	No	No	No	No	Yes	No	Yes	No	Yes	No	Yes
-Accessory dwelling unit	No	No	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes
-Duplexes												
-on corners	No	Maybe	Maybe	No	Maybe	Yes	Maybe	Yes	Maybe	Yes	Yes	Yes
-on transitional lots	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-Manufactured home	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-Mobile Home Park/RV Park	No/CU	No/CU	No/CU	No	No/CU	No	No/CU	No	No/CU	No	No/CU	No
-Houseboat Moorage	CU	No	No	No	No	No	No	No	No	No	No	No
-Single Room Occupancy units (SROs)	No	No	No	No	No	No	No	No	No	No	No	No
-Apartment Dwellings (on transitional lots)	No	No	No	No	No	No	No	No	No	No	Yes	No
Use Categories												
Residential												
-Household Living	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-Group Living/Group care	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Commercial/Office	CU/CU	No/ Maybe	No/ Maybe	No	No/ Maybe	No	No/ Maybe	No	No/ Maybe	No	No/ Maybe	No
Industrial	CU	No	No	No	No	No	No	No	No	No	No	No
Institutional	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	Yes	CU	Yes	CU	No	No
Development Standards												
Minimum Lot Size												
-min. lot area	20 Acres	40,000 sq. ft.	30,000 sq. ft.	2 Acres	20,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	7,000 sq. ft.	7,000 sq. ft.	8,000/ 7,000 ²	5,000 ³ sq. ft.
-min. lot width	n/a	100 ft.	80 ft.	100 ft.	80 ft.	80 ft.	70 ft.	70 ft.	60 ft.	60 ft.	60 ft.	50 ft.
-min. lot depth	n/a	140 ft.	130 ft.	150 ft.	120 ft.	120 ft.	100 ft.	100 ft.	80 ft.	90 ft.	80 ft.	80 ft.
Maximum Height	35 ft. ⁴	35 ft.	35 ft.	30 ft.	35 ft.	30 ft.	35 ft.	30 ft.	35 ft.	30 ft.	35 ft.	30 ft.
Minimum Setbacks ⁵												
-front building setback ⁶	30 ft.	30 ft.	30 ft.	20 ft.	30 ft.	20 ft.	30 ft.	20 ft.	20 ft.	15 ft.	20 ft.	10 ft.
-side building setback	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
-rear building setback	30 ft.	30 ft.	30 ft.	10 ft.	30 ft.	10 ft.	25 ft.	10 ft.	25 ft.	5 ft.	25 ft.	5 ft.
-garage setback				18 ft.		18 ft.		18 ft.		18 ft.		18 ft.
Maximum Building Coverage	n/a	20% of site area	25% of site area	10% of site area	30% of site area	25% of site area	30% of site area	30% of site area	35% of site area	35% of site area	40% of site area	45% of site area

¹ Construction of a single-family dwelling for the housing of help required to carry out a primary use (farming, forestry, etc.) is permitted.

² The minimum lot size in the R-4 zone shall be 8,000 sq. ft. for a two-family dwelling, 7,000 sq. ft. for a single-family dwelling, and 4,000 sq. ft. for each dwelling unit in dwelling groups.

³ In the City R-5 zone lots as small as 4,000 sq. ft. are allowed if the average lot size in a development is at least 5,000 sq. ft.

⁴ Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 ft. from any property line.

⁵ In City residential zones R-10 through R-5, a variety of design standards also apply to new development.

⁶ In City residential zones, exceptions may be made to front setbacks for properties with environmental zones, steep slopes, or certain other situations.

CITY-COUNTY ZONING COMPARISON CHART

Allowed Housing Types	East Side Base Zones										
	County LR-40	County LR-30	City RF	County LR-20	City R-20	County LR-10	City R-10	County LR-7	City R-7	County LR-5	City R-5
Housing Type											
-House	Yes ¹	Yes ¹	Yes	Yes ¹	Yes	Yes ¹	Yes	Yes ¹	Yes	Yes ¹	Yes
-Attached house	No	No	No	No	Yes	No	Yes	No	Yes	No	Yes
-Accessory dwelling unit	No	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes
-Duplexes											
-on corners	Maybe	Maybe	No	Maybe	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-on transitional lots	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-other situations	No	No	No	No	No	Yes	No	Yes	No	Yes	No
-Manufactured home	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-Mobile Home Park/RV Park	No/CU	No/CU	No	No/CU	No	No/CU	No	CU/CU	No	CU/CU	No
-Houseboat Moorage	No	No	No	No	No	No	No	No	No	No	No
-Single Room Occupancy units (SROs)	No	No	No	No	No	No	No	No	No	No	No
Apartment Dwellings	No	No	No	No	No	No	No	CU	No	CU	No
Use Categories											
Residential											
-Household Living	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
-Group Living	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Commercial/Office	No/CU	No/CU	No	No/CU	No	No/CU	No	No/CU	No	No/CU	No
Industrial	No	No	No	No	No	No	No	No	No	No	No
Institutional	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	CU	Yes	CU	Yes	No
Development Standards ²											
Minimum Lot Size											
-min. lot area	40,000 sq. ft.	30,000 sq. ft.	2 Acres	20,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	7,000 sq. ft.	7,000 sq. ft.	5,000 sq. ft.	5,000 ³ sq. ft.
-min. lot width	100 ft.	80 ft.	100 ft.	80 ft.	80 ft.	70 ft.	70 ft.	60 ft.	60 ft.	45/50 ft.	50 ft.
-min. lot depth			150 ft.		120 ft.		100 ft.		90 ft.		80 ft.
Maximum Height	35 ft.	35 ft.	30 ft.	35 ft.	30 ft.	35 ft.	30 ft.	35 ft.	30 ft.	35 ft.	30 ft.
Minimum Setbacks											
-front building setback ⁴	30 ft.	30 ft.	20 ft.	30 ft.	20 ft.	30 ft.	20 ft.	20 ft.	15 ft.	20 ft.	10 ft.
-side building setback	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
-rear building setback	20 ft.	20 ft.	10 ft.	20 ft.	10 ft.	20 ft.	10 ft.	15 ft.	5 ft.	15 ft.	5 ft.
-garage setback			18 ft.		18 ft.		18 ft.		18 ft.		18 ft.
Maximum Building Coverage	20% of site area	25% of site area	10% of site area	30% of site area	25% of site area	35% of site area	30% of site area	40% of site area	35% of site area	50% of site area	45% of site area

\\PLANNING1\PLANNING5\Coordination\Project Files\MultCo Project\MultCo Compl Project\2001 PC&BD Hearings\City-County Zone Comparison Chart4.doc 8/17/01

Note: This comparison chart addresses use issues only, other standards and criteria apply. For a full description of uses and regulations, please see the County Zoning Ordinance (<http://www.co.multnomah.or.us/dscd/landuse/index.shtml>) or City Code (<http://www.planning.ci.portland.or.us/>).

CU = Conditional Use Permit required, decision made by the Planning Director or Hearings Officer after a public hearing.

¹ More than one single family detached dwelling may be located on a lot provided that all applicable dimensional requirements are met for each such dwelling and its accessory uses.

² In City residential zones R-10 through R-5, a variety of design standards also apply to new development.

³ In the City R-5 zone lots as small as 4,000 sq. ft. are allowed if the average lot size in a development is at least 5,000 sq. ft.

⁴ In City residential zones, exceptions may be made to front setbacks for properties with environmental zones, steep slopes, or certain other situations.

WHAT IS AN ENVIRONMENTAL OVERLAY ZONE?

The Basics

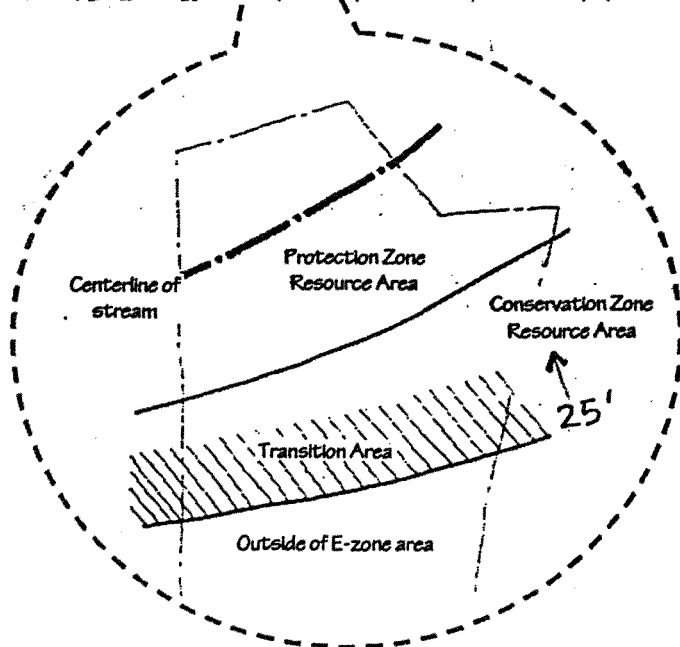
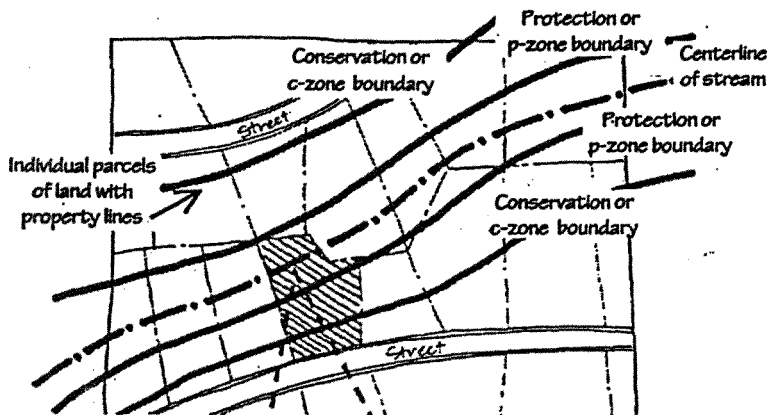
An **environmental overlay zone** is a land use designation that is applied to protect natural resources and minimize man-made impacts in areas that have significant natural resources. It is called an *overlay zone* because it is only applied in certain situations and is "overlaid" or applied in addition to the underlying *base zone*. A zone is defined as an area that is designated for certain types of land uses and land use regulations. Different types of land use base zones include open space, residential, commercial, and industrial zones. Base zones and overlay zones are shown on the City zoning maps. For example, imagine a property in a residential zone containing a stream with wooded slopes or a wetland. The portions of the property that contain, and are adjacent to the

environmentally sensitive areas may receive an environmental overlay zone in addition to their residential land use base zone.

Environmental zones are applied to protect natural resources and the benefits they provide. These benefits, or *functional values*, may be physical, aesthetic, scenic, educational or a combination of these.

For example, for a natural resource such as a wetland, functional values include:

- temporary storm water detention
- fish and wildlife habitat
- a natural filtering system for silt and pollutants
- aesthetic "greenspace" values,
- scenic values to neighboring developments
- recreation opportunities such as bird watching
- groundwater recharge



Example of an Environmental Conservation and Protection Zones on a Property. Environmental zones consist of resource areas and transition areas. Within the resource area is the environmental protection zone (p-zone) and the environmental conservation zone (c-zone). The *transition area*, or buffer, consists of the outer 25-feet of the environmental zone and is adjacent to either the protection zone or the conservation zone.

The Details

Every environmental zone area includes a *resource area* and a *transition area*. There are two types of environmental overlay zones in the resource area:

Conservation Zones designate areas where environmental resources and functional values can be protected while allowing environmentally sensitive development. The Environmental Conservation zone is shown with a "c" on the proposed Environmental Zoning Maps.

Protection Zones designate areas where development will be approved only in rare and unusual circumstances because of the importance and sensitivity of the environmental resources and their functional values. The Environmental Protection zone is shown with a "p" on the proposed Environmental Zoning Maps.

The *transition area*, or buffer, consists of the outer 25-feet of the environmental zone and is adjacent to either the protection zone or the conservation zone.

Will environmental regulations apply to my property?

If you develop a property that includes *environmental zones*, you may need to comply with environmental regulations. You can ask project staff to assist you, or you can check the proposed environmental zoning maps to see if your property is shown with proposed e-zones. In general, if you plan to do the following within an environmental overlay zone your proposal will be subject to environmental regulations:

- build new structures

- disturb the ground surface
- remove or trim native vegetation
- divide land within environmental zones

Development that is exempted from environmental regulations is listed in Portland Zoning Code Environmental Zones Chapter (Section 33.430.080). For more information, contact project staff.

What do environmental zones do?

Environmental zones contain development regulations designed to help protect important environmental resources and to carry out natural resource protection policy. These regulations also encourage flexibility and innovation in site planning and require developers to do the following:

- be sensitive to the site's protected resources
- provide a thorough inventory of the site prior to development
- avoid as many impacts to the resources on the site as possible
- minimize the damage of unavoidable impacts, and,
- mitigate for the damage caused by unavoidable impacts by replacing lost resources.

How will a development proposal be reviewed?

If the development proposal is subject to environmental regulations, it will be reviewed using either an *Environmental Plan Check* or an *Environmental Review* procedure. Please note that other zoning requirements may also apply to the proposed project.

What is the difference between the Plan Check and the Review?

In an *Environmental Plan Check*:

- The proposal will be checked against the objective development standards that are listed in the Portland Zoning Code Environmental Zone Chapter (Section 33.430.110 through 33.430.170).
- The plans are checked at the building permit stage.
- The procedure is quicker than an environmental review. An Environmental Plan Check generally takes 18 days if all information submitted is complete and the inspector finds that the site plan complies with Environmental Zone Requirements.
- There is no public hearing and no ability to appeal the decision.
- The developer must demonstrate compliance with the site plan as it is completed.
- The proposed development area must be marked on the site and a public notice posted.

In an *Environmental Review*:

- The development proposal will be reviewed against the discretionary approval criteria listed in the Portland

Zoning Code Environmental Zone Chapter (Section 33.430.250).

- The review must be completed before building permits can be issued.
- The procedure allows more flexibility than an Environmental Plan Check, but takes longer than the Plan Check. The minimum amount of time it may take to process an Environmental Review application is 40 to 50 days, if the initial application is complete.
- Depending on the scope of the project, there may be a required public hearing, and the decision can be appealed.
- A greater level of environmental impact analysis is required than for the Plan Check. Detailed environmental studies are required. The developer will need to justify the proposed development location and design. Measures to mitigate adverse impacts will be required to replace lost environmental resources.
- The developer will be responsible for demonstrating that the development proposal meets all of the approval criteria.

Which procedure will I use?

You can use the *Environmental Plan Check* if the project will meet all of the applicable environmental development standards (listed in the Portland Zoning Code Environmental Zones Chapter (Section 33.430.110 through 33.430.170).

A development proposal must go through *Environmental Review* if the project cannot meet the environmental development standards or if it is located within a special environmental district.

For More Information.....

- The City of Portland's Environmental Zoning program is explained in the *Portland Environmental Handbook*. Copies can be purchased at the Portland Permit Center.
- Environmental Plan Check and Environmental Review procedures informational handouts are available at the Portland Permit Center.
- Specific environmental regulations that may apply to a development proposal are in the Portland Zoning Code (Environmental Zones Chapter 33.430). Copies of this chapter can be purchased at the Portland Permit Center.

City of Portland Permit Center
1120 SW 5th Avenue
Portland, Oregon 97204
503-823-7765 - www.ci.portland.or.us

Transfer from County to City Zones for the Multnomah County-Portland Functional Plan Compliance Project

Below is a detailed explanation of how new proposed land use zones were determined for the project areas. For more information, please talk with project staff.

Because the project areas do not have the capacity to accommodate additional population beyond what can be handled through the existing public infrastructure (roads, sewer and water systems), "equivalent" City zoning is being proposed to match as closely as possible current County zoning.¹ Portland Zoning Code's **Table 855-1**, "*Assigned City Zoning for Multnomah County Zones*" was used to find the equivalent City zone. There are instances where Table 855-1 cannot be used. These situations are explained in the steps listed below. These steps were used for determining City base zones for the project areas.

1. Refer to Portland Zoning Code's zone conversion table (**Title 33, Table 855-1**) first to see if the equivalent zoning "*fits well*" with existing land uses and development patterns. "*Fits well*" means that the new proposed zone will not cause non-conforming situations, due primarily to existing land uses, and development patterns. A non-conforming situation is one that was created in conformance with development standards but which does not meet the current standards or other land use requirements. Examples of non-conforming situations are inadequate lot size, or a use that was formerly allowed by right when established but is subsequently no longer allowed in the zone.
2. If the "equivalent" zone listed in Table 855-1 does not "fit well," use the City zone that is the next "*best fit*" with the existing land use and development patterns and with the current County zone.
3. If the area is on private septic systems, first rely upon the following general rule: Factors such as soil types and area required for a private on-site septic system equals a lot area of 20,000 SF for a single family residence and 30,000 SF for a duplex (Mike Ebeling, City Senior Environmental Soils Inspector, Portland Bureau of Buildings)². If existing lack of public infrastructure (roads or water delivery) cannot reasonably accommodate R-20 lot sizes, use City zone RF.
4. For areas with County rural zones (for example, CFU, MUA-20, RR), use City RF (per Title 33's Table 855-1) unless non-conforming situations will be created due to existing lot sizes, land use and development patterns. If so, then do the following:
 - If feasible, use City zone R20, which is consistent with the City and County Sanitarian's guideline of minimum lot size for septic systems to serve single-family residences.
 - If City zone R20 creates non-conforming situations due to existing lot sizes and development patterns, use the "best fit" City zone.

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¹ The project areas which do not have significant public facility constraints are Dunthorpe-Riverdale (Area #31), which has water and sewer service, and Cornell Rd. (Area #5), which receives City water and could be served by Unified Sewerage Agency for sewer within the planning period (between now and year 2017).

² Mike Ebeling is the staff person responsible for issuing private septic system permits for the City of Portland and for the unincorporated areas of Multnomah County. Lot sizes below 20,000 SF do not preclude private on-site waste disposal systems, such as sand filter technology.

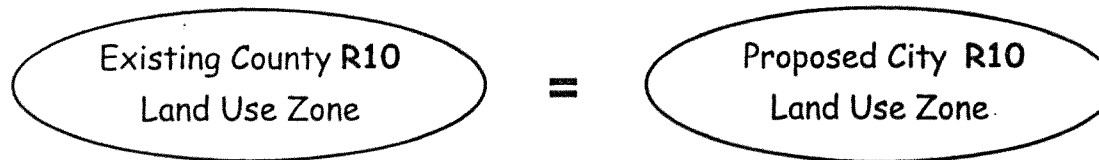
Transfer from Existing County Zones to Proposed City Zones

Project Staff used the following method to determine proposed new land use zones for project areas.

Step 1

We determined: What is the "equivalent" City land use zone?*

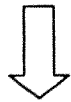
Here is an example of an "equivalent" City residential zone to an existing County residential zone.



Step 2

We asked: Does the equivalent City zone "fit well" with existing land uses and development patterns?

NO YES  Use equivalent City zone as proposed new zone.



Step 3

If not, determine the "best fit" zone and propose as new zone.

Factors considered in determining the "best fit" zone:

Capacity of public infrastructure to accommodate significant additional population densities.

Non-conforming situations, such as inadequate lot size, that may be created by applying the equivalent zone.

The Open Space zone will be proposed for publicly-owned property that is now used for open space, park or recreational uses.

If the property has significant natural resources identified through the 1998 Natural Resource Inventory, the "best fit" zone may be determined by completing a state-required process designed to balance development rights and natural resources.

*Equivalent City zones were determined using Portland Zoning Code's Table, "Assigned City Zoning for Multnomah County Zones." (Title 33, Table 855-1). This table is available as a handout at the Open Houses.

Multnomah County-Portland Compliance Project: List of Existing and Proposed Zoning for the Project Areas

Project Area		Zoning		Predominate Existing Land Use(s)
Area#	Area Name	Existing Multnomah County Zoning	Proposed City of Portland Zoning	
0	Skyline Blvd. - Thompson	Rural Residential (RR)	Residential 10,000 (R10)*	Single-family residences.
2	Linnton - Harborton (NE of Hwy 30)	Multiple Use Agricultural (MUA-20)	Residential Farm/Forest (RF)	One 11+ acre tax lot with a marina and a natural area adjacent to Multnomah Channel. A portion of the site is within the Willamette Greenway (WRG) overlay zone.
2	Linnton - Harborton (several properties SE of Hwy 30)	Commercial Forest Use (CFU)	Residential 10,000 (R10)*	Single-family residences.
2	Linnton - Harborton (several properties SE of Hwy 30)	Rural Residential (RR)	Residential 10,000 (R10)*	Single-family residences.
2	Linnton - Harborton (one property (SE of Hwy 30)	Single Family Residential (R10)	Residential 10,000 (R10)	Single-family residence.
5	Cornell Road (one property)	Commercial Forest Use (CFU)	Residential 10,000 (R10)*	Single-family residence.
5	Cornell Road (two properties)	Single Family Residential (R10)	Residential 10,000 (R10)	One residence and a vacant lot.
7	Cornell-Skyline North	Single Family Residential (R10)	Residential Farm/Forest (RF)*	Single family residences. In the Balch Creek watershed and adjacent to Forest Park.
8	Cornell Skyline South	Single Family Residential (R10)	Residential 10,000 (R10)*	Single family residences. In the Balch Creek watershed and adjacent to Forest Park.
10	Transmission Towers	Single Family Residential (R20)	Residential 20,000 (R20)	Radio and TV transmission facilities.
11	Southwest Barnes Road	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.
14	Canyon Road - Hwy 26	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.
16	Southeast 174th (properties west of SE 174th)	Urban Single Family Residential (LR5)	Residential 5,000 (R5)	Single family residence. Sheriff's mounted posse headquarters, gun club. Near Johnson Creek and the Springwater Trail.

EXHIBIT G

Project Area		Zoning		Predominate Existing Land Use(s)
Area#	Area Name	Existing Multnomah County Zoning	Proposed City of Portland Zoning	
16	Southeast 174th (properties east of SE 174th)	Urban Light Manufacturing (LM)	General Employment 1 (EG1)	Commercial/wholesale, light industrial. Adjacent to Johnson Creek and the Springwater Trail.
17	Powell Butte Northeast	Urban Single Family Residential (LR7)	Residential 7,000 (R7)	Vacant, adjacent to Powell Butte Park.
18	Powell Butte Southeast	Urban Future, 10 acre minimum lot size (UF-10)	Open Space (OS)*	Adjacent to Johnson Creek and the Springwater Trail, this property was purchased for open space by Metro (75%) and Portland (25%) in October 1999.
18	Powell Butte Southeast	Urban Future, 10 acre minimum lot size (UF-10)	Open Space (OS)*	A segment of the Springwater Corridor Trail owned by Portland Parks & Recreation.
23	Barbara Welch Road	Urban Low Density Residential (LR40)	Residential Farm/Forest (RF)*	Single family residences on large lots.
24	Lincoln Memorial Park and Funeral Home	Single Family Residential (R10)	Residential 10,000 (R10)	Cemetery.
25	Southeast Clatsop-SE 72nd	Urban Single Family Residential (LR7)	Residential 7,000 (R7)	Single family residences.
27	Southeast Clatsop-SE 82nd	Urban General Manufacturing (GM)	General Industry 2 (IG2)	Commercial (3 properties).
28	Southeast Clatsop-SE 5th	Urban Single Family Residential (LR7)	Residential 7,000 (R7)	Single family residences.
31	Dunthorpe-Riverdale (majority of area)	Single Family Residential (R30)	Residential 20,000 (R20)*	Single family residences, public school, botanical gardens. A portion of this area along the Willamette River is within the Willamette Greenway (WRG) overlay zone.
31	Dunthorpe-Riverdale (two properties)	Single Family Residential (R7)	Residential 20,000 (R20)	Riverview Cemetery.
31	Dunthorpe-Riverdale (several properties)	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences. A portion of this area along the Willamette River is within the Willamette Greenway (WRG) overlay zone.
31	Dunthorpe-Riverdale (several properties)	Single Family Residential (R10)	Residential 10,000 (R10)	Single family residences.
33	Englewood (all but one property)	Single Family Residential (R40)	Residential Farm/Forest (RF)	Large lots, single family residences.

Project Area		Zoning		Predominate Existing Land Use(s)
Area#	Area Name	Existing Multnomah County Zoning	Proposed City of Portland Zoning	
33	Englewood (one property)	Single Family Residential (R10)	Open Space (OS)	Vacant, recently purchased for Tryon Creek State Park.
35	Scholl's Ferry Road - Sylvan East (two properties)	Two-Family Residential (R4)	Residential 5,000 (R5)*	Two properties with 2-3 unit dwelling structures built in 1978. Located just south of Hwy 26, E of Canyon Rd.
35	Scholl's Ferry Road - Sylvan East (several properties)	Single Family Residential (R10)	Residential 10,000 (R10)	Single family residences.
35	Scholl's Ferry Road - Sylvan East (several properties)	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.
38	Miller-Skyline (two properties)	Rural Residential (RR)	Residential Farm/Forest (RF)	Single family residences and agricultural use/vacant.
38	Miller-Skyline (several properties)	Single Family Residential (R10)	Residential 10,000 (R10)	SW portion of area. Single family residences.
38	Miller-Skyline (several properties)	Single Family Residential (R10)	Residential Farm/Forest (RF)*	NE portion of area. One single family residence. Most of this area is within the Balch Creek Watershed.
38	Miller-Skyline (several properties)	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.
40	Powell Valley Water District Office	Urban Medium Density (MR-3)	Office Commercial 1 (CO1)*	One parcel, in office use.
41	Bonny Slope-North Road	Residential Farm/Forest (RF)	Residential Farm/Forest (RF)	One single family residence and a vacant property. No zone changes because this property withdrew from the City but retained City zoning.
42	Cornell SkylineWest (three properties, same ownership)	Single Family Residential (R10)	Residential Farm/Forest (RF)*	Single family residence. In the Balch Creek watershed and adjacent to Forest Park.

*In order to avoid creating non-conforming situations, the proposed City of Portland zone fits well with existing lot sizes, development patterns, and land uses. For areas #7 and 42 and for portions of Areas 31 and 38, environmental considerations are contributing factors in proposing City zones.

BEFORE THE PLANNING COMMISSION

OF MULTNOMAH COUNTY, OREGON

In the matter of the adoption of amendments to the)	
Multnomah County Zoning Ordinance)	RESOLUTION
by the Multnomah County Board of Commissioners)	C 01-04
regarding the application of Portland urban codes for)	
those lands outside the City of Portland but within the)	
Urban Growth Boundary)	

The Multnomah County Planning Commission finds:

- a. The proposed ordinance:
 - Addresses the regional requirement that the County be in compliance with the Metro Urban Growth Management Functional Plan;
 - Conforms with 'Resolution A' passed by the Board of County on March 15, 1983 which states the intent of Multnomah County to provide rural services rather than urban services, including land use planning;
 - Recognizes that the County will save valuable resources by working with the City of Portland and their existing code to achieve compliance;
 - Is in conformance with a jointly adopted agreement on land use policy for these County urban lands, known as the 'Urban Planning Area Agreement' (effective March 5, 1998);
 - Multnomah County recognizes that annexation is not a part of this proposal; and
 - Is consistent with state rules.
- b. In January 1999, July 1999, April 2001, and May 2001, the County mailed property owners informational and legal notices notifying them of the project, relevant open houses and opportunities for public testimony.
- c. On July 12, 1999, July 26, 1999 and June 18 2001, the Multnomah County Planning Commission held a public hearing on the draft proposal;
- d. On June 18, 2001 the Planning Commission reviewed the attached documents and legal record for case file PC 01-003.

That the Multnomah County Planning Commission hereby recommends that the Multnomah County Board of Commissioners adopt the following:

- APPROVED this 18th day of June, 2001.

By John Ingle
John Ingle, Chair
Multnomah County Planning Commission
Multnomah County, Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, And County Zoning Code Chapters To Adopt Portland's Zoning Code, Comprehensive Plan & Maps And Community Plans

(~~Struck through~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland amended the urban services agreement to include an agreement that the City of Portland would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. In 1999, two public hearings were held before the Multnomah County Planning Commission on the proposal.
- f. In June, 2001, another public hearing was held before the Multnomah County Planning Commission and the Planning Commission forwarded a recommendation to the Board of County Commissioners accepting the staff recommendation to comply with the Functional Plan.
- g. Direct mail notice, in compliance with ballot measure 56 was sent prior to the June 18, 2001 public hearing before the Multnomah County Planning Commission and before the September 20, 2001 public hearing before the Board of County Commissioners.
- h. On September 20, 2001, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Portland and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- A. City of Portland Zoning Code, titles 10, 32, 33 and 34
- B. The Portland Comprehensive Plan
- C. The Portland Comprehensive plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- D. The Outer SE and SW Community Plans
- E. The proposed Metro Design Type Boundary Maps
- F. The proposed County-City Street Classification Conversion Chart
- G. The amended zoning maps attached.

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of November 1, 2001, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Portland Zoning Code, titles 10, 32, 33 and 34
- (2) The Portland Comprehensive Plan
- (3) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
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- (5) The proposed Metro Design Type Boundary Maps
- (6) The proposed County-City Street Classification Conversion Chart
- (7) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 32, 33 and 34 and maps adopted by reference in those Ordinances.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Sandra Duffy
Sandra N. Duffy, Deputy County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Portland's Zoning Code, Comprehensive Plan and Maps and Community Plans

(~~Struckthrough~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland amended the urban services agreement to include an agreement that the City of Portland would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. In 1999, two public hearings were held before the Multnomah County Planning Commission on the proposal.
- f. In June, 2001, another public hearing was held before the Multnomah County Planning Commission and the Planning Commission forwarded a recommendation to the Board of County Commissioners accepting the staff recommendation to comply with the Functional Plan.
- g. Direct mail notice, in compliance with ballot measure 56 was sent prior to the June 18, 2001 public hearing before the Multnomah County Planning Commission and before the September 20, 2001 public hearing before the Board of County Commissioners.
- h. On September 20, 2001, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Portland and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

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- B. The Portland Comprehensive Plan
- C. The Portland Comprehensive plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- D. The Outer SE and SW Community Plans
- E. The proposed Metro Design Type Boundary Maps
- F. The proposed County-City Street Classification Conversion Chart
- G. The amended zoning maps attached.

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of November 1, 2001, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Portland Zoning Code, titles 10, 32, 33 and 34
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- (5) The proposed Metro Design Type Boundary Maps
- (6) The proposed County-City Street Classification Conversion Chart
- (7) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 32, 33 and 34 and maps adopted by reference in those Ordinances.

FIRST READING: September 20, 2001

SECOND READING AND ADOPTION: September 27, 2001

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Sandra N. Duffy, Deputy County Attorney

RECEIVED

SEP 17 2001

DIANE LINN
MULTNOMAH COUNTY CHAIR

OREGON TECHNICAL SERVICES CENTER, INC

1966 NW Ramsey Crest
Portland, OR 97229-4210
503/292-9663
Fax 503/203-8306

September 17, 2001

TO: Commission Chair: Diane Linn;

To the Members of the Multnomah County Planning Commission

RE: Compliance with Metro's Urban Growth Management Functional Plan

Two members of my family attended a meeting with Tom McGuire, City of Portland Planner, and Susan Muir, of Multnomah County, on August 2, 2001. Our purpose was two-fold:

1. Obtain information on how the Protection zone boundary lines had been determined as applied to our Lot 83, a 5-acre undeveloped tract of land.
2. What "Grandfathered" provisions would apply to the zoning provisions on this lot.

We discovered that:

1. There are no specific criteria for determining these zoning boundary lines, that they are essentially subjective based on guidelines that have been applied to widely diverse landscapes within a specific area. Our Lot 83 is in area identified as "Sylvan/Miller Barnes Area". We understood that we could obtain the Wildlife Habitat Assessment for our Lot 83 and requested a copy of this document.
2. "Grandfathered" provisions, as traditionally understood and applied, no longer exist. Previously, "Grandfather" provisions allowed owners who had owned property for a significant period of time and held it under specific governmental regulations to retain those specific governmental regulations for the remainder of their ownership of the property, regardless of how long that would be, if the government regulations changed and became stricter. How and when that provision of law was changed we do not know. We requested a copy of the current provisions which have replaced the traditional "Grandfather" provisions.
3. We were given the impression that action to adopt the City recommendations would not take place as early as the notice of the September 20, 2001 meeting implies.

We received a copy of the Wildlife Habitat Assessment for the Sylvan/Miller Barnes Area and did not receive a copy of an Assessment which applied specifically to our Lot 83. Upon calling Tom McGuire, we learned there was no Assessment for any specific lot, that from two to three Assessments were made for each area and the resultant Habitat Score was applied equally to all land in that area. Herein lies part of our problem.

The Wildlife Habitat Assessment for the Sylvan/Miller Barnes Area indicates "intermittent to year-round streams, steep slopes (ravines)...Balch and other streams with summer flows", two identified "streams and wetlands", and perennial "RLF, salamanders, pileated up fauna" among other ratings. No doubt there are lots within the Sylvan/Miller Barnes Area which contain these features. However, our lot does not. There are no streams, not even seasonal or intermittent, and certainly no part of Balch Creek or its tributaries on Lot 83. Also, the water fauna referred do not exist on any part of Lot 83, nor have they been seen by us near our lot.

Please keep in mind we have owned, cared for, pruned, and walked this land for almost 35 years. Throughout this time, we have continually considered how best to develop the land in an environmentally-friendly manner. Tom McGuire visited our lot for 2 hours on one day. We find the application of Protection zone to such extended areas of our lot to be unmerited and request that the suggested Protection zone designation be completely eliminated from application on Lot 83. The Conservation zone for the entire area of Lot 83 is appropriate and can be justified. Any stricter zoning requirement applied to this lot cannot be justified. The Protection zone seems to have as it's purpose the prevention of improvements constructed on those areas of land. However, modern engineers have demonstrated the ability to successfully construct structurally sound buildings built on steeply sloped land. No adverse effects to the adjacent waterway environments have occurred. This demonstrates that properly engineered and designed man-made structures can cohabit an area with streams, waterways, forests, and their attendant fauna without adverse effects to any of the above. As Lot 83 has no streams or waterways or fauna that inhabit them, properly engineered and designed improvements could be made on this lot without causing adverse effects to the fauna thereon.

Other matters of concern to us relating to the zoning of Lot 83:

1. Septic vs Sewer

Septic systems are currently used in the unincorporated residential areas surrounding Lot 83. The majority of these systems were installed in the 1950's and function very well to this day. We recall no time when one of these older systems has overflowed or caused sewer issues in the area. Current septic systems are designed to be even more efficient and to require less area to function than those systems currently in the area.

The new developments to the east and north of Lot 83 are within the City of Portland and are on city sewer lines. Hookup for Lot 83 developments, should there be any in the future, could be made to these sewer lines.

2. Storm Drain Reserve

Aerial maps of Lot 83 and surrounding properties, provided by the City of Portland, do not indicate easements for storm drains which we have seen on surveyor's maps of this area.

The surveyor's map clearly shows a large storm drain reserve on the neighboring lot, abutting the border of Lot 83. Does the county intend to extend this storm drain reserve onto Lot 83? If so, why has there been no mention of this to us?

3. Improvements

Current R10 zoning on Lot 83 allows for a considerable number of homes on Lot 83.

Between the no-build Protection zone, the severely-restricted Conservation zone, and the storm drain reserve area suggested by the City Planners, substantially less buildable space remains. The result is a severe reduction in the value of this land.

Conclusion:

Upon review of the zoning guidelines as presented to us by the City of Portland Planner, we have concluded that the Protection zone does not apply to Lot 83. Modern engineering techniques and architectural designs can be implemented to provide a development that is environmentally friendly with livability.

We believe we have a basis for the County Commission to eliminate the Protection zone from Lot 83 and request that you do so.

*Harry Czyzewski, Pres.
Marie C. Kikes, Vice Pres.*

DJC

Infrastructure
& Livability

engineering

Natural Fit

Alpha Engineering's stormwater system keeps development environmentally friendly

By Cliff Collins
for the DJC Magazine

Alpha Engineering Inc. is trying to prove that an environmentally friendly development is not an oxymoron.

The company's challenge was to build a stormwater quality system for a 198-unit condominium complex in Beaverton that abuts a creek and a nature park. On top of that, the development is located in the Tualatin River watershed, which has a mandate to reduce phosphorus runoff into that and all other streams that drain the river.

The development is on 19.1 acres adjacent to Southwest Tualatin Valley Highway and situated on a rise between Southwest Millikan Way to the east and St. Mary's Home for Boys to the west.

An ad hoc neighborhood group, Keep Our Park Whole, initially opposed the project, which was filed under and approved as Magnolia Green but is being marketed as WestPark. But as things ended up, "Keep Our Park Whole gave us accolades in the design of our stormwater (system)," said Gary G. Bliss, senior engineer with Alpha Engineering. Bliss predicts that the site will exceed local quality standards for the city of Beaverton and for the Unified Sewerage Agency, which has jurisdiction over the



Photo by Dan Carter.

stream's water quality. An independent testing laboratory is charged with verification.

The sewerage agency requires total phosphorus removal of 65 percent in the content of stormwater, according to Bliss, yet Alpha expects to achieve in the mid-70s. The agency's requirement for total suspended solids is 85 percent removal, and Alpha projects "upwards of 95 percent

removal," Bliss said.

The method Alpha used in trying to reach these measures is expensive, multilayered and complex. In essence it is a four-stage treatment. Runoff is collected in a catch basin, then goes through the system to a water-quality manhole. The manhole contains a sump in the bottom, at a depth of three or four feet.

BOGSTAD Deborah L

From: MUIR Susan L
Sent: Wednesday, September 19, 2001 2:17 PM
To: LINN Diane M; CRUZ Serena M; ROBERTS Lonnie J; NAITO Lisa H; ROJO DE STEFFEY Maria
Cc: FARMER Stuart L; BRIDGES Laura M; BUSSE Kathy A; MARCH Steve J; NAITO Terri W; ROMERO Shelli D; WALKER Gary R; CARROLL Mary P; DUFFY Sandra N; BOGSTAD Deborah L
Subject: Revised ordinance for hearing tomorrow

Board members: I have attached a revised ordinance for the hearing tomorrow morning at 10:30 a.m. on the proposed zoning change to the urban areas. There are four changes (highlighted in the ordinance), they are:

1. The City of Portland will be presenting some minor revisions to the e-zone maps tomorrow. These were done at the request of property owners and we'd like you to adopt the revisions that will be presented to you.
2. The effective date has been changed to January 1, 2002 to allow us to do the work on developing an IGA with Portland. The date of January 1, 2002 is what we have been targeting throughout the project and communicating that to the public, the November date was an error.
3. We updated the version of the City code to include some very recent minor housekeeping amendments that became effective September 7, 2001.
4. We are recommending you adopt the language submitted in the letters from Tim Ramis including language that will allow people to be grandfathered under existing county regulations if they file an application prior to January 1, 2002.

I will present this revised ordinance to you during my staff presentation. I've consulted with Sandra Duffy and because these changes are minor, one member of the Board would just need to introduce the amendment. I will prepare a motion cheat sheet for someone if they'd like to sponsor this.

Please let me know if you have any questions or concerns.



2040ORDamendfin
alv2.doc (36 KB...

Thank you, Susan x83182

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, And County Zoning Code Chapters To Adopt Portland's Zoning Code, Comprehensive Plan & Maps And Community Plans

(~~Struck through~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland amended the urban services agreement to include an agreement that the City of Portland would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. In 1999, two public hearings were held before the Multnomah County Planning Commission on the proposal.
- f. In June, 2001, another public hearing was held before the Multnomah County Planning Commission and the Planning Commission forwarded a recommendation to the Board of County Commissioners accepting the staff recommendation to comply with the Functional Plan.
- g. Direct mail notice, in compliance with ballot measure 56 was sent prior to the June 18, 2001 public hearing before the Multnomah County Planning Commission and before the September 20, 2001 public hearing before the Board of County Commissioners.
- h. On September 20, 2001, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Portland and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- A. City of Portland Zoning Code, titles 10, 32, 33 and 34
- B. The Portland Comprehensive Plan
- C. The Portland Comprehensive plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- D. The Outer SE and SW Community Plans
- E. The proposed Metro Design Type Boundary Maps
- F. The proposed County-City Street Classification Conversion Chart
- G. The amended zoning maps attached.

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

Deleted: November 1, 2001

- (1) City of Portland Zoning Code, titles 10, 32, 33 and 34, to include the 'Code Maintenance 2001' updates, effective September 7, 2001 and October 31, 2001.
- (2) The Portland Comprehensive Plan
- (3) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- (4) The Outer SE and SW Community Plans
- (5) The proposed Metro Design Type Boundary Maps
- (6) The proposed County-City Street Classification Conversion Chart
- (7) The amended zoning maps attached.

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(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

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(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 32, 33 and 34 and maps adopted by reference in those Ordinances.

Section 3. In accordance with ORS 215.427(3), the changes resulting from Sections 1 and 2 of this ordinance shall not apply to any decision on an application that is submitted before the effective date of this ordinance and that is made complete prior to the effective date of this ordinance or within 180 days of the initial submission of the application.

Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By _____
Sandra N. Duffy, Deputy County Attorney

SEP 20 2001

R-3
AMENDED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, And County Zoning Code Chapters To Adopt Portland's Zoning Code, Comprehensive Plan & Maps And Community Plans

(~~Struck through~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland amended the urban services agreement to include an agreement that the City of Portland would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. In 1999, two public hearings were held before the Multnomah County Planning Commission on the proposal.
- f. In June, 2001, another public hearing was held before the Multnomah County Planning Commission and the Planning Commission forwarded a recommendation to the Board of County Commissioners accepting the staff recommendation to comply with the Functional Plan.
- g. Direct mail notice, in compliance with ballot measure 56 was sent prior to the June 18, 2001 public hearing before the Multnomah County Planning Commission and before the September 20, 2001 public hearing before the Board of County Commissioners.
- h. On September 20, 2001, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Portland and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- A. City of Portland Zoning Code, titles 10, 32, 33 and 34
- B. The Portland Comprehensive Plan
- C. The Portland Comprehensive plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- D. The Outer SE and SW Community Plans
- E. The proposed Metro Design Type Boundary Maps
- F. The proposed County-City Street Classification Conversion Chart
- G. The amended zoning maps attached – including the revisions to the proposed environmental overlay zones presented at the hearing on September 20, 2001.

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Portland Zoning Code, titles 10, 32, 33 and 34, to include the 'Code Maintenance 2001' update, effective September 7, 2001.
- (2) The Portland Comprehensive Plan
- (3) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- (4) The Outer SE and SW Community Plans
- (5) The proposed Metro Design Type Boundary Maps
- (6) The proposed County-City Street Classification Conversion Chart
- (7) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 32, 33 and 34 and maps adopted by reference in those Ordinances.

Section 3. In accordance with ORS 215.427(3), the changes resulting from Sections 1 and 2 of this ordinance shall not apply to any decision on an application that is submitted before the effective date of this ordinance and that is made complete prior to the effective date of this ordinance or within 180 days of the initial submission of the application.

Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 5. This ordinance is effective January 1, 2002.

FIRST READING: September 20, 2001

SECOND READING AND ADOPTION: September 27, 2001

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney

MARCH Steve J

From: MUIR Susan L
Sent: Wednesday, September 19, 2001 3:15 PM
To: LINN Diane M
Cc: BUSSE Kathy A; MARCH Steve J; BRIDGES Laura M
Subject: language for hearing tomorrow

Diane - you had asked for some language to read into the record tomorrow at the hearing regarding the opportunity for property owners to make application before Jan. 1 to vest themselves under county code. I ran this language by Sandra Duffy, here's what I would suggest:

I'd like to take this opportunity to put something into the record on this project.

For those of you who would like to operate under the existing County zoning and in essence 'vest' yourselves under the County Code, I want you to know and be aware that you have a window of opportunity to do that between now and January 1, 2002. Under state statute, if you make application before the effective date of the ordinance we are proposing to adopt today, and that application is made complete following the statutory timelines, the City codes and what we are discussing here today will not apply to that action.

I hope that's what you had in mind. Please let me know if you'd like anything additional.

Susan x83182

01 SEP 19 PM 5:23

MULTNOMAH COUNTY
PLANNING SECTION

BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525

FACSIMILE 503-295-1058

STEPHEN T. JANIK

sjanik@bjllp.com

September 18, 2001

Ms. Susan Muir
Principal Planner
Department of Sustainable Community Development
Land Use Planning Division
1600 SE 190th Avenue
Portland, OR 97233

Re: Multnomah County-Portland Compliance Project

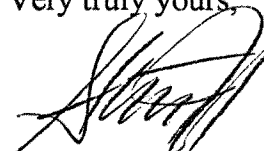
Dear Ms. Muir:

We represent Mr. Greg Goodman, the owner of a residence at 345 NW Hilltop Drive. Mr. Goodman also owns a tenancy-in-common interest in the immediately adjacent undeveloped lot. This lot is referred to as Respondent No. 10 in your staff report. As we understand the proposed action before the Board of County Commissioners, that action would be to impose a City of Portland EP overlay zone on the undeveloped lot. On behalf of our client, this letter is to advise you that our client is opposed to the imposition of this EP zone on his property. The effect imposing the EP zone on our client's property will be to preclude any reasonable economic use of this lot and will thereby constitute a regulatory taking.

We request that this letter be entered into the record in connection with the proposed rezoning.

If you have questions, please do not hesitate to call.

Very truly yours,



Stephen T. Janik

STJ:chf

cc: Mr. Greg Goodman

Pg 2-83

Gary and Michele Young
456 NW Skyline Blvd.
Portland, Or 97229
September 19, 2001

Susan Muir
Multnomah County
Land Use Planning Hearing

RE: Site at corner of NW Skyline Blvd. And NW Skyline Crest

We are writing to bring your attention to a parcel of land which is trying to be separated to become a building site, and also to bring your attention to the lack of Environmental Zoning which was overlooked on this piece of land.

This piece of property is a small triangular shape lot with an uphill slope located directly at the intersection of NW Skyline and NW Skyline Crest. This piece of property seems to be without any type of Environmental zoning imprint?

Yet in the past when there have been slides on NW Skyline this piece of property has contributed from both sides, the NW Skyline side, and the NW Skyline Crest side.

This piece of property needs the Environmental Protection zoning to prevent further damage to the land, and also to the surrounding pieces of property.

There are two deeded easements recorded in BK 1807 pg. 263 - 9-24-56, which are 20 ft. wide at this parcel. Farther up the hill (north) the street is actually 40 feet wide.

There is limited access to this parcel as the bank surrounding it has completely eroded and is up approximately 8-10 feet. During the last rainstorm where slides were present along NW Skyline, this lot lost area from both the NW Skyline side, and the NW Skyline Crest side.

It didn't occur to us there was a separate site until the house behind us was placed on the market, and the realtor began trying to market this "site" as a separate building site.

We assumed it would not be able to meet the guidelines for building, given the steepness, the eroding banks, the access limitations, and problems which already exist at this intersection.

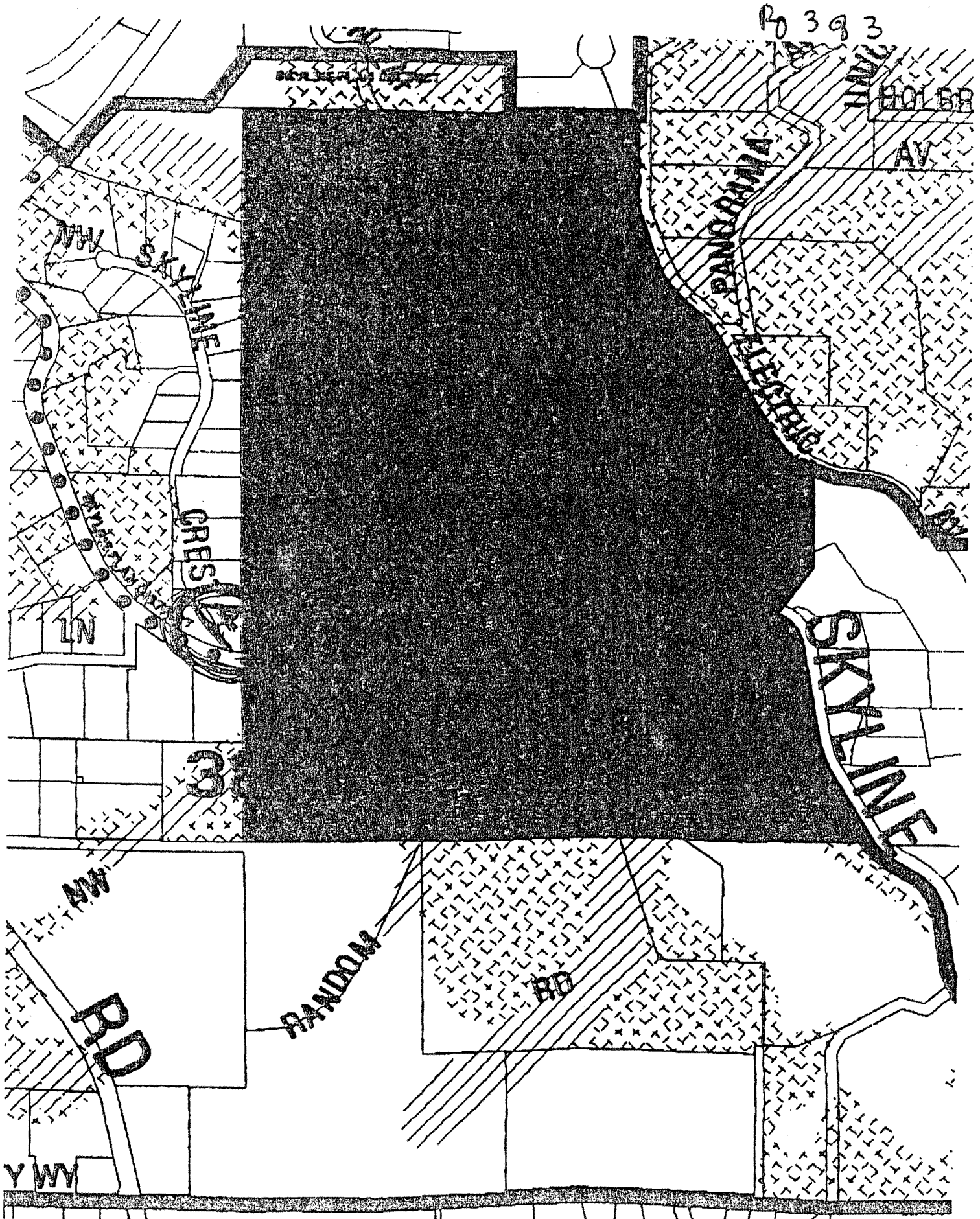
This intersection has been the scene of many accidents from visibility to steepness and inability to stop in the winter. However, when we received the mapping and saw that it lacked any type of environmental zoning, or restrictions, we felt we should bring this to your attention.

The piece falls right at a quarter section of the map, and is so small it could have been easily missed. As I said, it NEVER occurred to us it could be a building site?

Apparently it hasn't been severed from the original piece yet, but is in the planning process?

Thank you for your time and consideration.


Gary and Michele Young



STOEL RIVES LLP

ATTORNEYS

STANDARD INSURANCE CENTER
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PORTLAND, OREGON 97204-1264
Phone: (503) 224-3380 Fax: (503) 220-2480
TDD: (503) 221-1045
Internet: www.stoel.com

September 19, 2001

ROBERT D. VAN BROCKLIN
Direct Dial
(503) 294-9660
email: rdvanbrocklin@stoel.com

VIA FACSIMILE

The Honorable Diane Linn
Chair
Multnomah County Board of Commissioners
c/o Ms. Susan Muir
Office of Planning
1600 SE 190th Avenue, Room 116
Portland, OR 97233

Re: Multnomah County-Portland Compliance Project

Dear Diane:

I am writing on behalf of our client, Joseph Angel. Mr. Angel owns property at 5100 NW Skyline Boulevard. Mr. Angel's property is within the boundaries of the City of Portland. Mr. Angel is concerned about whether the property rezoning that the Board will consider on September 20, 2001 as part of the Multnomah County-Portland Compliance Project ("Project") will affect his property. Based on conversations with County planning staff members, I understand that the only selected unincorporated urban areas located inside the County but outside of any city are affected by the pending zone changes. Thus, these zone changes would not affect Mr. Angel's property.

Please confirm that the zoning map(s) and any text amendments which the Board adopts to effectuate these zone changes accurately reflect that no changes in zoning or other planning designations are being made to Mr. Angel's property. Mr. Angel has experienced mismapping of his property before and wants to ensure that such a mistake does not occur in this instance. I would appreciate receiving copies of the map(s) and ordinance(s) the Board adopts to implement the zone changes being proposed as part of the Project.

Portland1-2085340.1 0011700-00002

SEATTLE

PORTLAND

VANCOUVER, WA

BOISE

SALT LAKE CITY

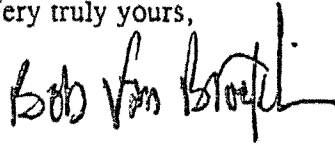
WASHINGTON, D.C.

STOEL RIVES LLP

The Honorable Diane Linn
September 19, 2001
Page 2

Thank you for your attention to this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bob Van Brocklin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert D. Van Brocklin

RVB:mlh
cc (via fax): Mr. Joseph Angel
Ms. Karl Lisle, Portland Planning Bureau

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Fax: (503) 656-0125

September 7, 2001

Susan Muir
Principal Planner
Multnomah County
1600 SW 190th Avenue
Portland, OR 97233

Re: Proposed Amendments to Ordinance Adopting Portland Zoning for
Areas Within Portland's Urban Services Boundary

Dear Ms. Muir:

Thank you for providing a copy of the staff report and proposed ordinance for the Multnomah County-Portland Compliance Project. The effect of the ordinance will be to change the zoning regulations for unincorporated areas within Portland's Urban Services Boundary. As I stated in my August 31, 2001, letter, the ordinance should clarify how it will affect land use applications that are in progress at the time the ordinance becomes effective. Although both ORS 215.427 and ORS 92.040(2) provide rules governing this situation, stating clearly how those rules apply to this situation would make the transition much easier for the public to understand and staff to administer.

Because the ordinance does not mention the transfer of responsibility for administration, the language I proposed in my August 31 letter needs to be revised. I recommend that new Section 3 and 4 be added to the ordinance to read as follows:

Section 3: In accordance with ORS 215.427(3), the changes resulting from Sections 1 and 2 of this ordinance shall not apply to any decision on an application that is submitted before the effective date of this ordinance and that is made complete prior to the effective date of this ordinance or within 180 days of the initial submission of the application.

*Also Admitted To Practice In Washington **Also Admitted To Practice In California

Also admitted to Practice in Utah *Also Admitted to Practice in New Jersey

RAMIS
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CORRIGAN &
BACHRACH, LLP

Susan Muir
September 7, 2001
Page 2

Section 4: In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Thank you for the opportunity to comment.

Sincerely,



Timothy V. Ramis

cc: Diane Linn, Chair of Board of Commissioners

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MULTNOMAH COUNTY
PLANNING SECTION

August 31, 2001

Susan Muir
Principal Planner
Multnomah County
1600 SE 190th Avenue
Portland, OR 97233

Re: Proposed Amendments to Multnomah County – Portland
Compliance Project Ordinance and IGA

Dear Susan:

Multnomah County and the City of Portland have worked diligently to bring Multnomah County's urban areas into compliance with Metro's Urban Growth Management Functional Plan. However, I am concerned that an important issue has not been addressed by either the city or county. Specifically, how does the city and county intend to process pending development projects during the transition to city zoning regulations?

For example, if a complete conditional use permit application is submitted to the county, but before it is approved the city regulations are implemented, will the application be subject to the county or city regulations? Similarly, if a the county approves a tentative plan for a subdivision, but before the final plat is filed the city regulations are implemented, will the city or county regulations govern the final plat and subsequent construction? Presumably the "no changing the goal posts" rule embodied in ORS 215.427 and protections provided in ORS 92.040(2) would require that pending development projects be reviewed under the county regulations. To remove any uncertainty, fully protect the rights of those with development projects under review, and comply with state law I respectfully request that the Board include the following language in its ordinance and IGA with Portland:

1. In accordance with ORS 215.427(3), any complete land use application for a permit, limited land use decision or a zone change that has been filed with the County prior to the date upon which urban planning services are transferred to the City of Portland, shall

*Also Admitted To Practice In Washington **Also Admitted To Practice In California

Also admitted to Practice in Utah **Also Admitted to Practice in New Jersey

Multnomah County Staff
August 31, 2001
Page 2

be processed by the County under the County regulations that existed at the time the application was first submitted. The City regulations shall not apply.

2. In accordance with ORS 92.040(2), any tentative subdivision plan approved under the County code prior to the date upon which urban planning services are transferred to the City of Portland, shall be developed as approved under County standards. The City regulations shall not apply.

As you know, I have requested a copy of the draft ordinance so that our proposed amendments can be offered in a timely fashion. As soon as I receive the draft I can offer amendments to specific sections for your consideration. Due to the fact that no ordinance was ever presented to the Planning Commission, it was not possible to present amendments at their hearing in June. It is our hope that the clarifications which we are suggesting can be incorporated into the ordinance drafted by Staff and presented to the Board.

Very truly yours,



Timothy V. Ramis

cc: Diane Linn, Chair of County Board of Commissioners



CITY OF PORTLAND, OREGON BUREAU OF PLANNING

VERA KATZ, MAYOR
CIL KELLEY, DIRECTOR
1900 S.W. FOURTH AVENUE, ROOM 4100
PORTLAND, OREGON 97201-3350
TELEPHONE: (503) 823-7700
FAX: (503) 823-7800
E-mail: pdxplan@ci.portland.or.us

August 17, 2001

Gary Spanovich, AICP
Wholistic Planning and Educational Resources
P.O. Box 1067
Canby, Oregon 97013

RE: Lemelson Property Environmental Overlay Zones

Dear Gary:

After our discussions and walk around the Lemelson property I made what I think are appropriate corrections to the significance map and proposed environmental overlay zones on the property. I have also reviewed the information and maps that you sent to me on August 10, 2001. We do not appear to be in absolute agreement but we are very close. I have enclosed a map with the modified proposal that I will present to the County Board of Commissioners. The map is not to scale but shows an expanded conservation overlay zone on the ridgeline extending to the Washington County border.

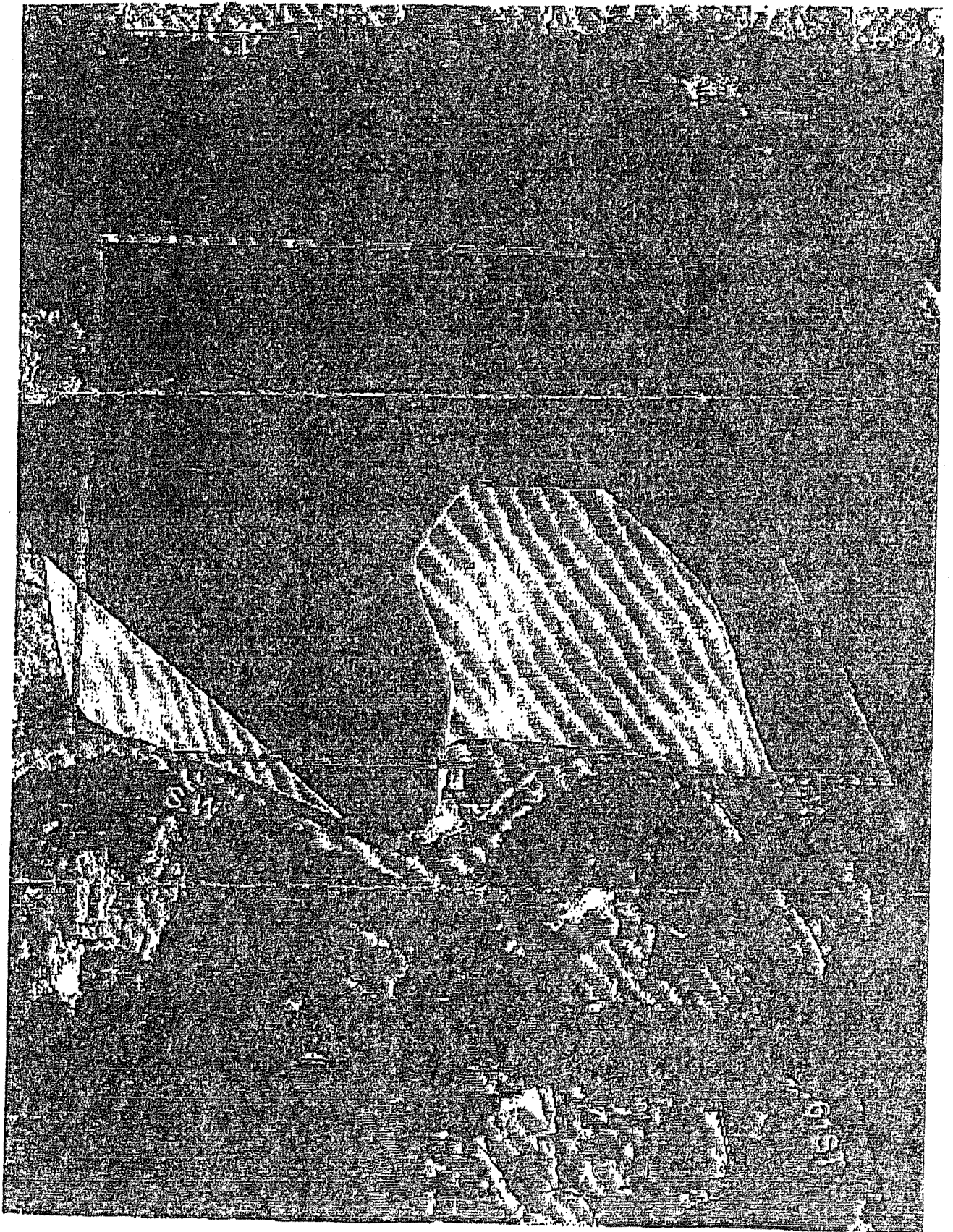
As I mentioned in the field, we do not consider specific development proposals in the determination of the location of the zone lines. However, we believe that the modified overlay zone proposal fairly balances the need to protect the highest quality resources on the site while allowing for reasonable use of the property for the full range of uses that may be allowed under the Residential base zone.

If you have any questions please contact me at 503-823-7855.

Sincerely,

Tom McGuire, Senior Planner

cc: Project file



2 →

SEP-17-01 MON 09:43 AM

P.04

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01 SEP 19 PM 3:25

MULTNOMAH COUNTY
PLANNING SECTION

OREGON TECHNICAL SERVICES CENTER, INC

1966 NW Ramsey Crest
Portland, OR 97229-4210
503/292-9663
Fax 503/203-8306

September 17, 2001 *To Commissioners MPCP Coordinators*
Susan Muir
To the Members of the Multnomah County Planning Commission

RE: Compliance with Metro's Urban Growth Management Functional Plan

Two members of my family attended a meeting with Tom McGuire, City of Portland Planner, and Susan Muir, of Multnomah County, on August 2, 2001. Our purpose was two-fold:

1. Obtain information on how the Protection zone boundary lines had been determined as applied to our Lot 83, a 5-acre undeveloped tract of land.
2. What "Grandfathered" provisions would apply to the zoning provisions on this lot.

We discovered that:

1. There are no specific criteria for determining these zoning boundary lines, that they are essentially subjective based on guidelines that have been applied to widely diverse landscapes within a specific area. Our Lot 83 is in area identified as "Sylvan/Miller Barnes Area". We understood that we could obtain the Wildlife Habitat Assessment for our Lot 83 and requested a copy of this document.
2. "Grandfathered" provisions, as traditionally understood and applied, no longer exist. Previously, "Grandfather" provisions allowed owners who had owned property for a significant period of time and held it under specific governmental regulations to retain those specific governmental regulations for the remainder of their ownership of the property, regardless of how long that would be, if the government regulations changed and became stricter. How and when that provision of law was changed we do not know. We requested a copy of the current provisions which have replaced the traditional "Grandfather" provisions.
3. We were given the impression that action to adopt the City recommendations would not take place as early as the notice of the September 20, 2001 meeting implies.

We received a copy of the Wildlife Habitat Assessment for the Sylvan/Milller Barnes Area and did not receive a copy of an Assessment which applied specifically to our Lot 83. Upon calling Tom McGuire, we learned there was no Assessment for any specific lot, that from two to three Assessments were made for each area and the resultant Habitat Score was applied equally to all land in that area. Herein lies part of our problem.

The Wildlife Habitat Assessment for the Sylvan/Miller Barnes Area indicates "intermittent to year-round streams, steep slopes (ravines)...Balch and other streams with summer flows", two identified "streams and wetlands", and perennial "RLF, salamanders, pileated up fauna" among other ratings. No doubt there are lots within the Sylvan/Miller Barnes Area which contain these features. However, our lot does not. There are no streams, not even seasonal or intermittent, and certainly no part of Balch Creek or its tributaries on Lot 83. Also, the water fauna referred do not exist on any part of Lot 83, nor have they been seen by us near our lot.

Please keep in mind we have owned, cared for, pruned, and walked this land for almost 35 years. Throughout this time, we have continually considered how best to develop the land in an environmentally-friendly manner. Tom McGuire visited our lot for 2 hours on one day. We find the application of Protection zone to such extended areas of our lot to be unmerited and request that the suggested Protection zone designation be completely eliminated from application on Lot 83. The Conservation zone for the entire area of Lot 83 is appropriate and can be justified. Any stricter zoning requirement applied to this lot cannot be justified. The Protection zone seems to have as it's purpose the prevention of improvements constructed on those areas of land. However, modern engineers have demonstrated the ability to successfully construct structurally sound buildings built on steeply sloped land. No adverse effects to the adjacent waterway environments have occurred. This demonstrates that properly engineered and designed man-made structures can cohabit an area with streams, waterways, forests, and their attendant fauna without adverse effects to any of the above. As Lot 83 has no streams or waterways or fauna that inhabit them, properly engineered and designed improvements could be made on this lot without causing adverse effects to the fauna thereon.

Other matters of concern to us relating to the zoning of Lot 83:

1. Septic vs Sewer

Septic systems are currently used in the unincorporated residential areas surrounding Lot 83. The majority of these systems were installed in the 1950's and function very well to this day. We recall no time when one of these older systems has overflowed or caused sewer issues in the area. Current septic systems are designed to be even more efficient and to require less area to function than those systems currently in the area.

The new developments to the east and north of Lot 83 are within the City of Portland and are on city sewer lines. Hookup for Lot 83 developments, should there be any in the future, could be made to these sewer lines.

2. Storm Drain Reserve

Aerial maps of Lot 83 and surrounding properties, provided by the City of Portland, do not indicate easements for storm drains which we have seen on surveyor's maps of this area. The surveyor's map clearly shows a large storm drain reserve on the neighboring lot, abutting the border of Lot 83. Does the county intend to extend this storm drain reserve onto Lot 83? If so, why has there been no mention of this to us?

3. Improvements

Current R10 zoning on Lot 83 allows for a considerable number of homes on Lot 83. Between the no-build Protection zone, the severely-restricted Conservation zone, and the storm drain reserve area suggested by the City Planners, substantially less buildable space remains. The result is a severe reduction in the value of this land.

Conclusion:

Upon review of the zoning guidelines as presented to us by the City of Portland Planner, we have concluded that the Protection zone does not apply to Lot 83. Modern engineering techniques and architectural designs can be implemented to provide a development that is environmentally friendly with livability.

We believe we have a basis for the County Commission to eliminate the Protection zone from Lot 83 and request that you do so.

Harry Czyzjewski, Pres.
Marie C. Rikes, Vice Pres.

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DJC

Infrastructure & Livability

DAILY JOURNAL OF COMMERCE SEPTEMBER 2001

engineering

Natural Fit

Alpha Engineering's stormwater system keeps development environmentally friendly

By Cliff Collins
for the DJC Magazine

Alpha Engineering Inc. is trying to prove that an environmentally friendly development is not an oxymoron.

The company's challenge was to build a stormwater quality system for a 198-unit condominium complex in Beaverton that abuts a creek and a nature park. On top of that, the development is located in the Tualatin River watershed, which has a mandate to reduce phosphorus runoff into that and all other streams that drain the river.

The development is on 19.1 acres adjacent to Southwest Tualatin Valley Highway and situated on a rise between Southwest Millikan Way to the east and St. Mary's Home for Boys to the west.

An ad hoc neighborhood group, Keep Our Park Whole, initially opposed the project, which was filed under and approved as Magnolia Green but is being marketed as WestPark. But as things ended up, "Keep Our Park Whole gave us accolades in the design of our stormwater (system)," said Gary G. Bliss, senior engineer with Alpha Engineering. Bliss predicts that the site will exceed local quality standards for the city of Beaverton and for the Unified Sewerage Agency, which has jurisdiction over the

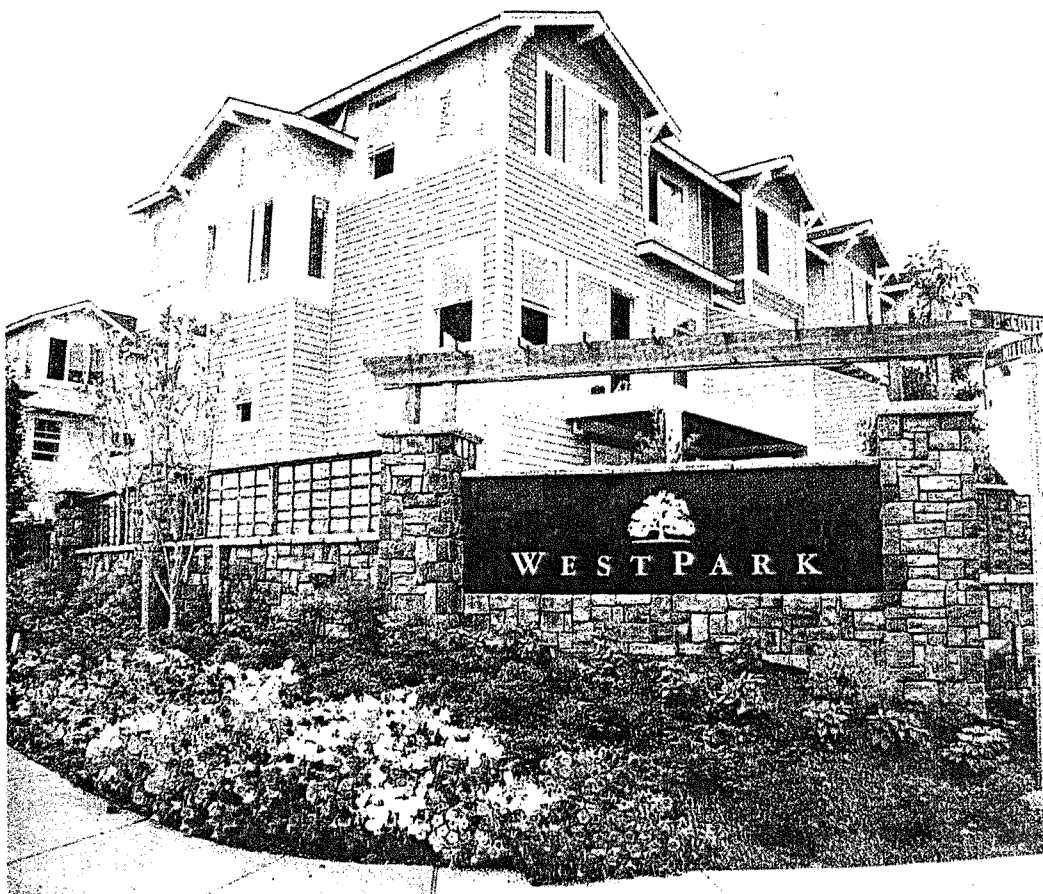


Photo by Dan Carter.

stream's water quality. An independent testing laboratory is charged with verification.

The sewerage agency requires total phosphorus removal of 65 percent in the content of stormwater, according to Bliss, yet Alpha expects to achieve in the mid-70s. The agency's requirement for total suspended solids is 85 percent removal, and Alpha projects "upwards of 95 percent

removal," Bliss said.

The method Alpha used in trying to reach these measures is expensive, multilayered and complex. In essence it is a four-stage treatment. Runoff is collected in a catch basin, then goes through the system to a water-quality manhole. The manhole contains a sump in the bottom, at a depth of three or four feet.

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21 SEP 17 PM 3:22

MULTNOMAH COUNTY
PLANNING SECTION

September 14, 2001

Diane Linn, Chair
Multnomah County Board of Commissioners
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Re: County Adoption of City Zoning

Dear Chair Linn:

I have enclosed a letter previously sent to a planning staff regarding the rezoning project which is on the Board's calendar for consideration on September 20, 2001. It is my understanding that planning staff and commissioner's staff will be discussing this topic on Monday, September 17, 2001.

As you may be aware, this important land use policy decision has been divided into three components, each of which is proceeding on a different time table. In my view it is not possible for the public, property owners or their advisors to assess the impact of the proposal except by understanding how the three components interrelate (county zone change; city code amendments; city-county intergovernmental agreement). Because the most important component, the intergovernmental agreement, has not yet been drafted certain important aspects of the rezoning proposal remain a mystery.

My specific request is that the process be reconstituted so that the three components can be considered together in an orderly proceeding. As an alternative, I have suggested the enclosed amendments. The amendments state what I believe to be the intent of city and county staff with respect to the proposed IGA and its impact on an important issue relating to transition from county to city zoning. Because this issue is not addressed specifically in the staff report, at this time it is not possible to know with precision the language that city and county staff will propose for the intergovernmental agreement. The specific effect of the proposed amendment is to make clear

*Also Admitted To Practice In Washington **Also Admitted To Practice In California

Also admitted to Practice in Utah **Also Admitted to Practice in New Jersey

Diane Linn, Chair
September 14, 2001
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that certain applications which are already in the county's process do not have to be reprocessed through the city's hearing procedures.

While it is my hope that the Commission will choose to repair the policy making process so that interrelated issues can be considered in one proceeding, I believe that the amendment which I offer will provide sufficient clarity that conflict over this important point can be avoided.

Very truly yours,



Timothy V. Ramis

TVR/lmh
Enclosure
cc: ✓ Susan Muir, Principal Planner Multnomah County



CITY OF PORTLAND, OREGON
BUREAU OF PLANNING

EXHIBIT B:
ENVIRONMENTAL
ZONING MEMOS

Phone: (503) 823-1000
E-mail: pdxplan@ci.portland.or.us

August 15, 2001

MEMORANDUM

TO: Multnomah County Board of Commissioners

FROM: Tom McGuire, Senior Planner, Portland Planning Bureau

SUBJECT: Multnomah County - Portland Compliance Project; Modifications to Multnomah County Planning Commission Recommendations

The following are staff responses to environmental zoning issues raised by citizens at the Planning Commission hearing on 6/18/01. The Planning Commission voted to recommend the staff proposal on to the County Board of Commissioners but directed staff to meet with property owners who had concerns about the environmental overlay zone proposal. The Planning Commission asked staff to resolve issues if possible and provide a report to the County Board of Commissioners on the status of the property owner concerns.

This memo provides a summary of the status of each of the property owner concerns. Staff attempted to contact or met with all of the property owners and was able to work out most of the issues. Refinements to the proposed environmental overlays are recommended on certain properties to more accurately reflect current site conditions. Staff advises that the County Board of Commissioners amend the Planning Commission recommended environmental zoning as described in this memo and shown in the attached figures. The memo is organized into three sections with the first section being sites where staff recommends a change in the environmental overlay zone locations, the next section being areas where staff does not recommend a change, and the final section, sites where staff has provided information and assistance to the property owner and a map change is not involved.

Key to Figures. In the figures below, dark gray shades represent the Environmental Protection overlay zone, lighter gray shades indicate the Environmental Conservation overlay zone. The subject property boundaries are outlined and some figures include topographic information using 2-foot contours. All aerial photos are from the summer of 2000.

SECTION 1- Recommended Changes to Environmental Overlay Zone Locations

Respondent #1: Hulce Property, represented by Ken Sandblast

Property Location: 8445 NW Tuality Way **Map:** 3021

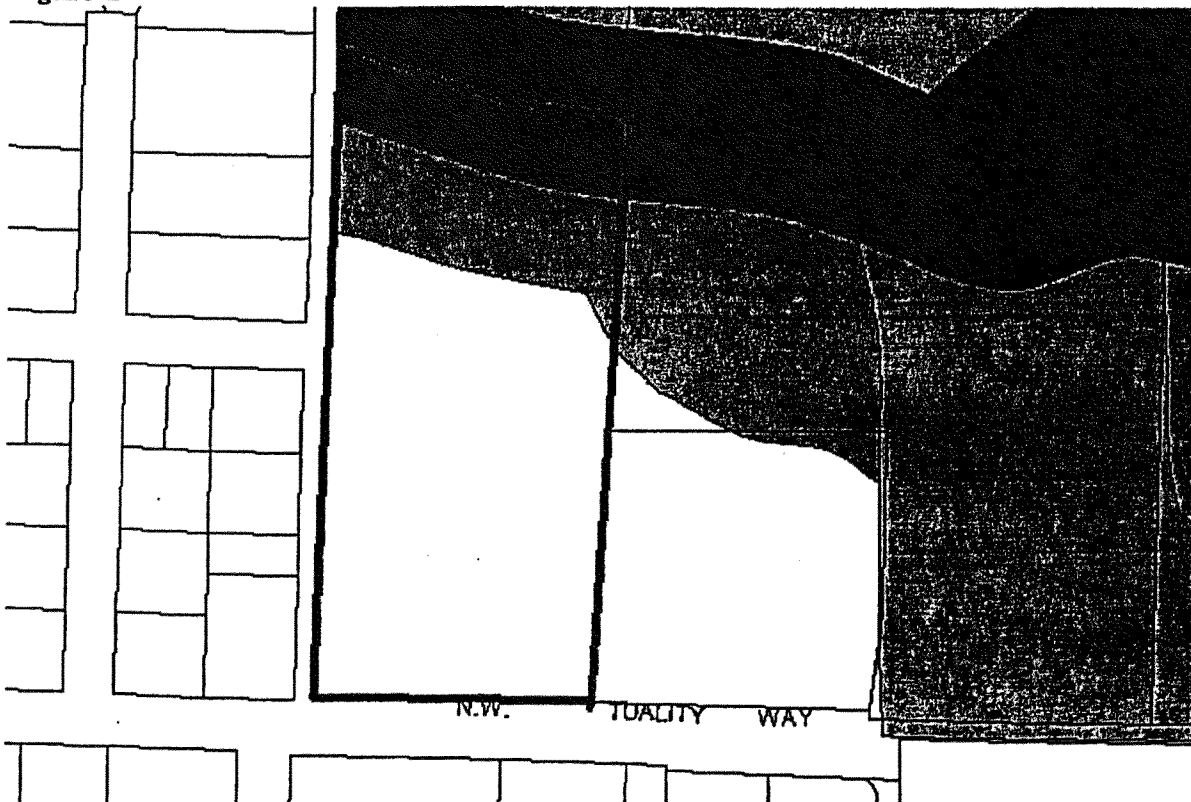
Issue: The owners representative questioned the accurate location of the Environmental Conservation overlay on the 5.8 acre property. A portion of the north end of the property is proposed for the Environmental Conservation overlay.

Staff Response: Staff met Mr. Sandblast, a consultant representing the property owner, on the property and walked the site on 8/01/01. After visiting the property and reviewing the inventory documents staff recommends a refinement of the location of the Environmental Conservation overlay. Portions of the Holce property are recommended to be removed from the Environmental Conservation overlay because the presence of development and the lack of resources.

Staff confirms that significant natural resources are present on the property and adjacent properties. There are a-quality and c-quality resources on the site but not to the extent originally mapped. There are stream, forest, and wildlife habitat resources on the north end of the property that extend onto the properties to the north, west, and east.

Recommended Action: Staff recommends that the County Board of Commissioners modify the Environmental Conservation overlay zone, as shown in Figure 1, to better match the c-quality resources on the site. Mr. Sandblast confirmed on site that this proposal was acceptable.

Figure 1



Respondent #2: Robert Allen

Property Location: 275 NW Miller Road

Map: 3021

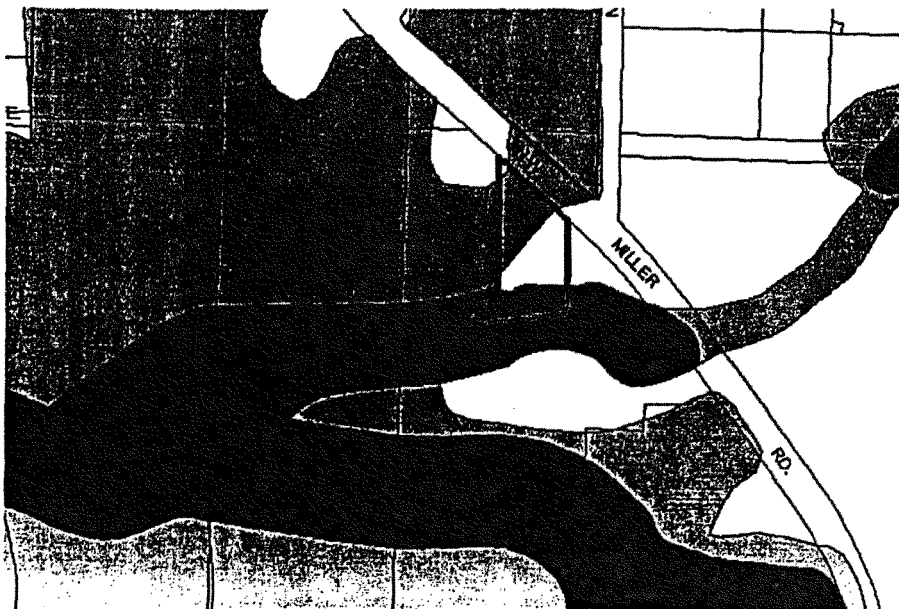
Issue: Mr. Allen was concerned about the accuracy of the application of Environmental Conservation overlay to his 30,000 square foot property. Nearly the entire property is proposed for the Environmental Conservation overlay.

Staff Response: Staff met Mr. Allen on the property and walked the site on 8/01/01. After visiting the property and reviewing recent aerials and topographic maps staff recommends refinement of the location of the Environmental Conservation overlay and application of the Environmental Protection overlay. A small portion of the Allen property is proposed to be placed within the Environmental Protection overlay because of the presence of a surface intermittent stream. Other portions of the property are recommended for removal from the Environmental Conservation overlay because of the presence of development and the lack of resources.

Staff confirms that significant natural resources are present on the Allen property and adjacent properties. The recommended addition of Environmental Protection overlay zone is made because of the presence of an intermittent stream. Staff had initially thought that the stream was piped in this area and that it crossed under Miller Road farther to the south. The site visit confirmed the presence of the intermittent stream on the surface and that it was an a-quality resource. The additional Environmental Protection overlay also affects three neighboring properties and touches on two others.

Recommended Action: Staff recommends that the County Board of Commissioners amend the proposed Environmental Conservation zone, as shown in Figure 2 below, in order to add Environmental Protection overlay zoning to the a-quality resources, add Environmental Conservation overlay zoning to areas newly identified with c-quality resources and to remove the Environmental Conservation overlay from areas where significant resources are not present.

Figure 2



Respondent #3: Rheza Afghan

Property Location: 999 SW Englewood **Map:** 4228

Issue: Mr. Afghan raised concerns about the extent of the Environmental Conservation overlay zone on his property.

Staff Response: Staff met Mr. Afghan on the property and walked the site on 8/6/01. After visiting the property staff agreed that the Environmental Conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The Environmental Conservation overlay as originally proposed extended onto the pasture and barns on the property. These areas are outside the extent of the significant resources on the property.

Recommended Action: Staff recommends that the County Board of Commissioners amend the Environmental Conservation overlay as shown in Figure 3. Mr. Afghan is satisfied with the staff modification.

Figure 3



Respondent #4: Douglas Pontifex

Property Location: 1932 SW Highland Drive **Map:** 3225

Issue: Mr. Pontifex raised concerns about the extent of the Environmental Conservation overlay zone on his property.

Staff Response: Staff met Mr. Pontifex on the property and walked the site on 7/12/01. After visiting the property staff agreed that the Environmental Conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The Environmental Conservation overlay as originally proposed extended onto a landscaped terrace on the property. Mr. Pontifex still has concerns with the location of the Environmental Conservation overlay on the property. He would prefer that the line be located farther down the hill or removed from his property entirely. Staff disagrees with Mr. Pontifex because there are b-quality resources on the site beginning at the vegetation line at the top of the slope and extending down to the remnant drainage at the bottom of the slope.

Recommended Action: Staff recommends that the County Board of Commissioners amend the Environmental Conservation overlay as shown in Figure 4. Mr. Pontifex is not satisfied with the extent of the staff modification.

Figure 4



Respondent #5: Tim Maginnis

Property Location: 1931 SW Highland Road **Map:** 3225

Issue: Mr. Maginnis raised concerns about the extent of the Environmental Conservation overlay zone on his property.

Staff Response: Staff met Mr. Maginnis on the property and walked the site on 6/19/01. After visiting the property staff agreed that the Environmental Conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The Environmental Conservation overlay as originally proposed extended into landscaped terraces on the property. Mr. Maginnis still has concerns with the location of the Environmental Conservation overlay on the property. He would prefer that the line either be removed from his property entirely or extend no farther than 10 feet onto the south side of his property. Staff disagrees with Mr. Maginnis because there are c-quality forest and habitat resources on the south side of the site.

Recommended Action: Staff recommends that the County Board of Commissioners amend the Environmental Conservation overlay as shown in Figure 5. Mr. Maginnis is not satisfied with the extent of the staff modification.

Figure 5



Respondent #6: Eric Lemelson

Property Location: SW 61st Street **Map:** 3123

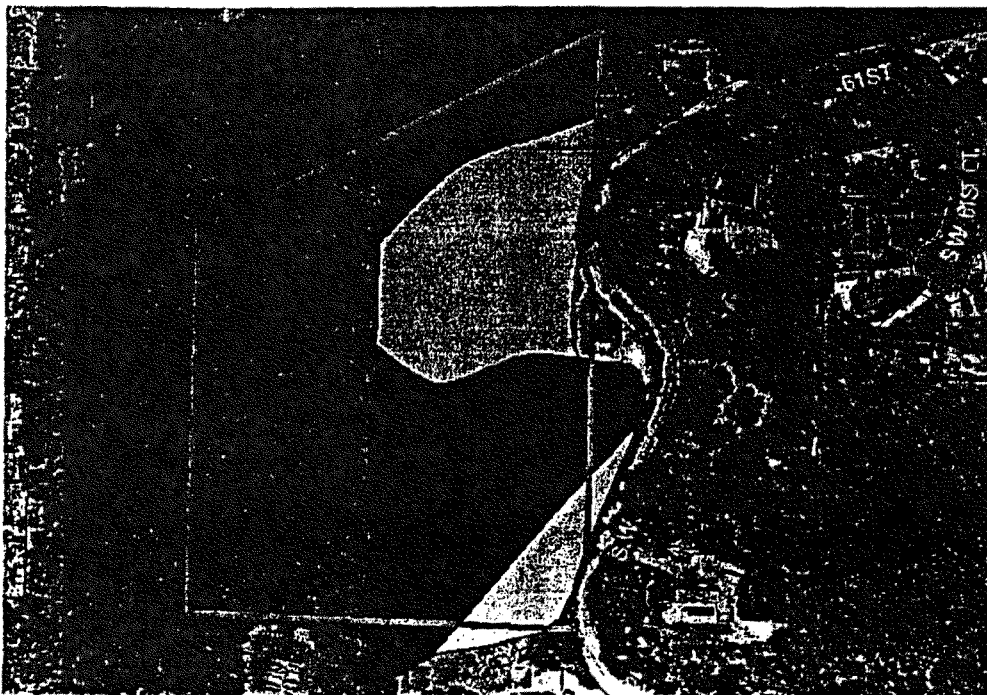
Issue: Mr. Lemelson is concerned with the amount of Environmental Protection overlay zone proposed for the property.

Staff Response: Staff had phone conversations with Mr. Lemelson on 6/21/01, 7/24/01, and 8/2/01 discussing the issues on this site. Mr. Lemelson is donating the property to the Northwest Tibetan Cultural Association for the possible construction of the Northwest Tibetan Cultural Center. Staff also met with the planning consultant and architect working on the cultural center project on the property on 8/9/01. After walking the site and reviewing the inventory information, Staff agreed that the overlay zones should be adjusted to better reflect the location of the significant resources on the property. While Staff does not consider specific development applications in the determination of the location of the zone lines the recent site visit did indicate that the proposed locations of the overlay zones and the a-quality and b-quality resources on the site should be refined.

The resources on the site include steep forested slopes, a major stream, a secondary intermittent stream, and habitat for a large number of species. The Planning Commission recommendation has a-quality resource identified in areas as much as 400 feet or more from the stream. Staff has determined that this is inaccurate and that the a-quality resource areas extend only 200 to 250 feet from the major stream and 100 feet on the secondary stream.

Recommended Action: Staff recommends that the County Board of Commissioners amend the proposed Environmental Protection and Conservation zones, as shown in Figure 6 below, in order to reduce the amount of Environmental Protection overlay zoning and a-quality resource designation and replace those with additional Environmental Conservation overlay zoning and b-quality resource designation. As of the writing of this memo there was no response from Mr. Lemelson or his consultants about the proposed change.

Figure 6



SECTION 2- No Changes Recommended

Respondent #7: Tom Triplett

Property Location: 1521 SW 61st Drive **Map:** 3223

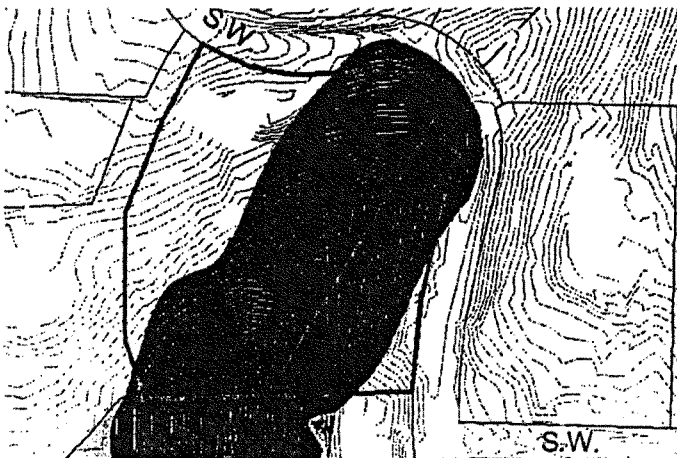
Issue: Mr. Triplett owns two properties that are adjacent to each other. One is occupied by his home the second is vacant. He opposes the extent of the Environmental Protection overlay zone on the vacant property.

Staff Response: Staff contacted Mr. Triplett by phone on 6/18/01 and discussed with him the reasons for applying the overlay and how the regulations work. At that time staff indicated to Mr. Triplett that there did not appear to be any error in the proposed Environmental Protection overlay location. After the Planning Commission hearing Mr. Triplett continued to express his concerns that the Environmental Protection overlay extends too far onto his vacant property and that it will reduce its potential value as a buildable lot. Staff again tried to contact Mr. Triplett by phone on 7/25/01. Mr. Triplett did not return the phone call. Staff visited the site and observed the property from the extensive right-of-way. Staff also reviewed recent aerials and topographic maps and concludes that the proposed Environmental Protection overlay is in the correct location on this property.

Almost all of the vacant lot is composed of a-quality resource. The property is a narrowly triangular lot with a drainageway running down the length of one of the property lines. A steep ravine slopes from the 61st Ave. right-of-way down to the creek. The proposed Environmental Protection zone extends 100 feet out from both sides of the drainageway centerline. On this site there is no adjacent Environmental Conservation overlay so the Transition Area is within the Environmental Protection overlay zone. This means that the effective regulated area is 75 feet from the drainageway centerline. This is a minimum distance to protect this type of resource. Even with the Environmental Protection overlay there is a triangular building area on this lot that is roughly 150 feet by 50. That is a building area that is larger than many entire lots within the City.

Recommended Action: No change.

Figure 7



Respondent #8: Harry Czyzewski and Tina Christensen

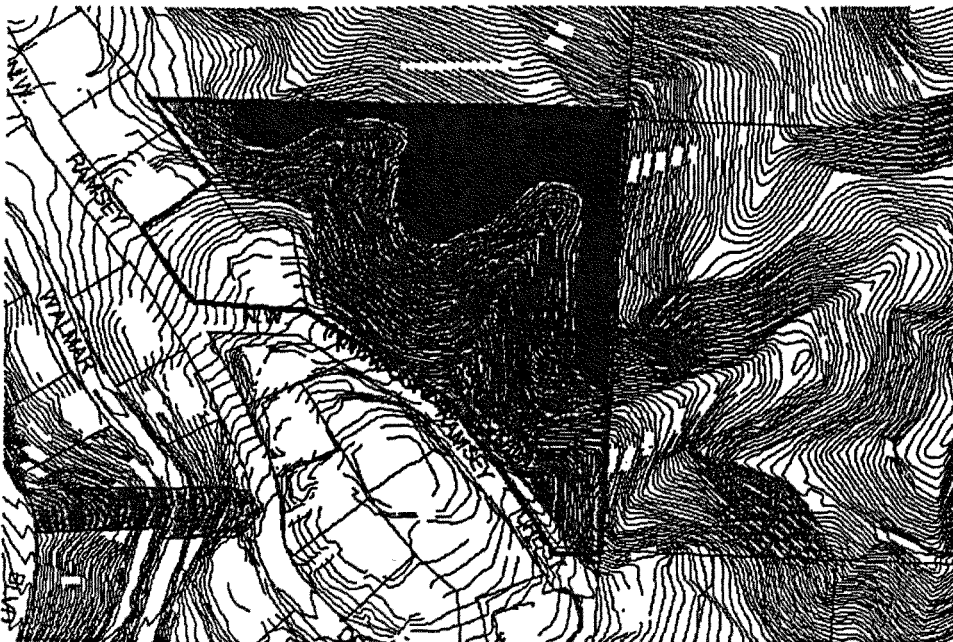
Property Location: Near 1966 NW Ramsey Crest **Map:** 2821

Issue: Mr. Czyzewski has concerns about the extent of the Environmental Protection overlay zone on his property.

Staff Response: Staff met with Mr. Czyzewski on 8/01/01 after the Planning Commission hearing. The property is at the top of the ridge separating the Balch Creek basin and the Cedarmill Creek basin. This area does not and will not have access to sanitary sewer. The site is extremely steep and septic systems are the only option. The main issue is the proposed location of the Environmental Protection overlay zone. Staff has already modified the location of the Environmental Protection overlay on the site based on discussions resulting from the 1999 Planning Commission hearing in order to accommodate development with septic systems (see Figure 8). Staff has visited the property, spoken with the owners, and reviewed the inventory information and is satisfied that the current proposal reflects the correct location of the a-quality and b-quality resources on the site and the overlay zones.

Recommended Action: No change.

Figure 8



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Respondent #9: Ross Day representing the Fred's Marina property

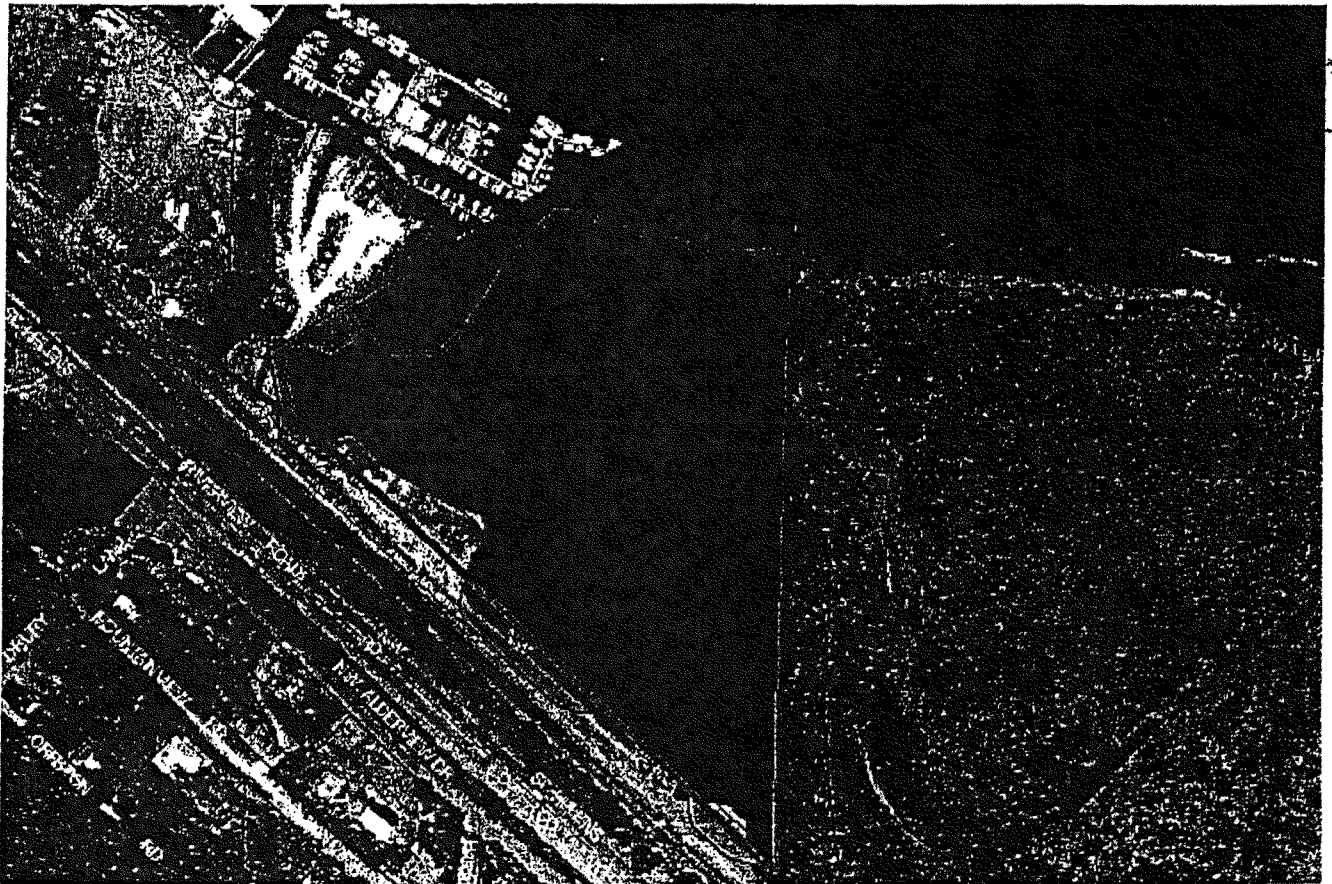
Property Location: 12800 NW Marina Way **Map:** 1717

Issue: The owner and his representative oppose the Environmental Conservation and Environmental Protection overlay zones on the property.

Staff Response: In a phone conversation on 7/25/01 staff discussed the issues on this site with Mr. Day, the property owners representative. At this time they have no specific request just a general concern about the placement of the overlay zones on the property. Staff has reviewed the inventory information and is satisfied that the current proposal reflects the correct location of the overlay zones and the a-quality and c-quality resources on the site—which include substantial wetland areas, Willamette River floodplain, and native vegetation on the Willamette bank.

Recommended Action: No change.

Figure 9



Respondent #10: Larry Porter representing Greg Goodman

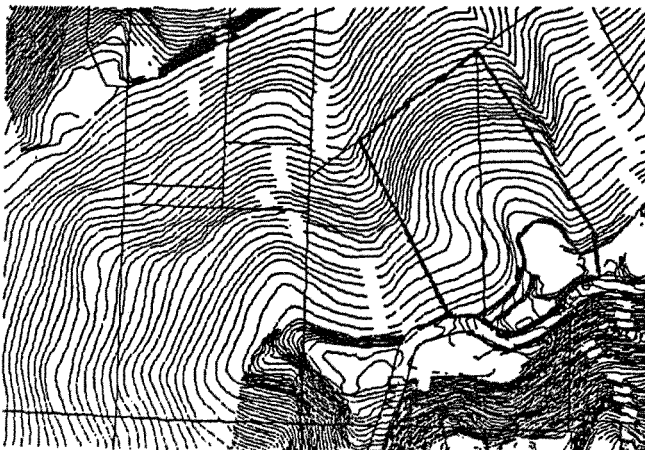
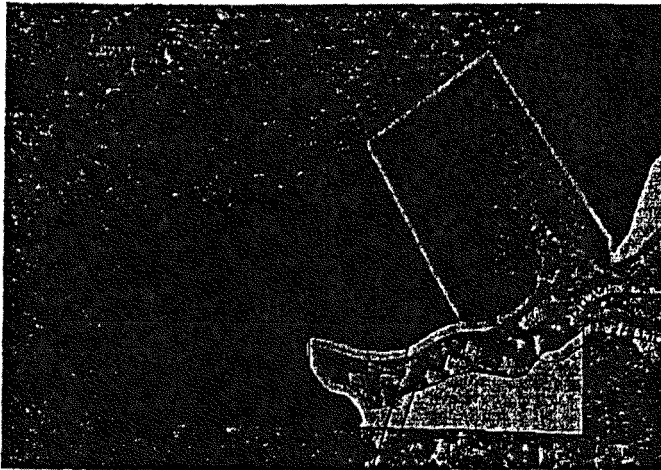
Property Location: Between 321 and 345 NW Hilltop Drive. **Map:** 3024

Issue: The owner and his representative oppose the Environmental Protection overlay zone proposed for a newly acquired vacant lot to the west of the residence property. Mr. Goodman's residence property is already within City jurisdiction.

Staff Response: In a phone conversation on 7/17/01 staff discussed the issues on this site with Mr. Porter the property owners representative. At this time they have no specific request just a general concern about the placement of the Environmental Protection overlay zone on the property. Mr. Porter indicated that the owner was considering developing the lot at some point in the future. The property owner Mr. Goodman recently completed a property line adjustment with his neighbor to the west, Mr. Wessinger, after Mr. Wessinger purchased the property (see Respondent #12). Staff has reviewed the inventory information and is satisfied that the current proposal reflects the correct location of the overlay zones and the a-quality and b-quality resources on the site—which are extremely steep forested slopes and drainages.

Recommended Action: No change.

Figures 10 and 11



Respondent #11: Peter Voorheist

Property Location: 4900 SW Humphrey Blvd. **Map:** 3324

Issue: Mr. Voorheist opposes application of the Environmental Conservation overlay to his three acre property. The majority of the property is proposed for the Environmental Conservation overlay. Mr. Voorheist testified at the Planning Commission hearing on 6/18/01 that he had clear-cut the entire property and had the stumps removed, therefore the proposed Environmental Conservation overlay zone should be removed.

Staff Response: The Planning Commission did not address Mr. Voorheist's request.

Recommended Action: No change.

SECTION 3- Information and Assistance Provided

Respondent #12: William Wessinger

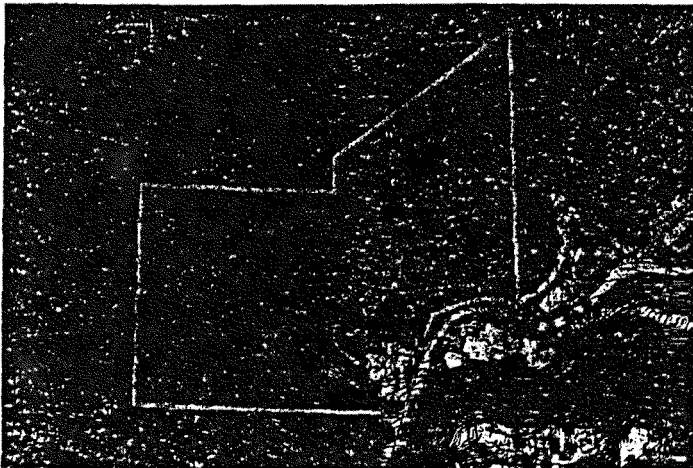
Property Location: 321 NW Hilltop Drive **Map:** 3024

Issue: Mr. Wessinger had concerns about the application of Environmental Protection and Environmental Conservation overlay to his property and about the code regulations. The majority of the property is proposed for the Environmental Protection overlay.

Staff Response: Staff spoke with Mr. Wessinger over the phone on 5/30/01 and 6/18/01 and met with him at the Bureau of Planning Office in early June. After hearing more about the overlay zones and regulations Mr. Wessinger was comfortable with the location of the overlay zones and had no further issues. Mr. Wessinger stated that he was comfortable with the Environmental Protection overlay zone because he had no intention of developing in the areas covered by the overlay and that was the reason he bought the property between his home and Mr. Goodman's home, to keep it from being developed.

Recommended Action: No change.

Figure 12



Respondent #13: Brad Fletcher

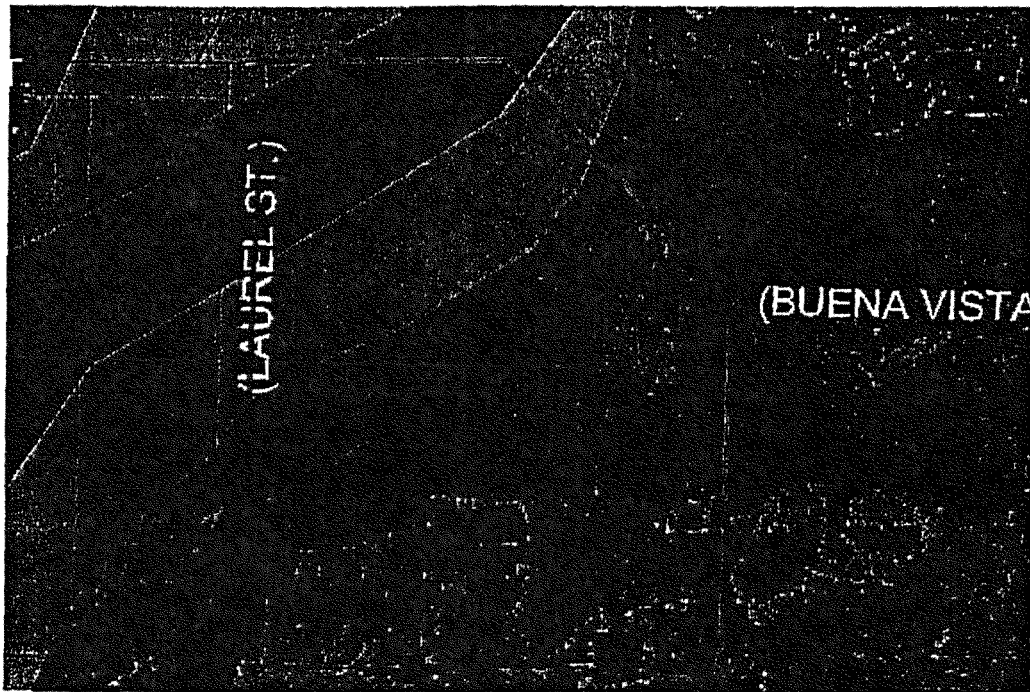
Property Location: 1537 SW Comus **Map:** 4030

Issue: Mr. Fletcher wanted to make sure that the map proposal presented to the County Board of Commissioners accurately reflected the overlay zone location that was agreed upon after the 1999 Planning Commission hearing.

Staff Response: Staff spoke with Mr. Fletcher numerous times in May, June, and July to confirm the Environmental Conservation and Protection overlay zone lines as we had agreed to them in 1999. What was agreed to was an Environmental Protection overlay that is 100 feet wide with an Environmental Conservation overlay extending another 100 feet beyond the Environmental Protection overlay onto Mr. Fletcher's property. The 100-foot Environmental Conservation overlay includes a 25-foot Transition Area. The zone lines shown in Figure 13 below illustrate the accurate location as recommended by the Planning Commission. Mr. Fletcher has reviewed these zone line locations and is in agreement.

Recommended Action: No change.

Figure 13



Respondent #14: James Meier

Property Location: Near 7324 NW Penridge Road

Map: 2922

Issue: Mr. Meier had concerns about the application of Environmental Conservation overlay to his property and about the code regulations. The majority of the property is proposed for the Environmental Conservation overlay.

Staff Response: Staff spoke with Mr. Meier over the phone on 7/16/01 and discussed the overlay zone and regulations. After the discussion Mr. Meier was less concerned with the location of the overlay zone and had no further issues.

Recommended Action: No change.

Respondent #15: Maxine Selling

Property Location: 5701 SW Patton Road

Map: 3323

Issue: Ms. Selling wanted to confirm that the map proposal presented to the County Board of Commissioners accurately reflected the location of the Environmental Conservation overlay that was agreed upon after the 1999 Planning Commission hearing.

Staff Response: Staff sent Ms. Selling a copy of the current proposal for the location of the Environmental Conservation overlay on her property on 7/12/01. There has been no other communication from Ms. Selling.

Recommended Action: No change.



CITY OF PORTLAND, OREGON BUREAU OF PLANNING

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July 23, 1999

MEMORANDUM

TO: Multnomah County Planning Commission

FROM: Tom McGuire, Senior Planner, Portland Planning Bureau

SUBJECT: Multnomah County - Portland Compliance Project, Responses to Public Comments

The following are staff responses to environmental zoning issues raised by citizens at the Planning Commission hearing on 7/12/99. Also attached is the proposed environmental zoning information requested by Commissioner Reddick. Staff contacted or met with all of the property owners and was able to work out most of the issues. Refinements to the proposed environmental overlays are recommended on certain properties to more accurately reflect current site conditions. Staff recommends that the Planning Commission amend the proposed environmental zoning as described in the staff responses and shown in the attached figures. Staff further recommends that the Commission add the attached zoning summaries requested by Commissioner Reddick to the ESEE document.

Respondent #1: Peter Voorheist

Property Location: 4900 SW Humphrey Blvd. **Map:** 3324

Issue: Opposes application of Environmental Conservation overlay to his 3 acre property. The entire property is proposed for the Environmental Conservation overlay.

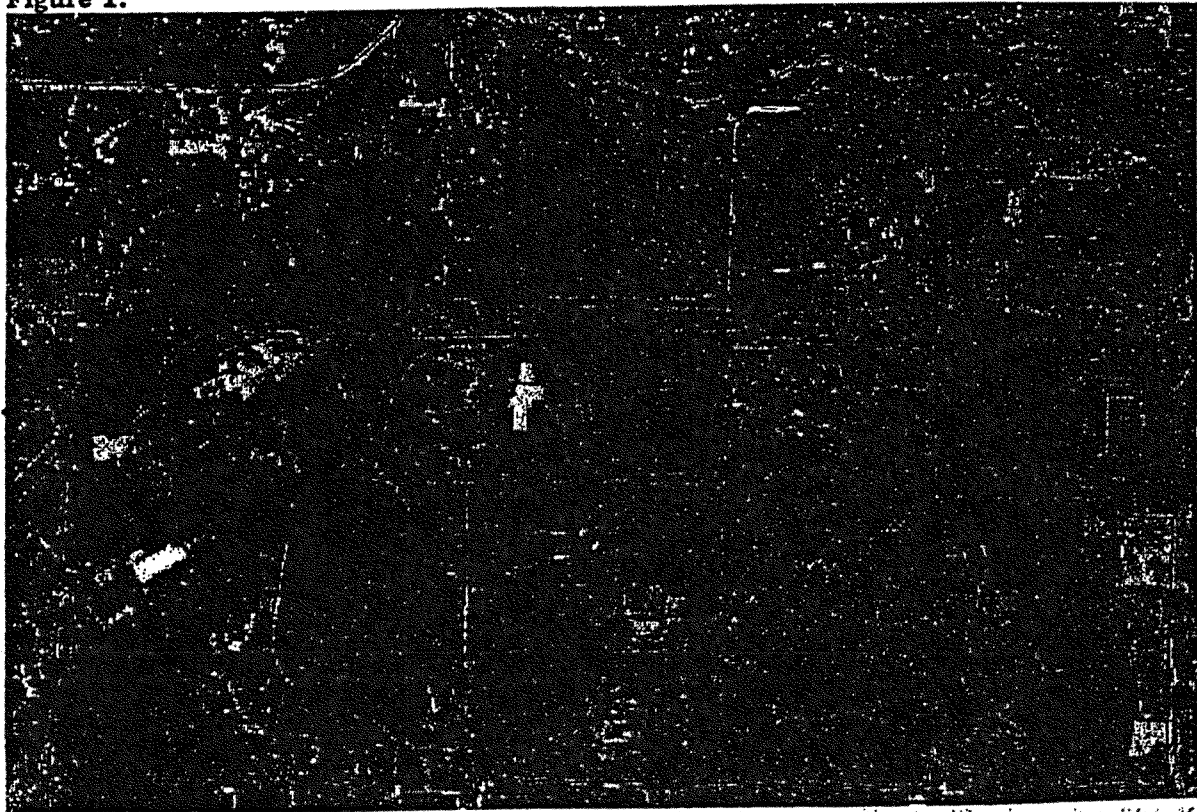
Staff Response: The conservation zone was proposed for this site as part of the Southwest Community Plan (SWCP).

Staff met Mr. Voorheist on the property and walked the site on 7/19/99. After visiting the property and reviewing SWCP documents, recent aerials, and topographic maps staff recommends refinement of the location of the Environmental Conservation overlay. Portions of the Voorheist property are proposed to be removed from the conservation overlay because the presence of development and the lack of resources.

Staff confirms that significant natural resources are present on the Voorheist property and adjacent properties to the south. The forested uplands, slopes, and creek headwaters provide medium to high quality food and cover for birds and mammals. The Voorheist property sits at the top of the ridge separating the Hwy. 26 canyon from the Fanno Creek Basin. The property has mature conifer-topping-hardwood canopy cover and is notable in this area of SWCP study for the lack of invasive exotic plants. The understory and groundcover layers are composed almost entirely of diverse native species. The forest cover continues onto the neighboring properties to the south and southwest. The topography begins to drop off on the neighboring properties down to the headwaters of two tributaries of Fanno Creek. The investigation of this property has lead to the discovery that a conservation zone proposed under the SWCP is missing from land to the south of this property.

Recommended Action: Staff recommends that the Planning Commission amend the proposed conservation zone, as shown in Figure 1 below, in order to respond to existing development on the property and to preserve these upland and headwaters resources and the connections between this area and other resources in the Fanno Creek basin consistent with the SWCP recommendations.

Figure 1:



The proposed conservation zone is shown in the map. The map shows the Fanno Creek basin and the proposed conservation zone. The map is a black and white aerial photograph with a white crosshair in the center. The map shows the Fanno Creek basin and the proposed conservation zone. The map is a black and white aerial photograph with a white crosshair in the center. The map shows the Fanno Creek basin and the proposed conservation zone.

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Respondent #2: John Gilleland

Property Location: 350 NW 83rd Place **Map:** 3021

Issue: Opposes application of Environmental Conservation overlay and "c" quality significance ranking on his 2.1 acre property. The eastern portion of the property is proposed for the Environmental Conservation overlay.

Staff Response: Staff visited the site on 7/23/99 and agrees with Mr. Gilleland in part. There are c-quality resources on the site but not to the extent originally mapped. There are forest and wildlife habitat resources on the eastern edge of the property that extend onto the properties to the south.

Recommended Action: Staff proposes to modify the conservation overlay zone, as shown in Figure 2, to better match the c-quality resources on the site. Mrs. Gilleland confirmed on site that this proposal was acceptable.

Figure 2



Respondent #3: Jeffrey Keeney, representing Mr. And Mrs. Mort Bishop

Property Location: 10707 SW Riverside Drive **Map:** 4031

Issue: Raised concerns about the extent of the Environmental Conservation overlay zone on the Bishop property.

Staff Response: Staff met Mr. Keeney and Mrs. Bishop on the property and walked the site on 7/15/99. After visiting the property staff agreed that the environmental conservation overlay should be adjusted to better reflect the location of the significant resources on the property. The conservation overlay as originally proposed extended onto the landscaped terrace on the property.

Recommended Action: Staff recommend modification to the conservation overlay as shown in Figure 3. Mr. Keeney and Mrs. Bishop were satisfied with the staff modification.

Figure 3



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Respondent #4: Ron Vandehey

Property Location: SW Shattuck road **Map:** not applicable

Issue: Had concerns about the Environmental Conservation overlay zone on his property.

Staff Response: Staff spoke with Mr. Vandehey over the phone and found that his property is currently within the Portland City limit and therefore is not affected by this project.

Recommended Action: None.

Respondent #5: Bette Franklin

Property Location: Near 1110 NW Greenleaf Rd. **Map:** 2922

Issue: Concerned about the placement of the Environmental Protection overlay zone on a vacant property that she owns near her residence. She has an approved septic drainfield location for the property and is concerned that the protection overlay may extend onto the approved area.

Staff Response: Staff met Ms. Franklin on the property and looked at the site on 7/20/99. After visiting the property and reviewing documents supplied by Ms. Franklin on the location of the septic approval staff believes the protection overlay will not encroach onto the area approved for septic. The protection overlay as proposed is 100 feet from the centerline of the creek to the east of the property. Using the best topographic data available and the documents provided by Ms. Franklin staff concludes that the protection overlay is at least 30 feet beyond the area approved for the septic field.

Staff also discussed with Ms. Franklin the fact that the drainfield approval predates the application of the proposed environmental overlays and if any portion of the approved drainfield area is found to be within the protection overlay zone the drainfield approval would be "grandfathered" and could be built as approved. Ms. Franklin indicated that she understood this position.

While viewing this property staff noted that the Franklin's had constructed a new house on a nearby property that they own. The house and cleared area, which received County permits in 1997, are within the proposed conservation and protection overlays.

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Recommended Action: Make no modification to the proposed environmental overlays on the vacant lot. Modify the environmental conservation and protection overlays on the lot containing the house, as shown in Figure 4. Ms. Franklin was satisfied with this staff recommendation.

Figure 4



all of the environmental overlays on the lot containing the house, as shown in Figure 4. Ms. Franklin was satisfied with this staff recommendation.

Ms. Franklin was satisfied with this staff recommendation.

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Respondent #6: Judith Rafferty

Property Location: Barbara Welch Road **Map:** 3846 (Lava Domes)

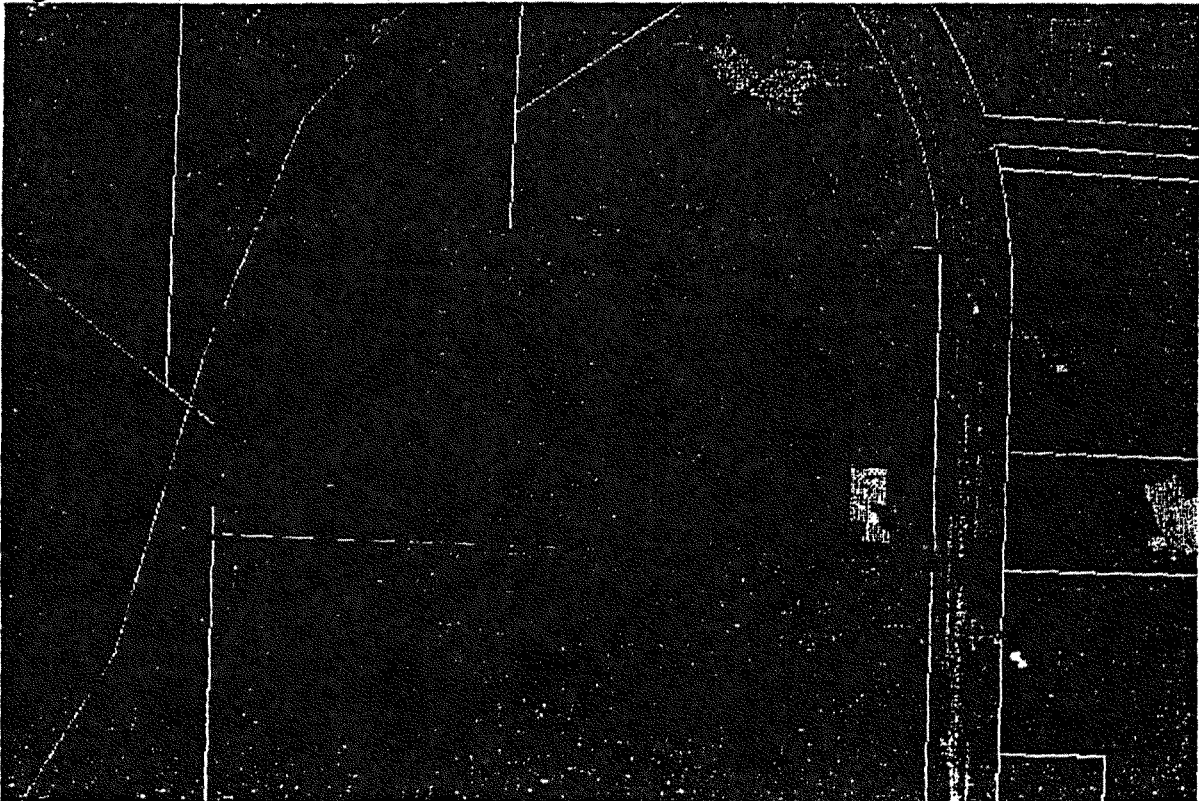
Issue: Opposes the extent of the Environmental Protection overlay zone on her property.

Staff Response: Environmental overlay zoning was proposed for this property and adopted by the City of Portland as part of the Boring Lava Domes study area that was completed by the City in November 1997.

Staff contacted Ms. Rafferty by phone on 7/20/99. Staff has previously contacted Ms. Rafferty by phone and has walked the site with her. Ms. Rafferty is concerned that the environmental protection overlay extends too far to the east on her property and will remove the potential for two buildable lots. The staff position is that the proposed environmental overlays are in the correct location on this property. Staff believes that the protection zone only extends to the top of the slope leading down to a creek which is the area identified as A-quality resource in the Boring Lava Domes study. With clustering of the development and public sewer service extension, Mrs. Rafferty should not lose any potential lots/units.

Recommended Action: No change.

Figure 5



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Respondent #7: Logan Ramsey

Property Location: Between NW Walmer and Skyline Blvd. **Map:** 2821

Issue: Opposes the Environmental Conservation overlay zone proposed for the south approximately 75 feet of the property.

Staff Response: At this time, Mr. Ramsey has not returned staff's telephone call. The south side of Mr. Ramsey's property contains a headwaters drainageway that flows down to protected creeks within the City of Portland. Staff has proposed a 75-foot-wide Environmental Conservation overlay centered on the drainageway with 37.5 feet on each side of the centerline. This means that effectively there is a 12.5-foot-wide regulated area on either side of the drainageway because the outer 25 feet of the environmental zone is a "transition area". Depending on the exact location of the drainageway centerline there may be even less conservation area on Mr. Ramsey's property because the drainageway is very close to his south property line. Staff believes that the decision to limit conflicting uses through application of the Environmental Conservation overlay is appropriate and recommends no change.

Recommended Action: No change.

Figure 6



Respondent #8: Brad Fletcher

Property Location: N537 SW Comus **Map:** 4030

Issue: Concerns about the extent of the Environmental Conservation overlay on his property and how the regulations may affect his maintenance of view corridors.

Staff Response: Staff met Mr. Fletcher on the property and walked the site on 7/22/99. After visiting the property staff determined that some modification of the conservation overlay is necessary. The conservation overlay should extend 100 feet south of the Environmental Protection overlay zone on the property. The protection zone extends 50 feet south from the centerline of a creek on the property. This results in a total of 125 feet of regulated area south of the creek centerline and an additional 25 feet of transition area.

Mr. Fletcher was also concerned about continuing tree trimming and maintenance of view corridors on his property. The Environmental Overlay Zone has an exemption for continued landscape maintenance. This exemption does apply to tree trimming and maintenance for view corridors if the property owner has a clear record of past maintenance activities.

Recommended Action: Modify the conservation overlay as shown in Figure 7. Mr. Fletcher was satisfied with the staff proposal.

Figure 7



Respondent #9: Harry Czyzewski

Property Location: Near 1966 NW Ramsey Crest **Map:** 2821

Issue: Concerns about the extent of the Environmental Protection overlay zone on his property.

Staff Response: Staff met with Mr. Czyzewski after the Planning Commission hearing on the 12th and then again at his property on 7/20/99. This area is at the top of the ridge separating the Balch Creek basin and the Cedermill Creek basin. This area does not and will not have access to sanitary sewer. The site is extremely steep but septic systems are the only option. The main issue is whether the proposed location of the protection overlay zone leaves enough space for septic systems. It does appear that some modification of the protection overlay is necessary to accommodate development with septic systems.

Recommended Action: Modify the proposed protection overlay zone as shown in Figure 8. Figure 8



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Property Location: 645 NW Skyline **Map:** 2921

Staff Response: Staff met with Mr. And Mrs. Cullison and their consultant Ken Sandblast at the property on 7/23/99. Mr. Cullison has the power of attorney for Ms. McCready's property and was questioning the extent of the conservation overlay at the southern side of the property. Staff confirmed that b-quality resources are present on the southwest corner of the property but that they do not extend as far east as is currently mapped.

Recommended Action: Modify the conservation overlay as shown in Figure 9. The Cullison's and Mr. Sandblast were satisfied with the staff proposal.

Figure 9

[illegible]

Afghan Property



200

0

200

400 Feet



CITY OF PORTLAND, OREGON

BUREAU OF PLANNING

VERA KATZ, MAYOR
GIL KELLEY, DIRECTOR
1900 S.W. FOURTH AVENUE, ROOM 4100
PORTLAND, OREGON 97201-5350
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E-mail: pdxplan@ci.portland.or.us

September 17, 2001

SECOND MEMORANDUM

TO: Multnomah County Board of Commissioners

FROM: Tom McGuire, Senior Planner, Portland Planning Bureau

SUBJECT: Multnomah County – Portland Compliance Project; Additional Modifications to Multnomah County Planning Commission Recommendations

The following are staff responses to environmental zoning issues raised by citizens after the writing of the August 15 staff memo to the County Board of Commissioners. This memo provides a summary of the status of three additional property owner concerns. Staff had phone conversations with all of the property owners and was able to work out some of the issues. Refinements to the proposed environmental overlays are recommended on all three properties to more accurately reflect current site conditions.

Staff advises that the County Board of Commissioners amend the Planning Commission recommended environmental zoning as described in this memo and shown in the attached figures. The memo is organized to follow the August 15 memo and starts with Respondents 16 and 17. The figures begin with Figure 14, again following on the August 15 memo to the Board.

Key to Figures. In the figures below, dark gray shades represent the Environmental Protection overlay zone, lighter gray shades indicate the Environmental Conservation overlay zone. The subject property boundaries are outlined. All aerial photos are from the summer of 2000.

Respondents #16 and 17: Good Property and Thompson Property

Property Location: 151 and 157 NW Miller Road **Map:** 3021

Issue: These two owners of adjacent properties raised questions about the location of the Environmental Conservation overlay on these two properties. The north end of the Good property is proposed for the Environmental Protection overlay and a portion of the north and west sides of the Good property are proposed for Environmental Conservation overlay. The north end of the Thompson property is proposed for both the Environmental Conservation and Environmental Protection overlays. The Thompson property is to the east of the Good property.

Staff Response: Staff had a phone discussion at the end of August with the property owners about the Compliance Project in general and the environmental regulations specifically. During these discussions it became apparent that the Environmental Conservation overlay zone extended too far south on these properties. After reviewing the inventory documents and most recent aerial photos staff recommends a refinement of the location of the Environmental Conservation overlay on both properties. Portions of both the Good property and the Thompson property are recommended to be removed from the Environmental Conservation overlay because of the absence of significant resources.

Staff confirms that significant natural resources are present on the two properties. There are a-quality and b-quality resources on the site but not to the extent originally mapped. There are stream, forest, and wildlife habitat resources on the north end of both properties and the west side of the Good property.

Recommended Action: Staff recommends that the County Board of Commissioners modify the Environmental Conservation overlay zone, as shown in Figure 14, to better match the b-quality resources on the site.

Figure 14



September 17, 2001

Page 3

Respondent #18: Martin Schmidt

Property Location: 262 NW Miller Road

Map: 3021

Issue: Mr. Schmidt was concerned about the accuracy of the application of an Environmental Conservation overlay to a portion of his 21 acre property.

Staff Response: Staff had a phone discussion with Mr. Schmidt regarding the Compliance Project in general and the environmental regulations specifically on 8/30/01. Mr. Schmidt indicated that in the location of one of the proposed conservation zones there was no stream and that it had actually been placed in a pipe and buried some time ago. After reviewing Mr. Schmidt's information with the inventory documents and most recent aerial photos staff agrees that there are no significant resources on the portion of the property where the stream was piped and the Environmental Conservation overlay should be removed from that location.

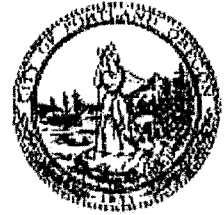
Recommended Action: Staff recommends that the County Board of Commissioners amend the proposed Environmental Conservation zone, as shown in Figure 15 below, in order to remove Environmental Conservation overlay zoning from segments of the stream that were piped and where significant resources are not present.

Figure 15





The Multnomah County-Portland Compliance Project



The ***Multnomah County-Portland Compliance Project*** (also known as the 2040 project) started in 1999. The purpose of the project was to meet long-term growth management goals for the unincorporated urban areas of Multnomah County through a planning partnership between Multnomah County, Metro and the City of Portland. In order for the County to achieve these goals and comply with Metro's Urban Growth Management Functional Plan, a proposal was developed that would apply Portland zoning to the unincorporated areas of the County. The County, City of Portland and Metro conducted open houses and public hearings on this proposal during June and July of 1999. The Multnomah County Planning Commission heard testimony on the proposed zoning for these pocket areas, and formulated a recommendation for consideration by the Board of County Commissioners.

The project was delayed in late 1999 when compliance-related work on certain parts of the Portland Zoning Code did not meet the project's original timeline. Most of those issues have since been resolved, and we are now ready to proceed with the project. Because of the lapse of time and to address the new Portland Zoning Code revisions, the Multnomah County Planning Commission will review the proposal again and hear public testimony. **The proposal now under consideration is the same one presented at the neighborhood open houses and Planning Commission Hearings in 1999.** The County will consider adopting the zoning maps (the same ones presented at the July 1999 Planning Commission Hearings) and Portland's Zoning Code.

The final goal of the project will be the transition of planning services from Multnomah County to the City of Portland. It is important to understand that this is not a proposal for annexation. County lands will remain under the County's jurisdiction, but the City will administer zoning and development-related services.

If you own property in one of the areas affected by this project, you will be notified by mail of the specific dates, times and locations of the upcoming hearings. You can also call Sandra Howell at (503) 988-3043 at the Multnomah County Land Use Planning Division to be added to the mailing list for this project.

Public testimony will be heard at all hearings.

Project staff contacts:	
Susan Muir, Multnomah County Planning Phone: (503) 988-3043 e-mail: Susan Muir	Karl Lisle, Portland Bureau of Planning Phone: (503) 823-4286 e-mail: Karl Lisle
For information about Metro and the Urban Growth Management Functional Plan: Phone: (503) 797-1700 Or visit Metro's web site: Metro	

The following documents can provide you some additional background about the project. All of these handouts and information sheets were used in the open houses and Planning Commission hearings in 1999. **Information such as phone numbers, staff names and dates on these documents are not current**, you should consult this web page or the project staff for clarification about meeting dates.

(These files require Acrobat Reader which can be downloaded free from [Adobe Web site](#)).

- First public informational mailer with map - January 1999
- Answers to Questions about the Multnomah County - Portland Compliance Project
- Proposed Land Use Zones
- Multnomah County Planning Commission Staff Report - July 12, 1999
- Supplemental Staff Response to Multnomah County Planning Commission - July 26, 1999
- Transfer from Existing County Zones to Proposed City Zone Diagram
- List of Existing and Proposed Zoning for the Project Area



Department of Environmental Services

Land Use Planning Division

1600 SE 190th Ave.
Portland, OR 97233
(503) 248-3043 Phone
(503) 248-3389 Fax

email: land.use.planning@co.multnomah.or.us

January 1999

Dear resident, property owner or other interested party:

I want to take this opportunity to tell you about an important land use planning project that will include your residence, property or neighborhood, and invite you to **Neighborhood Open Houses** this Spring to learn about this project and give us your comments.

Multnomah County and the City of Portland are working together on the *Multnomah County-Portland Compliance Project*, as part of a long-term planning effort to manage growth in our metropolitan region. Managing long-term growth is a key part of protecting neighborhood livability into the next century.

The project area includes parcels of land in unincorporated parts of Multnomah County that lie within the Urban Growth Boundary and adjacent to the City of Portland. A map is included in this packet showing these areas.

Later this year, the County Board of Commissioners will consider a package of proposed changes to land use zones and land use development regulations for these areas. These changes will be designed to meet long-term growth management goals. The Commissioners will also consider public comments on the proposed changes. The end result of this project will mean changes to land use zones and development regulations that apply to all land within the project area.

At the **Neighborhood Open Houses**, you can find out more about this project, learn what initial recommended changes are proposed, how they may affect your property or residence and how you can participate in the planning process. Staff will be available to show you the initial recommended changes, explain what they mean, consider and discuss your ideas, and answer questions. It is important that we hear from you about these proposed changes and that we have a chance to discuss them with you.

I hope you will take a few moments to read the material in this packet. If you have any questions about this project, please contact the project staff listed on the last page.

On behalf of project staff, we look forward to your participation in this important planning project.

Kathy A. Busse
Planning Director

Questions and Answers

About the Multnomah County - Portland Compliance Project

What is this project? _____

The Urban Growth Boundary (UGB) separates urban land from rural (farm and forest) land in the Portland metropolitan region. All cities and counties in Oregon are required by law to maintain these boundaries in order to preserve farmland and limit urban sprawl. Multnomah County must ensure that its urban areas located within the region's UGB are able to address the requirements of the *Urban Growth Management Functional Plan*. The changes to be proposed to land use zoning and regulations for the areas designated on the map are necessary to address the *Functional Plan's* requirements. For more information on the *Functional Plan*, see the section "Metro: Managing Growth in Our Region".

Why is this project being done, and who is doing it? _____

This project is a planning partnership between Multnomah County, Metro, and the City of Portland to address long-term growth management goals. Metro, the regional planning agency, has responsibility for managing long-term growth within the 24-city and 3-county metropolitan region. Metro estimates that more than 131,000 people arrived in our region during the first half of the 1990s. Population and job growth are expected to continue into the future. All jurisdictions within our regional UGB are required to plan for long-term growth for both jobs and housing by addressing the requirements of the *Urban Growth Management Functional Plan*.

Multnomah County has entered into an agreement with the City of Portland for planning staff to provide a report and recommendation package designed to address the *Functional Plan's* requirements for the designated areas. The County Board of Commissioners will consider this information later this year. The City and the County have a mutual interest in coordinating planning for urban and future urban areas within the UGB. This approach makes sense because the City has the tools and the expertise to provide cost effective urban planning services to the County for these areas that are outside of the City and within the UGB.

Will my property or home be affected? _____

Yes, if you own property or live within the project areas. As part of this project, County land use zones and regulations will transition to the City of Portland's land use zones and regulations. Land use policy agreements adopted jointly by Multnomah County and the City of Portland in 1998 call for this change, which is intended to address *Functional Plan* requirements. Except for a few small eastside areas, all of the project areas contain predominately single family homes. Areas now zoned for residential use will remain zoned for residential use under the change to the City's zoning code. However, the City's zoning code is different from the current County code. Information on the proposed new land use zones and regulations will be available at the **Neighborhood Open Houses**.







The following are examples of the types of changes under consideration:

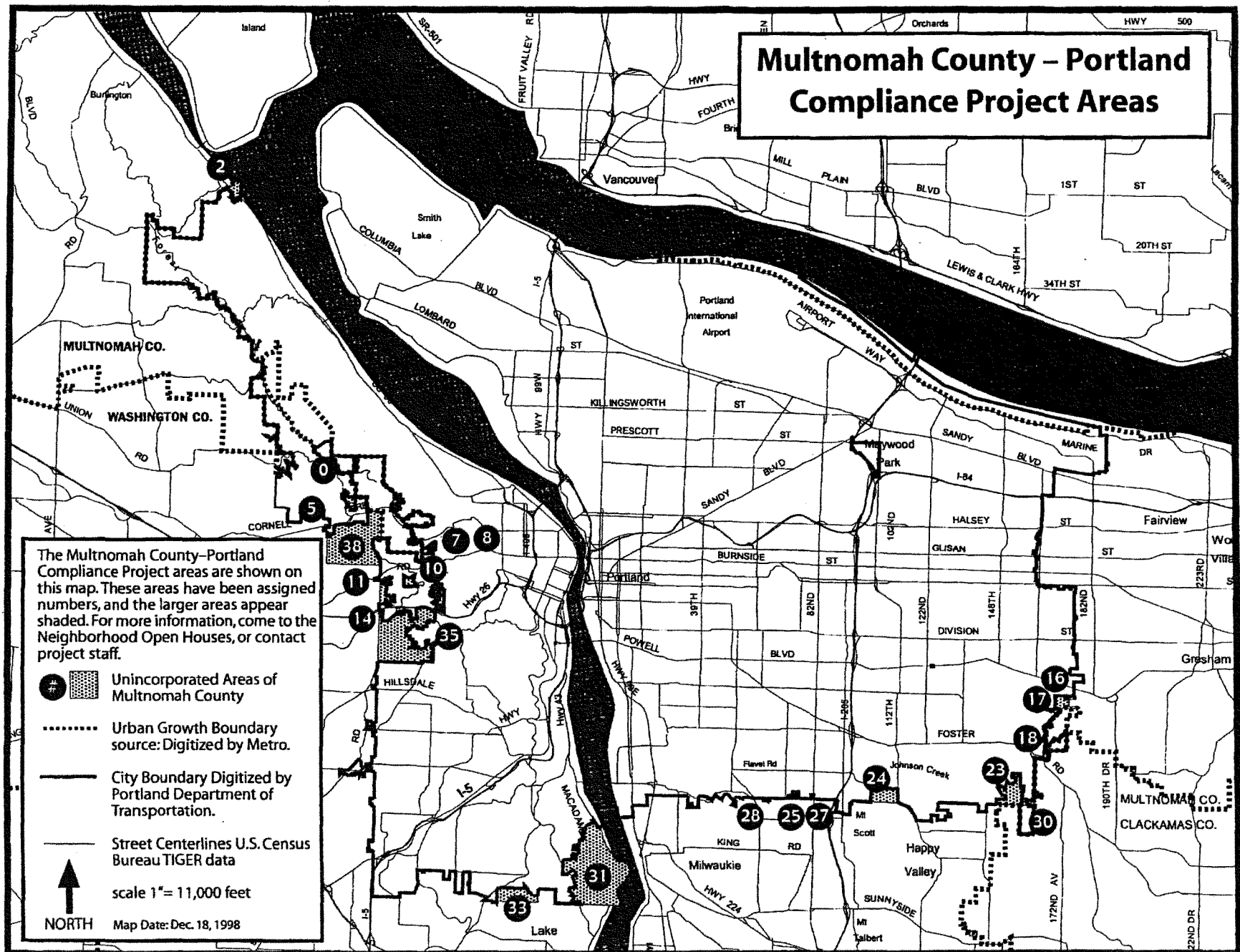
- One example of a proposed change will allow for more housing options in residential zones, since the *Functional Plan* requires that all jurisdictions within the Portland region change their land development codes to allow one "accessory dwelling unit" within any detached single family home. If adopted, the proposed change means that someone who owns a home in a single family residential zone may be able to either modify an existing home to create a second dwelling unit, or build one additional dwelling or "in law" home on the same parcel of land, assuming all other regulatory requirements are met. Other regulations might include size limitations and design requirements.
- Properties in some of the County areas that are near or adjacent to streams, steep slopes, or significant natural areas may be proposed for environmental zoning. Environmental zoning is designed to help protect water quality and wildlife habitat and reduce the potential of flooding and landslide hazards so that risk to life and property is minimized. For more information, see the section "Protecting Our Natural Resources".

The proposed land use changes will not necessarily mean significant increases in population densities for the County's project areas. For example, if these proposed changes are adopted, your neighbor will not be allowed to tear down the existing single family home and build a high-rise apartment building. However, if the residential property is on a corner,

Multnomah County – Portland Compliance Project Areas

The Multnomah County–Portland Compliance Project areas are shown on this map. These areas have been assigned numbers, and the larger areas appear shaded. For more information, come to the Neighborhood Open Houses, or contact project staff.

-   Unincorporated Areas of Multnomah County
-  Urban Growth Boundary source: Digitized by Metro.
-  City Boundary Digitized by Portland Department of Transportation.
-  Street Centerlines U.S. Census Bureau TIGER data
-  scale 1"= 11,000 feet
- Map Date: Dec. 18, 1998



Metro: Managing growth in our region

As you know, our region has been growing. Much of the recent growth is from natural population increase, as well as migration to the area. In 1992, voters directed Metro, the regional government, to make growth management and preservation of our quality of life a priority. All cities and counties within the region are required to prepare for future population and job growth.

The challenge for Metro and our region's cities and counties is to find a way to manage growth that will use land more efficiently, preserve open space, provide people with options in housing and job opportunities, provide greater access to shopping and needed services, and include easier alternative ways to travel.

Regional values drive planning efforts

During the past six years, Metro has asked residents what they value about their communities and what should be improved. The result of this effort is a fifty-year vision for our region called the *2040 Growth Concept*. Residents consistently have said they care about:

- Clean air and water
- Access to nature
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In 1996, the Metro Council adopted the *Urban Growth Management Functional Plan* based on the values described in the *2040 Growth Concept*. The *Functional Plan* requires all cities and counties in the region to address its requirements by 1999. This could mean changes to land use policy and development regulations, in order to be consistent with the *Functional Plan*. This project is Multnomah County's response towards compliance with the *Functional Plan*.

Protecting our natural resources

An inventory of natural resources in Multnomah County's unincorporated areas is being conducted in conjunction with the *Multnomah County - Portland Compliance Project*. State law requires local jurisdictions to inventory natural resources, including fish and wildlife habitat, streams, forest, and wetlands. In partnership with Multnomah County, staff from the City of Portland who are trained in inventory procedures are conducting the survey, starting with a study of aerial photos and topographic maps and visits to sites in the areas. The next step will be to create resource maps showing the inventoried natural resources that are generally located along stream corridors and forested slopes. These maps will be displayed at the **Neighborhood Open Houses**. Not all project areas contain significant natural resources.

Once the inventory is complete, staff will complete a process required by state law: the natural resources will be analyzed along with economic, social, environmental, and energy factors to weigh the pros and cons of development. Conservation of sensitive lands is one tool to help manage growth by reducing the potential of flooding and landslide hazards and protecting significant natural resources while allowing the building of new homes. New environmental zoning designed to protect natural resources will be a part of the proposal package submitted to the County Planning Commission and County Board of Commissioners later this summer.

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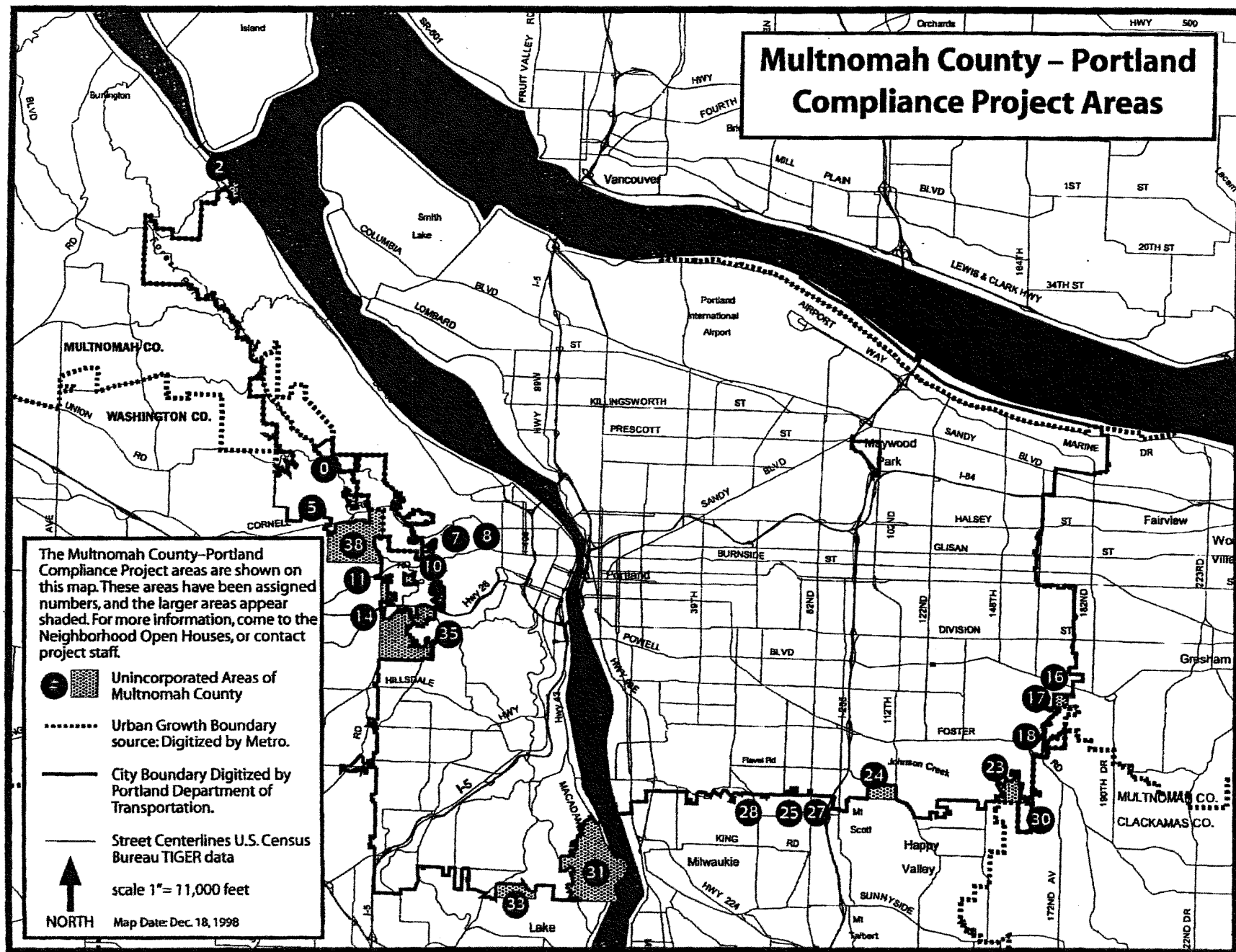
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Once the inventory is complete, staff will complete a process required by state law: the natural resources will be analyzed along with economic, social, environmental, and energy factors to weigh the pros and cons of development. Conservation of sensitive lands is one tool to help manage growth by reducing the potential of flooding and landslide hazards and protecting significant natural resources while allowing the building of new homes. New environmental zoning designed to protect natural resources will be a part of the proposal package submitted to the County Planning Commission and County Board of Commissioners later this summer.

The resource maps and the initial results of the analysis will be displayed at the **Neighborhood Open Houses**. Staff will be available to answer your questions and discuss the work done thus far. Project staff invite you to help identify natural resources and comment on the information.

For more information on the natural resource inventory or environmental zoning, contact Tom McGuire, Portland Bureau of Planning, at 823-7855.

the property owner may be allowed to build a two-home structure, or modify an existing home into two homes, assuming all other requirements are met. Because of the variety of the project areas, it is not possible to describe all situations and all possible changes. *To find out more about how your property or home may be affected by these proposed changes, please attend one of the upcoming Neighborhood Open Houses, or contact project staff.* The current City of Portland zoning code is available for review on the City's web site at www.eupora.com/pdxplan.

Will my neighborhood be affected?

It is expected that your single-family residential neighborhood will remain essentially the same. There are two main reasons why this project will not result in significant increases in population densities within your neighborhood. First, the current level of public infrastructure that serves these County areas – roads, water delivery systems, and sewer or septic systems – cannot accommodate significant additional growth. Second, Multnomah County does not have the mechanisms or the funding to increase or update the public infrastructure that serves these areas in a way that could accommodate significant additional growth. To receive urban-level public services, a property owner would need to request and receive annexation approval, and annexation is not a part of this project.

How can I find out more?

- Come to any or all of the three **Neighborhood Open Houses**. At these events, you can hear about the initial recommendations, see maps showing the areas and proposed land use zones, ask questions, and give us your comments. We will be passing along all comments to the Multnomah County Planning Commission and County Board of Commissioners, who are the decision makers for this project. *Look for future mailings with Neighborhood Open House dates and locations and project updates.*
- Call, e-mail, or schedule an appointment with project staff to find out more, ask questions, or give us your ideas and comments to pass on to the decision makers.
- Attend the County's public hearings where the County Planning Commission and the County Board of Commissioners will consider the proposed changes and public comments. At these hearings, you will have an opportunity to give written and oral comments. These public hearings are expected to take place this summer.

Project staff look forward to talking with you about this project.

Project Timeline	
Spring 1999	Three Neighborhood Open Houses in the SE, SW and NW Portland area. <i>Look for a postcard in the mail with Neighborhood Open House dates, times, and locations.</i>
May 1999	Multnomah County Planning Commission public meeting to review the package of proposed land use zones and development regulations designed to address <i>Functional Plan</i> requirements.
July 1999	Multnomah County's Board of Commissioners first public meeting to review and consider the proposal package and public comments.
August 1999	Board of Commissioners announces a decision.
September 1999	Board of Commissioners sends the adopted land use zones and development regulations and other necessary reporting information to Metro to demonstrate how they meet <i>Functional Plan</i> requirements.

Neighborhood Open Houses coming to SE, SW & NW

You are invited to attend the **Neighborhood Open Houses** coming to Southeast, Southwest and Northwest neighborhoods this Spring. Project staff will explain the project, answer questions, and seek your comments. Maps will be available showing the proposed changes. We look forward to meeting you and hearing from you.

Answers to Questions about the Multnomah County - Portland Compliance Project

What is this project and why is it happening?

Multnomah County needs to address regional growth management requirements. The proposed land use changes for the project areas are intended to address these requirements. As part of this project, County land use zones and regulations will transition to City land use zones and regulations for the project areas. This project came about because the County and the City have a joint agreement for the City to provide cost-effective planning services that the County cannot provide. Since the County focuses its resources on rural planning and on providing social services, the County approached the City of Portland with a proposal to provide urban planning services to the County for the areas in this project, and Portland agreed to do so.

What are these regional requirements?

In 1992, voters directed Metro, the regional government, to take measures to help manage growth in the metropolitan region. During the past six years, Metro has asked residents of the region what they value about their communities and what should be improved. The result of this outreach effort is a fifty-year vision for our region called the *2040 Growth Concept*. In 1996, the Metro Council adopted the *Urban Growth Management Functional Plan* based on the values described in the *2040 Growth Concept*. The *Functional Plan* requires all cities and counties in the region to address its requirements by 1999. The proposed land use changes are being recommended for Multnomah County to meet the requirements of the *Functional Plan*. **For information about Metro and the Functional Plan, contact Barbara Linssen at 797-1840, or e-mail to linssenb@metro.dst.or.us. You can also visit Metro's web site at www.metro-region.org.**

What land use changes are being proposed?

As part of this project, County land use zones and regulations will transition to City land use zones and regulations, and environmental zones are to be proposed for some project areas to meet state and regional requirements. Please refer to the maps and detailed information at the Open Houses to see what's being proposed. **Discuss the proposed changes with project staff to find out how they relate to your property or residence.**

A natural resources inventory was done in 1998 to identify fish and wildlife habitat, streams, forested slopes and wetlands. The results are shown on the Natural Resource Maps. This inventory will be used to develop proposed environmental zones. For more information about **proposed land use changes, contact Susan Muir, at 248-3043, or e-mail to susan.l.muir@co.multnomah.or.us. For more information about natural resources and proposed environmental zones, contact Tom McGuire at 823-7855.**

How will my property be affected?

There are two changes that may affect your property: proposed new land use zones and regulations, and a transfer from Multnomah County to the City of Portland for planning permits and planning services. The new land use zones will contain different requirements for all of the project areas. As it is impossible to cover here how these new regulations will apply to every situation and to every property, **you are encouraged to talk with project staff with any questions you may have either at the Open Houses or through the contacts listed on this sheet.**

It is expected that your residential neighborhood will remain essentially the same. Areas designated as residential will remain residential. There are two main reasons why the proposed changes will not result in significant increases in neighborhood populations:

- The existing level of public infrastructure – roads, water delivery systems and sewer or septic systems – cannot accommodate significant additional growth; and,
- Multnomah County does not have the funding or the mechanisms to increase or update the infrastructure that serves your neighborhood in a way that could accommodate significant new growth.

Is my property being annexed?

No. The City of Portland is not actively pursuing any annexations and there are no plans to change this policy. To receive urban-level services for roads, water and sewer, a property owner would need to request and receive annexation approval from the City of Portland. Annexation is not a part of this project.

When and how will these changes take place?

The County Planning Commission will consider the recommended changes and the public comments received this summer. The Planning Commission will make a recommendation to the Multnomah County Board of Commissioners. In August-September, the Board of Commissioners is expected to review and consider the proposed package of land use changes and public comments received. Once the County Board makes its decision, they will send the Compliance Report and the results of their decision to Metro, as their response to Metro's *Functional Plan* requirements.

What happens when the transition from County to City land use zones and regulations takes place?

The recommended changes will include a plan to transition from County land use zones and regulations to City land use zones and regulations. The details of procedures and roles to provide cost-effective and complete planning services are being reviewed. For example, following the transition, a property owner who wants to develop their property will come to the City to apply for and receive the necessary land use reviews and permits, rather than the County. A County property owner who wants to build a new house or make an addition to an existing house already comes to the City for a building permit. The proposed outcome for this project would be a similar change for land use-related services such as land use reviews and permits.

How can I give the County my opinions or ideas on these changes?

There are several ways that you can comment on the proposed changes. Write down your comments, ideas and opinions on a comment form at the Open Houses, or call, write or e-mail project staff. You can also contact a County Commissioner. You are also welcome to come to the public hearings this summer where the County Planning Commission and the Board of Commissioners will each review and consider the proposed changes. **For more information about the meetings later this summer, or for County Commissioner contact information, call Mike Pullen at 736-6804, or e-mail at mike.l.pullen@co.multnomah.or.us.**

Answers to Questions about the Multnomah County - Portland Compliance Project

What is this project and why is it happening?

Multnomah County needs to address regional growth management requirements. The proposed land use changes for the project areas are intended to address these requirements. As part of this project, County land use zones and regulations will transition to City land use zones and regulations for the project areas. This project came about because the County and the City have a joint agreement for the City to provide cost-effective planning services that the County cannot provide. Since the County focuses its resources on rural planning and on providing social services, the County approached the City of Portland with a proposal to provide urban planning services to the County for the areas in this project, and Portland agreed to do so.

What are these regional requirements?

In 1992, voters directed Metro, the regional government, to take measures to help manage growth in the metropolitan region. During the past six years, Metro has asked residents of the region what they value about their communities and what should be improved. The result of this outreach effort is a fifty-year vision for our region called the *2040 Growth Concept*. In 1996, the Metro Council adopted the *Urban Growth Management Functional Plan* based on the values described in the *2040 Growth Concept*. The *Functional Plan* requires all cities and counties in the region to address its requirements by 1999. The proposed land use changes are being recommended for Multnomah County to meet the requirements of the *Functional Plan*. **For information about Metro and the *Functional Plan*, contact Barbara Linssen at 797-1840, or e-mail to linssenb@metro.dst.or.us. You can also visit Metro's web site at www.metro-region.org.**

What land use changes are being proposed?

As part of this project, County land use zones and regulations will transition to City land use zones and regulations, and environmental zones are to be proposed for some project areas to meet state and regional requirements. Please refer to the maps and detailed information at the Open Houses to see what's being proposed. **Discuss the proposed changes with project staff to find out how they relate to your property or residence.**

A natural resources inventory was done in 1998 to identify fish and wildlife habitat, streams, forested slopes and wetlands. The results are shown on the Natural Resource Maps. This inventory will be used to develop proposed environmental zones. For more information about **proposed land use changes**, contact Susan Muir, at 248-3043, or e-mail to susan.l.muir@co.multnomah.or.us. For more information about **natural resources and proposed environmental zones**, contact Tom McGuire at 823-7855.

How will my property be affected?

There are two changes that may affect your property: proposed new land use zones and regulations, and a transfer from Multnomah County to the City of Portland for planning permits and planning services. The new land use zones will contain different requirements for all of the project areas. As it is impossible to cover here how these new regulations will apply to every situation and to every property, **you are encouraged to talk with project staff with any questions you may have either at the Open Houses or through the contacts listed on this sheet.**

It is expected that your residential neighborhood will remain essentially the same. Areas designated as residential will remain residential. There are two main reasons why the proposed changes will not result in significant increases in neighborhood populations:

- The existing level of public infrastructure – roads, water delivery systems and sewer or septic systems – cannot accommodate significant additional growth; and,
- Multnomah County does not have the funding or the mechanisms to increase or update the infrastructure that serves your neighborhood in a way that could accommodate significant new growth.

Is my property being annexed?

No. The City of Portland is not actively pursuing any annexations and there are no plans to change this policy. To receive urban-level services for roads, water and sewer, a property owner would need to request and receive annexation approval from the City of Portland. Annexation is not a part of this project.

When and how will these changes take place?

The County Planning Commission will consider the recommended changes and the public comments received this summer. The Planning Commission will make a recommendation to the Multnomah County Board of Commissioners. In August-September, the Board of Commissioners is expected to review and consider the proposed package of land use changes and public comments received. Once the County Board makes its decision, they will send the Compliance Report and the results of their decision to Metro, as their response to Metro's *Functional Plan* requirements.

What happens when the transition from County to City land use zones and regulations takes place?

The recommended changes will include a plan to transition from County land use zones and regulations to City land use zones and regulations. The details of procedures and roles to provide cost-effective and complete planning services are being reviewed. For example, following the transition, a property owner who wants to develop their property will come to the City to apply for and receive the necessary land use reviews and permits, rather than the County. A County property owner who wants to build a new house or make an addition to an existing house already comes to the City for a building permit. The proposed outcome for this project would be a similar change for land use-related services such as land use reviews and permits.

How can I give the County my opinions or ideas on these changes?

There are several ways that you can comment on the proposed changes. Write down your comments, ideas and opinions on a comment form at the Open Houses, or call, write or e-mail project staff. You can also contact a County Commissioner. You are also welcome to come to the public hearings this summer where the County Planning Commission and the Board of Commissioners will each review and consider the proposed changes. **For more information about the meetings later this summer, or for County Commissioner contact information, call Mike Pullen at 736-6804, or e-mail at mike.j.pullen@co.multnomah.or.us.**

Multnomah County Planning Commission
Public Hearing
July 12, 1999

Multnomah County - Portland Compliance Project

Project Summary

A new set of land use zones and regulations are being proposed to apply to Multnomah County urban areas. Land use policy jointly adopted by both Portland and the County calls for these land use changes which are intended to address regional growth management requirements. These areas are shown on the set of proposed zoning maps. Environmental zoning is also being proposed for some areas, as shown on the set of proposed environmental zoning maps, to address state and regional water quality and wildlife habitat protection policy. The environmental zones were developed based upon a 1998 natural resource inventory done for the project areas. The intended outcomes of this project are:

- County land use zones and regulations will transition to City land use zones and regulations for the project areas; and,
- Once the land use changes become effective, planning services and administrative functions will transition from the County to the City for these project areas.

Because of significant public facility capacity constraints within these areas (roads, sewer and water delivery systems), staff is recommending zones that are either the closest comparable city zone to the existing county zone, or, a zone that fits well with existing development patterns. Area No. 7 and portions of area Nos. 31 and 38 have a proposed zone that addresses physical or environmental constraints such as steep, forested slopes. Properties identified as publicly owned for open space or recreational purposes are being proposed as Open Space zone.

Maps showing individual properties and the proposed land use and environmental zoning are available for viewing at the Multnomah County Land Use Planning Office and will also be on view at the County Planning Commission and County Board public hearings.

Staff Recommendation

Staff recommends that the Multnomah County Planning Commission recommend the set of proposed land use zoning and regulations and the proposed policy statements to the Multnomah County Board of Commissioners for adoption as the County's method of addressing the requirements of the *Urban Growth Management Functional Plan*.

Project Background and Description

Multnomah County and Portland have a history of working together in areas of common interest. Long-range future planning for County urban lands located within the City's *Urban Services Boundary* is one common interest area. All of the areas included in this project are urban lands located outside Portland's city limits, within the city's *Urban Planning Area Boundary*, and inside the *Urban Growth Boundary*.

The County and the City have a jointly adopted agreement on land use policy for these County urban lands. Part of this *Urban Planning Area Agreement*¹ calls for the City to provide urban planning services to the County to address Metro's *Urban Growth Management Functional Plan*. Since Multnomah County focuses its resources on rural planning and on providing social services, the County cannot cost-effectively provide urban planning services. The County approached the City of Portland with a proposal to provide a *Functional Plan* Compliance Report for these County unincorporated areas, and Portland agreed to do so. The land use changes being proposed for this project are intended to address the regional growth management requirements contained in the *Functional Plan*.

The *Functional Plan* is a "blueprint" for all cities and counties within the Portland metropolitan region to implement Metro's *2040 Growth Concept*. In 1992, voters directed Metro, the regional government, to take measures to help manage growth in the metropolitan region. During the past six years, Metro has asked residents of the region what they value about their communities and what should be improved. The result of this outreach effort is a fifty-year vision for our region called the *2040 Growth Concept*. In 1996, the Metro Council adopted the *Urban Growth Management Functional Plan* based on the values described in the *2040 Growth Concept*. The *Functional Plan* requires all cities and counties in the region to address its requirements by 1999.

Annexation of these areas into Portland is not a part of this project. The City is not actively pursuing any annexations and there are no plans to change this policy. The current situation will not change as a result of this project's outcome. To receive urban-level services provided by Portland (roads, water delivery and sewer services) a property owner would need to request and receive annexation approval from the City.

The proposed outcomes of this project are:

- County land use zones and regulations will transition to City land use zones and regulations for the project areas;
- New environmental zones will be applied to some portions of some project areas to meet state and regional requirements;
- The existing County Willamette River Greenway zone will convert to City Greenway zone;
- Some unincorporated areas will be included in the City Skyline Plan District and the City Johnson Creek Basin Plan District;
- Zoning Code amendments and Comprehensive Plan and map amendments necessary to implement the project's outcome will be adopted. For instance, the County's

¹ The Urban Planning Area is those unincorporated areas where the City has agreed to accept responsibility for providing planning services pursuant to the terms of the jointly adopted Urban Planning Area Agreement (effective March 5, 1998).

Comprehensive Plan will need to be amended to include policy explaining the reasons why a transition of land use planning is occurring; and,

- Upon reaching agreement between the City and the County, planning services will transition from the County to the City for these project areas. This is similar to the transfer that has already occurred for building permitting and plan checks. Property owners within these areas now come to the City for these permits and services. After the transition, they will also come to the City for planning services such as getting zoning information and obtaining land use permits.

An initial mailing with project information and three community open houses were held near the southwest, northwest and outer southeast project areas earlier this year. Draft maps were on display and project information was available. Project staff met with property owners, residents and other persons to explain and discuss the proposed changes, and public comments were collected.

Next Steps

The County Planning Commission will consider the recommended changes and the public comments received thus far this summer. The Planning Commission will make a recommendation to the Multnomah County Board of Commissioners. In late summer - early fall, the County Board of Commissioners is expected to review and consider the proposed package of land use changes and public comments received. Once the County Board makes its decision, they will send the Compliance Report and the results of their decision to Metro, as the County's response to *Functional Plan* requirements.

Proposed Land Use Zones

Below is some background information, followed by an explanation and a listing of the proposed land use zones. These new zones will contain requirements different from existing County land use requirements for the project areas. As it is impossible to explain or fully predict how these new regulations will apply to every situation and to every property, **property owners and other interested persons have been encouraged to talk with project staff about these proposed changes and to ask any questions they may have.** Project staff have met individually with property owners, talked on the phone with them, and discussed the changes at the three community open houses held in May. In addition, staff contacts were listed on all mailings. A copy of the proposed land use zoning regulations is available for review at the Multnomah County Land Use Planning Office and will also be on view at all County public hearings for this project. See the section below titled "Proposed Land Use Regulations" for more information.

The *Functional Plan* requires that each jurisdiction in the Portland metropolitan region prepare for their share of regional future housing and job growth. Each City and County was directly involved in developing their share of the regional future housing and job growth numbers. The time period for this future growth is between now and the year 2017. The proposed zoning outlined below is designed to meet *Functional Plan* requirements, to the best of the County's ability.

With the new zoning in place, it is expected that residential neighborhoods will remain essentially the same. Areas designated as residential will remain residential. There are

two main reasons why the proposed changes will not result in significant increases in neighborhood populations:

- ❑ Based on staff research of current services and future plans, the existing level of public infrastructure – roads, water delivery systems and sewer or septic systems – cannot accommodate significant additional growth; and,
- ❑ Multnomah County does not have plans, the funding or the mechanisms to increase or update the existing infrastructure that serves these areas in a way that could accommodate significant new growth.

As mentioned above, the method for getting improvements in urban services will remain the same as it is now after these proposed changes are in place: if a property owner wants to receive urban-level services, the property owner will have to ask for an receive annexation approval.

Because of these public facility constraints, project staff have taken the approach of proposing "equivalent" or "closest comparable" City zoning where feasible. See Attachment 2 for more information. In determining the closest comparable zone, staff looked at existing development patterns and land uses. In some other areas, it is appropriate to recommend a different zone due to significant environmental constraints, such as steep forested slopes with natural drainage ways. In these cases, the 1998 natural resource inventory and proposed environmental zoning contributed to selection of proposed land use zone. Recommending zones that allow for more development in these sensitive areas could risk life and property and impact water quality and wildlife habitat.

Land Use Zones - the Basics

There are two basic types of land use zones: **base zones** and **overlay zones**. Every property in both the County and the City has a base zone, also called a land use zone. A zone is defined as an area that is designated for certain types of land uses. Each zone has its own regulations designed to fulfill the purpose of that zone. The zone's regulations provide detailed land use information including the types of land uses allowed, and development standards such as maximum building height and minimum lot size.

For example, the City Residential 10,000 (R10) base zone is a single-family residential zone with a 10,000 square foot minimum lot size requirement. The R10 base zone allows primarily residential homes, may allow other uses under certain conditions, such as a corner neighborhood store, and does not allow others. For instance, industrial land uses are not allowed in the R10 zone.

Overlay zones are an additional set of land use regulations beyond those specified in the base zone. Overlay zones supercede base zone requirements and may be more restrictive or flexible than the base zone. Overlay zones are used when more than one area shares the need to address a specific issue or combination of factors. For example, state law requires cities and counties to have specific regulations for uses on land near the shores of the Willamette River. These regulations are designed to preserve the Willamette River for future generations of Oregonians. The City Greenway overlay zone is applied to these areas to address these requirements. Environmental zones are also overlay zones, and

are designed to balance property development rights and conservation of natural resources. Base zones, plan district boundaries and overlay zones are shown on zoning maps.

Below is a list of the land use zones, overlay zones and Plan Districts that are being proposed for lands within the Multnomah County Compliance Project areas. The land use zones and their regulations are contained in Title 33 of the City code. See also Attachment 1, Excerpts for the Portland Zoning Code. The current Portland Zoning Code is available for review on the City's web site at www.europa.com/pdxplan. Information is also available at the Portland Permit Center.

Open Space Zone (OS)

Used to preserve lands that serve an active and passive recreational function and/or provide a sense of open space in the urban environment, it is applied almost exclusively to publicly owned property, parks, golf courses and cemeteries. For this project, staff is proposing the Open Space zone for those properties that have been identified as publicly owned for open space and recreational uses.

Single Dwelling Residential Zones (R zones)

The residential zones foster different types and densities of single-dwelling development. They are intended to preserve land for housing and to provide housing opportunities for individual households. The regulations for these zones are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood. The majority of the project areas are residential and have proposed residential zoning.

□ Residential Farm and Forest (RF)

The RF zone is intended to generally be an agricultural zone. Residential use is allowed. A site or property zoned RF must be a minimum of 2 acres in order to develop it. Agricultural uses are allowed in the RF zone.

□ Residential 20,000 (R20)

A site or property zoned R20 must have at least 20,000 square feet to be developed. Agricultural uses are allowed.

□ Residential 10,000 (R10)

A site or property zoned R10 must have at least 10,000 square feet to be developed. Agricultural uses require a conditional use review.

□ Residential 7,000 (R7)

A site or property zoned R7 must have at least 7,000 square feet to be developed. Agricultural uses require a conditional use review.

□ Residential 5,000 (R5)

A site or property zoned R5 must have at least 5,000 square feet to be developed. Agricultural uses are prohibited.

Commercial Zones

Commercial zones are designed to provide for a wide range of commercial activities at varying levels of intensity. These zones create economic opportunities and provide benefits to consumers by providing convenient places to obtain commercial goods and services. There is one Commercial Zone being proposed for the project area located on SE Powell Boulevard (Area No. 40).

□ Office Commercial 1 (CO1)

The CO1 zone allows low-density or small-scale office uses in or near residential areas or between residential and commercial areas. This zone would allow commercial uses such as medical/dental offices, real estate or other small professional offices. Thus, this commercial zone encourages small-scale commercial uses that are supportive of surrounding residential uses.

Employment Zones

Employment zones are generally found in areas that were traditionally industrial and have been diversifying over the years to other uses. They are located in areas that are best suited for locating businesses and industrial uses. They also include supportive uses that create jobs and provide commercial and residential opportunities. There is one Employment Zone being proposed for the portion of Area No. 16 that is east of SE 174th Avenue.

□ General Employment 1 (EG1)

The EG1 zone allows for a variety of employment and business opportunities. It is generally located in older developed areas that have an existing street system.

Industrial Zones

Industrial zones are applied in areas where a full range of industrial development can occur. Uses such as vehicle repair, manufacturing and production, warehouse, wholesale sales and railroad yards are permitted in the Industrial zones. There is one Industrial Zone being proposed for one of the project area located on SE 82nd Avenue near SE Clatsop (Area No. 27).

□ General Industrial 2 (IG2)

The IG2 zone allows a variety of industrial opportunities. Generally this zone includes industrial areas with larger lots and an irregular or more dispersed street system.

Proposed Environmental Zones (e-zones)

Part of the *Functional Plan* calls for protection of water quality and protecting life and property from the dangers associated with flooding. The proposed environmental zoning is intended to address this requirement and to address state requirements that call for the protection of significant wildlife habitat.

A natural resources inventory was completed for the project's areas in 1998 to identify fish and wildlife habitat, streams, forested slopes and wetlands. The results are shown on the Significant Natural Resource Maps. This inventory was used to develop the proposed environmental zones. The proposed environmental zones are shown on the environmental zoning maps.

Environmental Zones - the Basics

An **environmental overlay zone** is a land use designation that is applied to protect natural resources and minimize man-made impacts in areas that have significant natural resources. As mentioned above, an overlay zone is only applied in certain situations and is "overlaid" or applied in addition to the underlying "base" zone. For example, imagine a property in a residential zone containing a stream with wooded slopes or a wetland. The portions of the property that contain and are adjacent to the environmentally sensitive areas may receive an environmental overlay zone in addition to their residential land use zone.

Environmental zones are applied to protect natural resources and the benefits they provide. These benefits or functional values may be physical, aesthetic, scenic, educational or a combination of these. For example, for a natural resource such as a wetland, functional values include:

- temporary storm water detention;
- fish and wildlife habitat;
- a natural filtering system for silt and toxins;
- aesthetic "greenspace" values;
- scenic values to neighboring developments;
- recreation opportunities such as bird watching; and,
- groundwater recharge.

Every environmentally zoned area includes a **resource area** and an outer 25-foot buffer called the **transition area**. Within the resource area, there are two types of environmental zones:

Conservation Zones designate areas where environmental resources and functional values can be protected while allowing environmentally sensitive development. The Environmental Conservation zone is shown with a "c" on the proposed Environmental Zoning Maps.

Protection Zones designate areas where development will be approved only in rare and unusual circumstances because of the importance and sensitivity of the environmental resources and their functional values. The Environmental Protection zone is shown with a "p" on the proposed Environmental Zoning Maps.

If a property owner develops a property that includes **environmental zones**, the owner may need to comply with environmental regulations. Proposed environmental zoning maps are available for interested persons to see if a property is shown with proposed e-zones. In general, if an owner plans to do the following, the development proposal will be subject to environmental regulations:

- build new structures,
- disturb the ground surface,
- remove or trim native vegetation, or
- divide land within environmental zones.

Environmental zones contain development regulations designed to help protect important environmental resources and to carry out natural resource protection policy. These

regulations also encourage flexibility and innovation in site planning and require developers to do the following:

- be sensitive to the site's protected resources
- provide a thorough inventory of the site prior to development
- avoid as many impacts to the resources on the site as possible
- minimize the damage of unavoidable impacts, and,
- mitigate for the damage caused by unavoidable impacts by replacing lost resources.

Development that is exempted from environmental regulations is listed in Portland Zoning Code Environmental Zones Chapter of Title 33 (Section 33.430.080). A copy of Title 33 and a complete set of proposed zoning maps are available for review at the Multnomah County Land Use Planning Office and will also be on view at all County public hearings for this project. The Environmental Zone chapter of the Portland Zoning Code is included in Attachment 1. Additional information can be obtained by visiting the Portland Permit Center.

Proposed Plan Districts and Willamette River Greenway Zone

Skyline Plan District

Project areas in the northwest hills (Nos. 0, 7, 8 and 41, and portions of areas 2 and 38) are those being proposed as additions to the Skyline Plan District. These project areas are located within the Balch Creek Watershed, the Miller Creek Watershed, or the Skyline West sub-district, which are all located within the Skyline Plan District. The northwest hills contain steep forested slopes and significant natural drainage ways that are important for wildlife habitat, including fish. It is more difficult to provide urban services to these relatively isolated, hilly and forested areas. This district is designed to protect sites with sensitive and highly valued resources and functional values.

Johnson Creek Basin Plan District

Project areas in the outer southeast (Nos. 16, 17, 18, 23, 24, 25, 27, 28 and 40) are those being proposed as additions to the Johnson Creek Basin Plan District. These areas are located within the Johnson Creek drainage basin.

The Johnson Creek drainage basin is about 54 square miles in size and up to three miles wide. This creek originates west of the Sandy River Canyon and flows through progressively more urbanized lands before entering the Willamette River in the City of Milwaukie. Johnson Creek has historically been a water body with quick and often unpredictable flooding. With increased development (and increased amounts of impervious surfaces) the Creek's flooding potential has increased. Decreasing water quality has also occurred due to increased sediments washing into the creek.

The Johnson Creek Plan District is intended to provide for the safe, orderly and efficient development of lands that are subject to a number of physical constraints, including:

- Significant natural resources;
- Steep and hazardous slopes;
- Flooding (lands in flood plain areas);
- Wetlands; and,
- Lack of streets, sewers and water services.

The Plan District's regulations are intended for use in conjunction with environmental zoning placed on significant resources and functional values in the Johnson Creek basin.

Willamette River Greenway Zone (WR6)

State law requires all jurisdictions with land adjacent to the Willamette River establish land use regulations designed to protect the Willamette River as a resource for future generations. The Willamette River Greenway zone is designed to protect, conserve, enhance and maintain the natural, scenic, historical, economic and recreational qualities of lands along the Willamette River. Project Areas 2 and 31 border the Willamette River. The proposal is for a direct transfer of the County Willamette River Greenway zone to the City's Greenway zone. Thus, the overlay zone would "convert" from County to City Greenway regulations. This proposal would result in no increase or decrease of Greenway zoned lands for these two project areas.

Proposed Land Use Regulations

As mentioned above, the intended outcome is for the project areas to transition from County land use zones and regulations to City zones and regulations. To achieve compliance with the *Functional Plan*, the County intends to adopt City land use zones and regulations, as amended by the City to achieve compliance. The regulations for all of the proposed land use zones, plan districts and environmental zones are found in City Title 33, the Portland Zoning Code. A copy of Title 33 will be on view at all of the County Planning Commission and County Board public hearings on this project. As mentioned, Attachment 1 contains excerpts of the Portland Zoning Code, and Title 33 can also be seen on the city's web site at www.europa.com/pdxplan. The table below provides a quick reference guide to where in Title 33 the proposed zones are found.

Proposed Zone	Portland Zoning Code Chapter	Zone Name
OPEN SPACE ZONE		
OS	33.100	Open Space
RESIDENTIAL ZONES		
RF	33.110	Residential Farm / Forest
R20	33.110	Residential 20,000
R10	33.110	Residential 10,000
R7	33.110	Residential 7,000
R5	33.110	Residential 5,000
COMMERCIAL ZONES		
CO1	33.130	Office Commercial 1
EMPLOYMENT & INDUSTRIAL ZONES		
EG1	33.140	General Employment 1
IG2	33.140	General Industrial 2
JOHNSON CREEK BASIN PLAN DISTRICT		33.535
SKYLINE PLAN DISTRICT		33.575
GREENWAY ZONES		33.440

Portland Land Division Code

The Portland Land Division Code has been comprehensively re-written and is now in the middle of the adoption process. This code will be a part of the proposed land use changes for this project. The City will be coming to the County with the new Land Division Code after City adoption is complete. This is expected to occur in January 2000. City staff who are knowledgeable about the new Land Division Code will be present at all County public hearings for this project to answer questions and share information.

Framework for Implementation

The recommendation package that project staff is presenting to the County Planning Commission and Board of Commissioners will also include Comprehensive Plan amendments and Comprehensive Plan Map amendments. Staff will be providing proposed policy statements at the July 12 Planning Commission public hearing for the Commissioner's review and consideration. Once the County makes its decision, the resulting package will be submitted to Metro Council as Multnomah County's response to the *Functional Plan*.

As mentioned earlier, the final step in implementation comes after County Board adoption. The City and the County will enter into an agreement for the City to provide complete planning services for these County urban areas. A transition plan is now being scoped to implement the transition from County land use zones and regulations to City zones and regulations. The target date for this transition has not been specifically determined, but is expected to occur sometime in the year 2000.

Following the transition, property owners who want to develop their property will come to the City Permit Center to apply for and receive the necessary land use reviews and permits, rather than the County. A County property owner who wants to build a new house or make an addition to an existing house already comes to the City for a building permit and a plan check. The proposed outcome for this project would be a similar change for land use-related services such as land use reviews and permits.

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**Multnomah County Planning Commission
Continued Public Hearing
July 26, 1999
SUPPLEMENTAL STAFF RESPONSE TO JULY 12, 1999**

Multnomah County - Portland Compliance Project

Staff Contacts

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Natural Resource Information
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Summary

On July 12, 1999 the Multnomah County Planning Commission opened a public hearing on the Multnomah County - Portland Compliance project, including a new set of land use zones and regulations that are being proposed to apply to Multnomah County urban areas. This supplemental staff report and the attachments are designed to address some of the issues raised at the July 12, 1999 public hearing and is supplemental to the original packet dated July 12, 1999.

Staff from Multnomah County and the City of Portland have had the opportunity to address most of the items raised with the exception of some of the site specific issues raised on the environmental overlays being proposed. Some other items involving coordination with other agencies will also be followed up on the 26th as mentioned in this document.

Willamette River Greenway Issues - The City of Portland has prepared the attached memo (Exhibit A) to respond to questions regarding allowed uses within the Willamette River Greenway overlay.

Legal/"defacto Annexation" Issues - The attached memo (Exhibit A) addresses the concerns heard about this process being a type of annexation without going through the correct procedures. County Counsel is scheduled to be at the Planning Commission meeting on July 26, 1999 to address any additional concerns.

Consolidation of Services - As mentioned at the public hearing on July 12, 1999, Resolution A (attached as Exhibit B) describes clearly the intent and history of this transfer of land use planning. Staff mentioned at the public hearing on the 12th other jurisdictions around Oregon that are currently operating under a transfer of planning authority within urban-unincorporated areas. Staff will provide the additional examples that are operating under similar situations with transfers of authority on the 26th.

Group housing and post incarceration facilities - The project staff is currently coordinating with other City staff to respond to this issue and will report back on the 26th of July.

E-zone clarifications – A number of individuals testified they had concerns over specific application of the proposed e-zones related to specific properties. City staff is currently in the process of meeting on sites with people who would like clarification and will be returning on the 26th with any map amendments that may result.

Other “implementing ordinances” – The City of Portland has prepared the attached memo (Exhibit A) responding to the questions about the language found in the proposed amendment to Comprehensive Framework Plan Policy 4.

Capital Facilities – There were comments about the capacities of the sewer, road, water and school systems in the Dunthorpe-Riverdale area related to the proposed zone change from County R30 to City R20. The County Staff has contacted John Dorst, County Engineering Service Administrator and District Manager for the Dunthorpe-Riverdale Sewer District who has responded by indicating that drainage in the Dunthorpe area currently requires all increased drainage caused by new development to be dealt with on site. This will continue under City ordinances. As far as traffic, there have been increases in traffic mainly from out of the area traffic cutting through (by-passing Highway 43) but the development capacity for traffic can handle the additional traffic that would be generated by the homes. The sewer capacity for Dunthorpe-Riverdale Sewer District can also handle this level of development. The additional dwellings will not cause a negative impact. Treatment is done through the City of Portland through contract. Staff hopes to have follow up information from the Palatine Hill Water District at the meeting on the 26th.

Regarding schools, the County staff researched this issue and found an Oregon Revised Statute section [195.110(10)] which states:

“Notwithstanding any other provision of state or local law, school capacity shall not be the sole basis for the approval or denial of any residential development application, unless the application involves changes to the local government comprehensive plan or land use regulations. [1993 c.550 s.2; 1995 c.508 s.1]”

Barbara Welch LR-40 Zoning – Testimony was received that the proposed RF (2 acre minimum lot size) is too large compared to the existing County zone which allows 40,000 square foot (almost one acre) minimum lot sizes. The LR-40 zoning district was created specifically for that “pocket”. Upon the advice of the County Sanitarian at the time, lots of at least 40,000 square feet was the requirement to accommodate the septic and drainfield systems in that area. Mike Ebeling, the City Sanitarian who now reviews all on site sanitation systems for the unincorporated areas of Multnomah County has verified that the Barbara Welch area has soils that can severely limit septic system functioning. Proposing smaller lot zoning than 40,000 for this area was not pursued because of this limitation.

Attachments:

Exhibit A – Memo from City of Portland dated July 15, 1999

Exhibit B –Resolution A



CITY OF PORTLAND, OREGON BUREAU OF PLANNING

VERA KATZ, MAYOR
ISRAH STEIN, INTERIM DIRECTOR
1115 S.W. FIFTH AVENUE, ROOM 1000
PORTLAND, OREGON 97204-1000
TELEPHONE: (503) 823-7700
FAX: (503) 823-7800
pdxplan@cityofportland.or.us

July 15, 1999

Susan Muir, Principal Planner
Multnomah County Land Use Planning Division
1600 SE 190th Avenue
Portland, Oregon 97233

RE: Multnomah County Planning Commission July 26 Public Hearing

Dear Susan,

At the public hearing on July 12, 1999, the Planning Commission asked staff to provide information on several items. Staff was unable to provide a response in time for the packet mailout deadline to Commissioner Kearns' request for information on group living homes in single family residential zones. Staff will respond to this request on July 26th. Staff was able to provide the following information at this time.

Allowed Uses in the Greenway General Zone

Commissioner Foster asked staff to provide a written description of what uses the City of Portland allows in the River General Greenway zone. To reiterate, the General Greenway zone is what is being proposed for the portions of area #2 (Linnton-Harborton) and area #31 (Dunthrope-Riverdale) that now have County Willamette River Greenway zone. The regulations for the Greenway Zones can be found in Portland Zoning Code chapter 33.440.

According to Portland Zoning Code paragraph 33.440.100.B.3, there are no special use restrictions in the River General zone. That means that the River General zone does not restrict uses that are allowed in the base zone by right, with limitations, or as a conditional use. The specific uses that are allowed by right, with limitations, or as a conditional use varies by base zone. In general, the single-dwelling zones allow household living by right with group living and institutional uses allowed as a conditional use. Boat houses and boat docks are allowed by right if they are accessory to the primary use, household living.

Even though there are no special use restrictions in the River General zone, all development in the River General zone is subject to greenway development standards which include landscaping requirements, and where applicable,

July 15, 1999

Page 2

public recreation trail requirements and standards that protect views of the river.

Most development is also subject to greenway review. New development, exterior alterations to development, and changes to the land or water, including docks, must go through greenway review. There are exemptions to the greenway review requirement including for the normal maintenance and repair of existing development. However, the construction of a boat house or a boat dock is not exempt and will require greenway review.

A copy of the Portland Zoning Code's Chapter 33.440, Greenway Zones, is included in Attachment 1 of the staff report for the July 12 public hearing, and can be referenced for the actual code provisions. If you have more detailed questions about the Greenway Zones, staff will be available at the hearing on July 26, 1999 to answer further questions.

County-to-City Transfer of Planning Responsibility

Commissioner Foster asked several questions having to do with the legality of the County consenting to turn over its planning authority to the City. I have consulted with the City Attorney on this subject and can provide the following information.

The state legislature has given local governments broad statutory authority to enter into intergovernmental cooperation agreements "in the interest of furthering economy and efficiency in local government." (ORS 190.007) Through an intergovernmental agreement, one unit of local government may agree to perform for another unit of local government "any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform." (ORS 190.010) The legislature has recognized this type of cooperation is helpful and appropriate in the planning arena, particularly with respect to coordinating and providing urban services. (Sec ORS Chapter 195, Local Government Planning Coordination) Both sets of statutes are the source of authority for the series of agreements between Multnomah County and the City of Portland concerning urban services, annexation and planning issues. Through these agreements, the County and City have long anticipated that the County will contract with the City and authorize the City to perform County planning functions in unincorporated areas within the agreed upon urban services boundary.

There may be many ways to set up the permit review functions and, as we examine the alternatives, we will consider the potential and feasibility of including the County in the appeals process.

July 15, 1999

Page 3

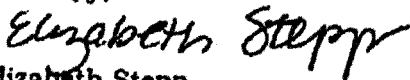
As always, there are a number of factors the City and County will need to balance, including establishing a process that is easy for citizens to understand, that can be administered efficiently, that can ensure decisions are made within statutory timelines, that results in consistent interpretation and application of the City's code and that considers political accountability. Ultimately, the choice of how best to provide for permit administration within these unincorporated areas will be a policy choice for the County Board and City Council to make. I understand that County Counsel will be present on July 26 to discuss this subject further, if desired.

Proposed Amendment to Policy #4: Intergovernmental Coordination

Commissioner Crail asked for clarification about the meaning of language in the proposed county comprehensive policy amendment, handed out at the July 12 hearing, that states "...and other related land use implementing plans." Project staff met with the City Attorney and County Counsel to draft this proposed language. We envisioned the scope of what the County adopts to include those ordinances and land use plans that implement the City's Comprehensive Plan. This language is intentionally broad because staff did not want to inadvertently omit something necessary to successfully implement the intended transfer.

The proposal now before the Planning Commission for consideration includes the set of proposed zoning and plan district additions. It is clear that the County Board will need to adopt Portland Zoning Code (Title 33) and Portland Land Division Code (Title 34). If adopted by City Council, proposed Title 33 code amendments regarding tree protection and conservation will be included. Similar to the implementation details, exactly what the County adopts to be able to successfully implement the City's comprehensive plan, implementing ordinances and other related land use plans in these unincorporated areas will be the subject of a future agreement between the City and the County.

Sincerely,



Elizabeth Stepp

City Planner

Multnomah County - Portland Compliance Project

c: Project File

Bureau Chronological File

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the matter of Phasing Out of Delivery of
Urban Level of Services in the Unincorporated
Area of Multnomah County during the next three
years (Resolution A)

} RESOLUTION

A

WHEREAS, the Board of County Commissioners is considering the mission and purpose of Multnomah County; and

WHEREAS, the 150,000 persons currently residing within Multnomah County's urban growth boundary outside incorporated cities require long-range planning for services; and

WHEREAS, it is in the public interest to clearly express the County's mission regarding providing services in mid-Multnomah County; and

WHEREAS, Multnomah County's resources are insufficient to continue current service levels and the government is facing a significant revenue shortfall of approximately \$14 million in general resources or FY 1983-84; and

WHEREAS, the first priority for the available resources of Multnomah County shall be for those services available to all residents of the County, such as Assessment and Taxation, Elections, Corrections, Libraries and Health Services; and

WHEREAS, "municipal services" is defined as governmental services usually provided by city governments and shall include but not be limited to police service, neighborhood parks, and land-use planning and permits, "urban" shall be defined as governmental service comparable in quantity and quality to incorporated municipalities, and "rural" shall be defined as governmental service comparable in quantity and quality to unincorporated service areas outside urban growth boundaries.

THEREFORE BE IT RESOLVED, that County services generally described as "municipal services" at a level considered "urban" rather than "rural" shall be proportionately reduced starting FY 1983-84 through FY 1986-87 to establish a minimal and essentially rural level of municipal services throughout Multnomah County.

ADOPTED March 15, 1983

APPROVED AS TO FORM:

[Signature]

(SEAL)

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By *[Signature]* EXHIBIT B
Gordon Sneedburne
President

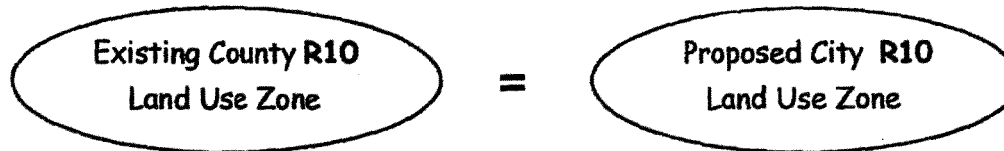
Transfer from Existing County Zones to Proposed City Zones

Project Staff used the following method to determine proposed new land use zones for project areas.

Step 1

We determined: What is the "equivalent" City land use zone?*

Here is an example of an "equivalent" City residential zone to an existing County residential zone.



Step 2

We asked: Does the equivalent City zone "fit well" with existing land uses and development patterns?

NO YES  Use equivalent City zone as proposed new zone.



Step 3

If not, determine the "best fit" zone and propose as new zone.

Factors considered in determining the "best fit" zone:

Capacity of public infrastructure to accommodate significant additional population densities.

Non-conforming situations, such as inadequate lot size, that may be created by applying the equivalent zone.

The Open Space zone will be proposed for publicly-owned property that is now used for open space, park or recreational uses.

If the property has significant natural resources identified through the 1998 Natural Resource Inventory, the "best fit" zone may be determined by completing a state-required process designed to balance development rights and natural resources.

*Equivalent City zones were determined using Portland Zoning Code's Table, "Assigned City Zoning for Multnomah County Zones." (Title 33, Table 855-1).

**Multnomah County-Portland Compliance Project:
List of Existing and Proposed Zoning for the Project Areas**

0	Skyline Blvd. - Thompson	Rural Residential (RR)	Residential 10,000 (R10)*	Single-family residences.
2	Linnton - Harborton (NE of Hwy 30)	Multiple Use Agricultural (MUA-20)	Residential Farm/Forest (RF)	One 11+ acre tax lot with a marina and a natural area adjacent to Multnomah Channel. A portion of the site is within the Willamette Greenway (WRG) overlay zone.
2	Linnton - Harborton (several properties SE of Hwy 30)	Commercial Forest Use (CFU)	Residential 10,000 (R10)*	Single-family residences.
2	Linnton - Harborton (several properties SE of Hwy 30)	Rural Residential (RR)	Residential 10,000 (R10)*	Single-family residences.
2	Linnton - Harborton (one property (SE of Hwy 30)	Single Family Residential (R10)	Residential 10,000 (R10)	Single-family residence.
5	Cornell Road (one property)	Commercial Forest Use (CFU)	Residential 10,000 (R10)*	Single-family residence.
5	Cornell Road (two properties)	Single Family Residential (R10)	Residential 10,000 (R10)	One residence and a vacant lot.
7	Cornell-Skyline North	Single Family Residential (R10)	Residential Farm/Forest (RF)*	Single family residences. In the Balch Creek watershed and adjacent to Forest Park.
8	Cornell Skyline South	Single Family Residential (R10)	Residential 10,000 (R10)*	Single family residences. In the Balch Creek watershed and adjacent to Forest Park.
10	Transmission Towers	Single Family Residential (R20)	Residential 20,000 (R20)	Radio and TV transmission facilities.
11	Southwest Barnes Road	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.
14	Canyon Road - Hwy 26	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.

16	Southeast 174th (properties west of SE 174th)	Urban Single Family Residential (LR5)	Residential 5,000 (R5)	Single family residence. Sheriff's mounted posse headquarters, gun club. Near Johnson Creek and the Springwater Trail.
16	Southeast 174th (properties east of SE 174th)	Urban Light Manufacturing (LM)	General Employment 1 (EG1)	Commercial/wholesale, light industrial. Adjacent to Johnson Creek and the Springwater Trail.
17	Powell Butte Northeast	Urban Single Family Residential (LR7)	Residential 7,000 (R7)	Vacant, adjacent to Powell Butte Park.
18	Powell Butte Southeast	Urban Future, 10 acre minimum lot size (UF-10)	Open Space (OS)*	Adjacent to Johnson Creek and the Springwater Trail, this property was purchased for open space by Metro (75%) and Portland (25%) in October 1999.
18	Powell Butte Southeast	Urban Future, 10 acre minimum lot size (UF-10)	Open Space (OS)*	A segment of the Springwater Corridor Trail owned by Portland Parks & Recreation.
23	Barbara Welch Road	Urban Low Density Residential (LR40)	Residential Farm/Forest (RF)*	Single family residences on large lots.
24	Lincoln Memorial Park and Funeral Home	Single Family Residential (R10)	Residential 10,000 (R10)	Cemetery.
25	Southeast Clatsop-SE 72nd	Urban Single Family Residential (LR7)	Residential 7,000 (R7)	Single family residences.
27	Southeast Clatsop-SE 82nd	Urban General Manufacturing (GM)	General Industry 2 (IG2)	Commercial (3 properties).
28	Southeast Clatsop-SE 5th	Urban Single Family Residential (LR7)	Residential 7,000 (R7)	Single family residences.
31	Dunthorpe-Riverdale (majority of area)	Single Family Residential (R30)	Residential 20,000 (R20)*	Single family residences, public school, botanical gardens. A portion of this area along the Willamette River is within the Willamette Greenway (WRG) overlay zone.
31	Dunthorpe-Riverdale (two properties)	Single Family Residential (R7)	Residential 20,000 (R20)	Riverview Cemetery.

31	Dunthorpe-Riverdale (several properties)	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences. A portion of this area along the Willamette River is within the Willamette Greenway (WRG) overlay zone.
31	Dunthorpe-Riverdale (several properties)	Single Family Residential (R10)	Residential 10,000 (R10)	Single family residences.
33	Englewood (all but one property)	Single Family Residential (R40)	Residential Farm/Forest (RF)	Large lots, single family residences.
33	Englewood (one property)	Single Family Residential (R10)	Open Space (OS)	Vacant, recently purchased for Tryon Creek State Park.
35	Scholl's Ferry Road - Sylvan East (two properties)	Two-Family Residential (R4)	Residential 5,000 (R5)*	Two properties with 2-3 unit dwelling structures built in 1978. Located just south of Hwy 26, E of Canyon Rd.
35	Scholl's Ferry Road - Sylvan East (several properties)	Single Family Residential (R10)	Residential 10,000 (R10)	Single family residences.
35	Scholl's Ferry Road - Sylvan East (several properties)	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.
38	Miller-Skyline (two properties)	Rural Residential (RR)	Residential Farm/Forest (RF)	Single family residences and agricultural use/vacant.
38	Miller-Skyline (several properties)	Single Family Residential (R10)	Residential 10,000 (R10)	SW portion of area. Single family residences.
38	Miller-Skyline (several properties)	Single Family Residential (R10)	Residential Farm/Forest (RF)*	NE portion of area. One single family residence. Most of this area is within the Balch Creek Watershed.
38	Miller-Skyline (several properties)	Single Family Residential (R20)	Residential 20,000 (R20)	Single family residences.
40	Powell Valley Water District Office	Urban Medium Density (MR-3)	Office Commercial 1 (CO1)*	One parcel, in office use.

41	Bonny Slope-North Road	Residential Farm/Forest (RF)	Residential Farm/Forest (RF)	One single family residence and a vacant property. No zone changes because this property withdrew from the City but retained City zoning.

*In order to avoid creating non-conforming situations, the proposed City of Portland zone fits well with existing lot sizes, development patterns, and land uses. For areas #7 and for portions of Areas 31 and 38, environmental considerations are contributing factors in proposing City zones.

Proposed Land Use Zones

Multnomah County - Portland Compliance Project

Below is an explanation of land use zones, with a description of each zone being proposed for the project areas. For more information, contact project staff, or see the Portland Zoning Code. The Portland Zoning Code is also available for review on the City's web site at www.europa.com/pdxplan.

Base Zones & Overlay Zones

There are two basic types of land use zones: **base zones** and **overlay zones**. Every property in both the County and the City has a base zone. Each base zone has its own regulations designed to fulfill the purpose of that zone. The zone's regulations provide detailed land use information including the types of land uses allowed in that zone, and development standards such as minimum lot size. For example, the Residential 10,000 (**R10**) base zone is a single-family residential zone with a 10,000 square foot minimum lot size requirement. The R10 base zone allows primarily residential homes, may allow other uses under certain conditions, such as a corner neighborhood store, and does not allow others. For example, industrial land uses are not allowed in the R10 zone.

Overlay zones are an additional set of land use regulations beyond those specified in the base zone. Overlay zones supercede base zone requirements and may be more restrictive or flexible than the base zone. Overlay zones are used when more than one area shares the need to address a specific issue or combination of factors. For example, state law requires cities and counties to have specific regulations for land uses on land near the shores of the Willamette River. These regulations are designed to preserve the Willamette River for future generations of Oregonians. The Willamette River Greenway (**WRG**) overlay zone is applied to these areas to address these requirements. Environmental zones are also overlay zones, and are designed to balance property development rights and conservation of natural resources.

Proposed Zones

Below is a list of the land use zones that are being proposed for lands within the Multnomah County Compliance Project. For this project, existing land uses will be allowed to continue when the proposed new zones become effective. For more information, contact project staff or visit the Portland Permit Center. As mentioned, the current Portland Zoning Code is available for review on the City's web site at www.europa.com/pdxplan.

Open Space Zone (OS)

Used to preserve lands that serve an active and passive recreational function and/or provide a sense of open space in the urban environment, it is applied almost exclusively to publicly owned property, parks, golf courses and cemeteries.

Single Dwelling Residential Zones (R zones)

The residential zones foster different types and densities of single-dwelling development. They are intended to preserve land for housing and to provide housing opportunities for individual households.

☐ **Residential Forest (RF)**

The RF zone is intended to generally be an agricultural zone. Residential use is allowed. A site or property zoned RF must be a minimum of 2 acres in order to develop it. Agricultural uses are allowed in the RF zone.

Single Dwelling Residential Zones (R zones) - continued -

- Residential 20,000 (R20)
A site or property zoned R20 must have at least 20,000 square feet to be developed.
Agricultural uses are allowed.
- Residential 10,000 (R10)
A site or property zoned R10 must have at least 10,000 square feet to be developed.
Agricultural uses require a conditional use review.
- Residential 7,000 (R7)
A site or property zoned R7 must have at least 7,000 square feet to be developed.
Agricultural uses require a conditional use review.
- Residential 5,000 (R5)
A site or property zoned R5 must have at least 5,000 square feet to be developed.
Agricultural uses are prohibited.

Commercial Zones

Commercial zones are designed to provide for a wide range of commercial activities. These zones create economic opportunities and provide benefits to consumers by providing convenient places to obtain commercial goods and services.

- Office Commercial 1 (CO1)
The CO1 zone allows low-density or small-scale office uses in or near residential areas or between residential and commercial areas. This zone would allow uses such as medical/dental offices, real estate or other professional offices.

Employment Zones

Employment zones are generally found in areas that were traditionally industrial and have been diversifying over the years to other uses. They are located in areas that are best suited for locating businesses and industrial uses. They also include supportive uses that create jobs and provide commercial and residential opportunities.

- General Employment 1 (EG1)
The EG1 zone allows for a variety of employment and business opportunities. It is generally located in older developed areas that have an existing street system.

Industrial Zones

Industrial zones are applied in areas where a full range of industrial development can occur. Uses such as vehicle repair, manufacturing and production, warehouse, wholesale sales and railroad yards are permitted in the Industrial zones.

- General Industrial 2 (IG2)
The IG2 zone allows a variety of industrial opportunities. Generally this zone includes industrial areas with larger lots and an irregular or more dispersed street system.

To: Multnomah County Commissioners

SPEAKER #1

From: Maxine Selling, property owner at
5701 S.W. Patton Road
Portland, OR 97221

Date: Wednesday, September 20, 2001

Our house was built in 1950. It's on a 1.9 acre rectangle of land on the north side of Patton Road. The house is at the back end or north portion of the property. There was an old orchard in that area but not a tree had to be removed for the house.

Just beyond the north border of our property there was a magnificent old evergreen forest that extended up a considerable hill to Hewett Boulevard.

In 1959-60, all, all, those trees were cut or dynamited out to make way for home sites. Streets went in. Homes were built on fairly large parcels of land.

After this development just started, one day our garbage pail, sunken in the concrete floor of our carport, floated up out of its hole, underground water filling its space. It looked funny --- at first.

Our west side property line, in 1950, was a tiny, narrow stream or brook - our two year old could and often did jump over it. It had no real depth and was often without water - just a path-like effect.

After the 1960 north-of-us-development, our "brook" became deeper and wider with a waterfall at its head where it came out from the hill - the absolutely treeless hill. Our land slowly started slipping downward, west, towards what has become a deep ravine, this former brook now about a 20 foot deep ravine cutting through part of our west side line. Then its disappears underground.

About a 50-70 feet wide area of our property bordering the ravine and extending about 150-175 feet paralleling it is slipping, eroding, undermining roots of trees - and my soul. I can't control it. It's effect has been to change the value of the property - can't build near it for future development and it has created a kind of watershed. Animals, birds now have priority. About 3/5 of my land is considered for environmental zoning.

I've been widowed for 23 years. This land is my major resource as other resources continue to diminish or disappear.

To: Multnomah County Commissioners

From: Maxine Selling

I respect protecting the environment. We developed our garden areas without cutting down any trees, only adding more and maintaining a natural setting. I don't use pesticides or herbicides. Moles are my only target (or I theirs). When the environmental movement was becoming an enduring, effective part of society's' good efforts, I remember seeing a bumper sticker on a car in front of me: "Save Trees: Eat a Beaver" I still love its whimsy. But it also says to me that environmental concerns can be excessive and detrimental.

I'm 78. As I age and have more health problems, need help, continue to have diminishing resources, I feel that the excessive environmental zoning of my property, its consequent major loss of value, is like a slowly tightening noose I must bear. There are already enough horrendous problems to cope with.

I ask to have my land reevaluated and the considerable percentage of environmental zoning to be considerably diminished. Because we have respected and I now alone have made every effort to keep our original fir and cedar, maple and alder trees, all the salal and ferns and Oregon grape undergrowth, I request your understanding and favorable consideration of my dilemma.

Let us hope that managing area growth and protecting environmental values do not become so inflexible, so compulsive that reasonable individual concerns are not heard nor valued.

September 20, 2001

SPEAKER #3

Board of County Commissioners
501 SE Hawthorne Blvd.
Portland, Oregon 97214

Re: Compliance Project Adoption

Dear Commissioners:

I own property described as Tax Lot 2300 on Map T1S-R1E-7BC, and I would like to take the opportunity to express my concerns with what I understand is referred to as the "Multnomah County-Portland Compliance Project" that you are considering today. I believe that the County Commissioners should not adopt the Compliance Plan because the proposed environmental zoning that will be added to many properties in area effected by this Plan will have detrimental impacts that have not been properly studied. In addition, I feel that the notice, proposed adoption and particularly the effect of these new regulations has not been clearly explained and advertised to the general public.

My first concern with the Compliance Project is that the notice that was sent out to the public did not adequately describe the environmental zoning that is proposed to be added to the properties in this area. The past notices that I received as an affected property owner only stated that the proposal would change the zoning of the property in the area from R20 to R10, in compliance with the Proposed Southwest Community Plan. Nowhere in these notices were there mention of the proposed environmental zoning and a clear description of the effect this zoning would have on these properties. The notice card I received regarding this hearing today mentions only that it is "...part of a proposal to achieve compliance with Metro's Urban Growth Management Functional Plan which is a long-term planning effort to manage growth in our metropolitan region". How is the general public supposed to know what is being considered by this description?

For many of the property owners in the area of the proposed environmental zoning, this came as a complete surprise and was learned about only by chance because of a proposed land sale. As a result, there has not been adequate time for owners in the area to compare the environmental zoning to the resources and developed areas that exist on their properties to determine if this proposed zoning is accurate. In many circumstances the proposed environmental zoning covers far more property than is necessary to provide protection to the streams and hillsides in the area, and the owners in the area have not had an opportunity to add input.

Secondly the proposed zoning does not take into account future development plans of the properties in the area. I am especially frustrated on this account because between 1998 and 2000 I received approval from the County for a Property Line Adjustment on my property. Through this process, I consolidated a large undeveloped portion of my property into a single lot. During the review process, the County required that I submit a

detailed plan that showed how this lot could be divided in the future. The County Planner I was working with took great pains to review this plan and assure that the future lots would be able to meet all of the requirements of the R20 zoning, but at no point did he mention that environmental zoning would be placed over more than half of the undeveloped portion of my land, making any future division of this property impractical, if not impossible. This future division plan is on record with the County, but I am concerned it is not being considered in the proposed zoning with the Compliance Project. In light of Measure 7, I am attaching a copy of this land division plan again so I can further document my loss of property rights in the County's records.

Third, if the environmental zoning makes it difficult to divide these properties further in the future, than I believe that it will add to the difficulty of the region meeting the required housing density goals set by the Metro 2040 Plan, which will in turn will compromise the Urban Growth Boundary. The properties in this area are within a 10-minute drive from downtown Portland and have all of the necessary urban services available to accommodate additional development. I feel that it is irresponsible for the County to limit the development potential of parcels in the urban area in this way because it will force these housing units to be made up for in the more rural areas of the region where services are not available. I don't believe that the County has spent adequate time reviewing the number of housing units that will be lost as a result of this proposed zoning, nor have they considered the net effect this will have on the larger region. Further, it is quite confusing to me that up zoning to R10 is proposed when the land cannot be developed under the current R20 zoning.

In summary, the Board of Commissioners should delay making any decision on the Compliance Project. I believe that it would be appropriate for the County to send out a new notice to all of the owners of the properties that would be affected by the proposed environmental zoning, which clearly describes what the result of this zoning will be. This will allow property owners additional time to study the effects of this zoning on their properties, and meet with the County staff to determine if this zoning has been accurately located based on future development plans on record, and existing resources on site. This will also give the County an opportunity to adequately study how many future housing units will be lost as a result of the environmental zoning, and verify that these units can be replaced within the urban areas of Portland.

Thank you for consideration of my comments.

Sincerely,


Judith Ann Fenker
2212 NW 139th Place
Portland, OR 97229

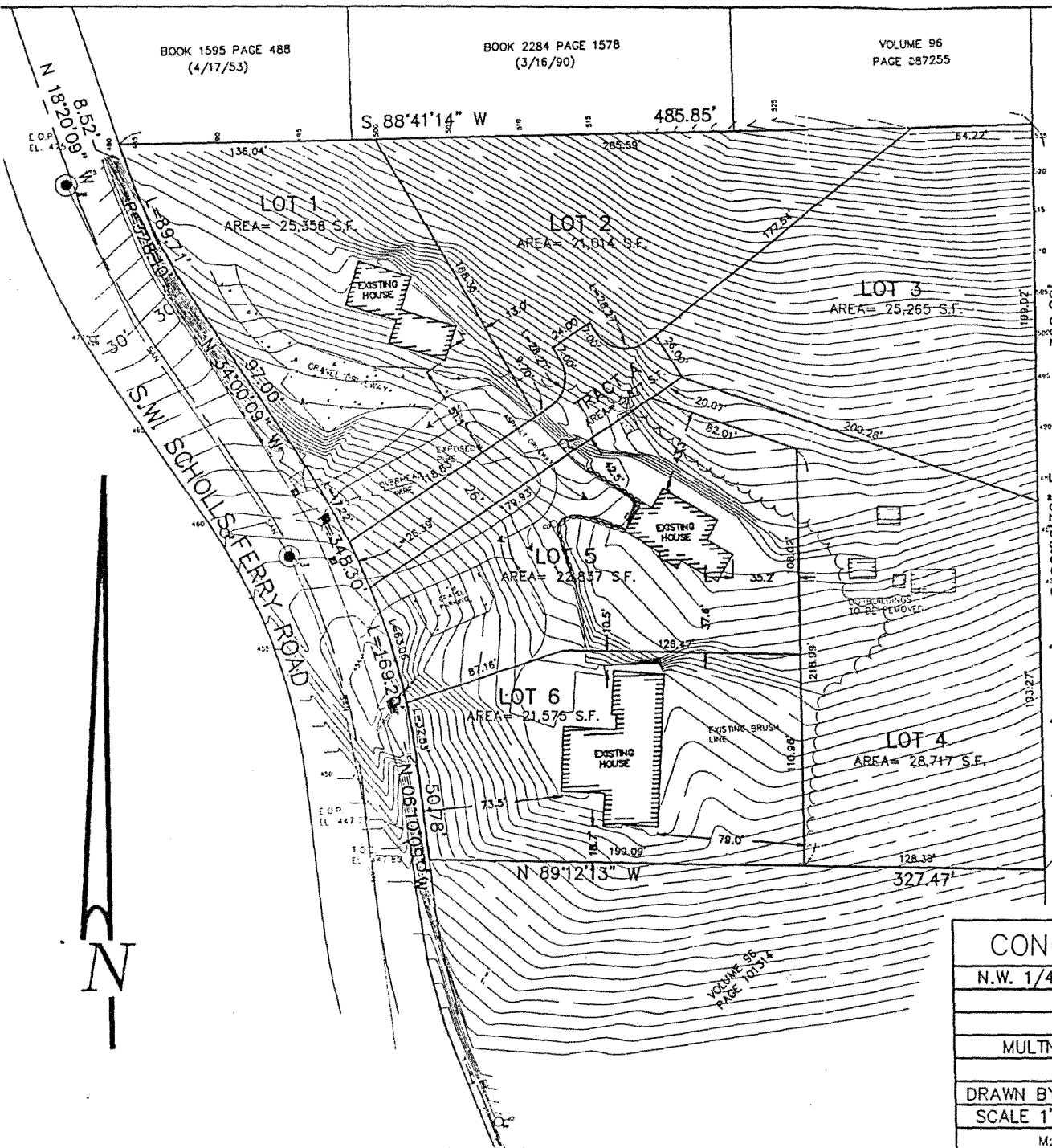
BOOK 1595 PAGE 488
(4/17/53)

BOOK 2284 PAGE 1578
(3/16/90)

VOLUME 96
PAGE 087255

BOOK 1593
PAGE 1760
(5/5/82)

BOOK 1540
PAGE 1286
(7/29/81)



REQUIREMENTS

ZONE: LR 20

FRONT SETBACK = 30'
SIDE SETBACK = 10'
REAR SETBACK = 30'

MINIMUM LOT COVERAGE = 30%

ALL LOTS TO BE MINIMUM 20,000 S.F.

MINIMUM LOT DIMENSIONS TO BE:
WIDTH 20'
DEPTH 120'

CONCEPTUAL PLAN

N.W. 1/4 SEC. 7, T.1S., R.1E., W.M.

MULTNOMAH COUNTY, OREGON

MARCH 25, 1998

DRAWN BY: MPW CHECKED BY: WGDIII

SCALE 1"=60' ACCOUNT #150-2886

M:\BND\FENKER\FENKPNV2

TAX LOT 177 & 288
MAP 1S 1E 7

Centerline Concepts Inc.

640 E 2nd Drive Gladstone, Oregon 97027
503 650-0168 fax 503 650-0189



Public Notice


Additional Notice Required by State Law : Ballot Measure 56, adopted by voters on Nov. 3, 1998, requires the following language to be included in this notice:

"This is to notify you that Multnomah County has proposed a land use regulation that will affect the permissible uses of your land. Multnomah County has determined that this proposal will affect the permissible uses of your property and may reduce the value of the subject property."

Multnomah County has not determined that property values will be affected as a result of this action.

**Public Hearing before the Multnomah County Commissioners
September 20, 2001, at 10:30 a.m.
Multnomah Building, First Floor, Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland**

This is a public hearing to consider the recommendation from the Planning Commission made on June 18, 2001 regarding the proposed zoning of your property. This project is part of a proposal to achieve compliance with Metro's Urban Growth Management Functional Plan which is a long-term planning effort to manage growth in our metropolitan region. The Multnomah County Board of Commissioners will take testimony and consider adopting the proposal as recommended by the Planning Commission. For additional information, please see our web page at: <http://www.co.multnomah.or.us/lup/2040/Intro.html>

If you have any questions regarding this item, please contact Gary Clifford or Susan Muir, at (503)988-3043, 1600 SE 190th Ave., Portland, OR 97233 or land.use.planning@co.multnomah.or.us 

Speaker # 3

**TO OBTAIN A COPY
OF THE PROPOSED
MAP**

The *Proposed Southwest Community Plan Comprehensive Plan/Zoning Map* will be available Wednesday, May 23, 2001. Copies of the proposed map can be picked up at:

- Portland Bureau of Planning, located at 1900 SW Fourth Avenue, Suite 4100
- Southwest Neighborhoods, Inc. (SWNI) office, located at 7688 SW Capitol Highway

The proposed map can also be viewed on-line. For more information, visit the project Web site (<http://www.planning.ci.portland.or.us/BOP2001/Pages/SWCP/swcpTOC.html>).

**TO COMMENT ON
THE PROPOSAL**

- Come to the Planning Commission hearing to testify. Although the meeting starts at 6 PM, please call 503-823-7700 one week prior to the hearing for the scheduled time of this item.
- The hearing is held on the 2nd floor of the 1900 Building, (1900 SW Fourth Ave.). Call Tri-Met at 503-238-7433 or visit their Web site at www.tri-met.org/routes_times.html for routes and times.
- Send written testimony to the Planning Commission at 1900 SW Fourth Avenue, Suite 4100, Portland, OR 97201, FAX comments to 503-823-7800 or e-mail comments to swcp@ci.portland.or.us. **Written and e-mailed testimony must be received by 5 PM on Monday, July 2, 2001 and must include your name and street address to be included in the public record.**

**FOR MORE
INFORMATION**

Call the Southwest Community Plan Information Line at 503-823-1349 or send the project team an e-mail at swcp@ci.portland.or.us



City of Portland
Bureau of Planning
1900 S.W. Fourth Avenue, Suite 4100
Portland, OR 97201-5350

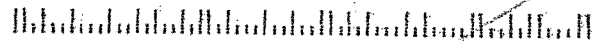
- *Measure 56 Notice on
Southwest Community Plan*

PS15

1S1E07BC -04400
FENKER JUDITH A
2212 NW 139TH PL
PORTLAND OR 97229

up 2012d
823-7526
chris willard
next Tuesday
winter (or)

PL15 97229



multnomah

988-3043

Portland Planning Commission Hearing on
**Proposed Southwest Community Plan
Comprehensive Plan/Zoning Map**

Tuesday, June 26, 2001
6 PM

1900 S.W. Fourth Avenue, 2nd floor
Portland, OR 97201

Ballot Measure 56, adopted by voters in 1998, requires the following language in this notice:

This is to notify you that the City of Portland has proposed a land use regulation that will affect the permissible uses of your land.

WHY DID I GET THIS NOTICE?

You have received this notice because your property has been identified by the City of Portland as potentially affected by the *Proposed Southwest Community Plan Comprehensive Plan/Zoning Map*. *The City has determined that the adoption of the Proposed Southwest Community Plan Comprehensive Plan/Zoning Map may affect the permissible uses of your property and may affect the value of your property.*

On June 26, 2001, the Planning Commission will hold a hearing to receive and consider public testimony on this proposal. It integrates work done previously by Southwest neighborhood associations and Planning Commissioners with new information about environmental resources and site-specific issues. The Planning Commission will then develop a recommendation and forward it to City Council for consideration and additional public review and comment.

WHAT IS THIS PROJECT ABOUT?

The primary goal of the Southwest Community Plan project is an update of the City of Portland's Comprehensive Plan/zoning map for Southwest Portland. The Comprehensive Plan/zoning map guides growth, development, and conservation; protects community livability; and provides certainty for those wishing to develop their land.

The *Proposed Southwest Community Plan Comprehensive Plan/Zoning Map* identifies the base zones which control land uses and densities, and some aspects of development and design standards including the size, placement, height, and setbacks of buildings.

The Southwest Community Plan also identifies proposed boundaries for "town centers" and "main streets" within Southwest Portland including Hillsdale Town Center, and Garden Home, Macadam, and Multnomah Main Streets. These designations call for development of "mixed-use" areas of housing, shopping and employment, among other uses.

WILL MY PROPERTY'S BASE ZONE CHANGE?

Yes

Current Zoning: R20

Proposed Zoning: R10

HOW DOES THIS PROPOSAL AFFECT MY PROPERTY?

Your property is proposed to be rezoned and is proposed to be subject to new regulations. The current and proposed zoning for your property is listed above. Proposed changes on this property are intended to help implement the goals and objectives of the Southwest Community Plan. In many locations, the plan calls for zoning changes that will enhance Southwest Portland's sense of place as a community and a collection of distinct neighborhoods. The allowed land uses and the amount of development potential (intensity) available on your property may increase or decrease depending on the proposed zoning change.

Mailed May 21, 2001

For more information about this proposal or how it may affect your property, please call the Southwest Community Plan Information Line at 503-823-1349.



Southwest Community Plan

Upcoming SWCP Dates and Events!

Wednesday, May 23, 2001

***Proposed SWCP Comprehensive Plan/Zoning Map
Available to the Public!***

Pick up a copy of the Proposed Map at these locations:

Bureau of Planning
1900 SW Fourth Ave., Suite 4100
Portland, OR 97201

SWNI Office:
7688 SW Capitol Highway
Portland, OR 97204

Copies of the *Proposed SWCP Comprehensive Plan/Zoning Map* are available for public review at the Hillsdale Branch and Capitol Hill Branch of the Multnomah County Library and the Southwest Community Center at Gabriel Park.

=====

Annexed to city **Monday, June 4, 2001** *unincorporated
multnomah*

5 PM to 8 PM

Proposed SWCP Comprehensive Plan/Zoning Map Open House

Learn more about the Proposed Map and how it was developed

Multnomah Center Auditorium
7688 SW Capitol Hwy
Portland, OR 97219

The following Tri-Met routes serve this location: 5, 45. Call Tri-Met at 503-238-7433 for routes and schedule (www.tri-met.org/routes_times.htm).

=====

Tuesday, June 26, 2001

6 PM

**Planning Commission Public Hearing
*Proposed SWCP Comprehensive Plan/Zoning Map***

1900 Building, 2nd Floor
1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

The 1900 Building is located one block from bus stops serving the following routes: 1, 5, 9, 12, 45, 55, 40 and 43. Call Tri-Met at 503-238-7433 for routes and schedule (www.tri-met.org/routes_times.htm)

Frequently Asked Questions About the Southwest Community Plan

What is the *Southwest Community Plan Comprehensive Plan/Zoning Map*?

Once adopted, this update of the City's Comprehensive Plan/Zoning Map will show where and at what level of intensity land development can occur in Southwest Portland; zones are an official description of allowed development types and densities. The map indicates a pattern for future development, intended to serve the purposes outlined in the *Southwest Community Plan Vision, Policies and Objectives* (adopted July 2000), the Portland Comprehensive Plan, the Region 2040 Growth Concept Plan, the Oregon Transportation Planning Rule, and the Oregon Statewide Planning Goals.

The primary factors taken into account in developing the Southwest Community Plan (SWCP) zoning proposals include:

- relevant city, regional and state policies, particularly environmental objectives;
- existing land uses and zoning;
- long-term infrastructure capacity;
- topography and other physical features;
- desired neighborhood character and community feedback; and
- input from technical advisors.

How will new and existing development be affected?

For most of Southwest Portland, the current zoning designations will not change as part of the SWCP process. The recommended changes were proposed in order to:

- Support neighborhood association proposals intended to promote a zoning pattern consistent with the desired neighborhood character. This often includes promoting more pedestrian-oriented commercial zoning and greater residential densities in and near commercial areas;
- Apply Open Space zoning to properties recently purchased by the Portland Parks Bureau;
- Avoid perpetuating non-conforming uses by changing zoning to designations that allow existing uses, where it is consistent with the desired neighborhood character and relevant policies; and/or
- Apply the design overlay zone to properties zoned for multi-family housing within the boundaries of town centers and main streets, to ensure that properties develop in a way that enhances neighborhood character.

Once the updated Comprehensive Plan/Zoning Map is adopted by the Portland City Council and goes into effect, all new development, new land uses, and changes to existing development will need to conform to the new zoning designations.

How does the SWCP relate to other City projects in Southwest Portland?

The SWCP is coordinating with related projects and programs:

- Update of Environmental Overlay Zones, Bureau of Planning
- Land Division Code Rewrite, Bureau of Planning
- Watershed Assessments, City of Portland Endangered Species Act Response
- Watershed Planning, Bureau of Environmental Services
- Marquam Hill Plan, Bureau of Planning
- Master Street Plan, Office of Transportation
- South Portland Circulation Study, Office of Transportation

A Notice Required by Ballot Measure 56 About Changes in State Law That May Affect Your Land SB 12

On July 24, 1999, Oregon's Legislative Assembly adopted Senate Bill 12. The bill will take effect on October 23, 1999. The Department of Land Conservation and Development has determined that enactment of Senate Bill 12 may affect the permissible uses of property in your jurisdiction and may reduce the value of subject property.

Senate Bill 12 is available for inspection at the Department of Land Conservation and Development, located at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540. You also may get copies of Senate Bill 12 or any other legislation from the Internet at gopher://gopher.leg.state.or.us. Copies of any bill are available at no cost from the Office of Legislative Publications, Room 49, State Capitol, Salem OR 97310; telephone (503) 986-1180.

For additional information, contact the Department of Land Conservation and Development at (503) 373-0050, ext. 237. Thank you for your attention.

~ ~ ~

A few words of explanation to landowners who get this notice . . .

Senate Bill 12 is a law passed by the 1999 Oregon Legislature to deal with rapidly moving landslides. The bill requires certain state agencies and local governments throughout Oregon to take steps to protect people and property from such landslides. It calls for two main steps. The first is for state and local officials to map places in Oregon where rapidly moving landslides are likely to occur. The next step is to write local ordinances to control development in the mapped areas. All of that work will take several years. After it's done, the resulting ordinances may limit or prohibit development on certain pieces of property. Your property could be one of them -- but please read on.

Ballot Measure 56 (passed by Oregon's voters last fall) requires notices like the one above to be mailed to landowners whose property will be affected by a change in state land-use laws. The measure requires the same general wording in all notices, and that may cause some confusion. We hope the explanation on the next page will help to clarify three main points of confusion.

Please turn to next page . . . ➤

1. Senate Bill 12 May Not Limit the Use of Your Land.

Measure 56 requires notices such as the one in the box above to say that the Department of Land Conservation and Development (DLCD) has determined that the new law (Senate Bill 12, in this case) may "affect the permissible uses of property." But Oregon has more than a million parcels of land. Senate Bill 12 requires extensive mapping to be done to identify which of those parcels are most likely to experience rapidly moving landslides. Until the mapping is finished, no one can really say just which parcels will be affected by Senate Bill 12. The bill probably won't affect your property unless your land has steep slopes that can be developed.

Measure 56 requires the Department of Land Conservation and Development to mail the above notice to all local governments. Local officials then must mail a copy of the notice to certain landowners whose property might be affected by the new law. But local governments often cannot know exactly whose property will be affected or how it will be affected. They may inadvertently send notices to some people whose land will not be affected. Your getting this notice does not necessarily mean that Senate Bill 12 will affect your property. If you have questions about the regulations that currently apply to your land, please call your local planning department. Their staff will be able to tell you what regulations are now in effect. They also may be able to tell you whether they expect to start applying Senate Bill 12 during the next few years.

2. Senate Bill 12 May Not Affect the Value of Your Land.

Measure 56 requires the notice to say DLCD has determined that Senate Bill 12 "... may reduce the value of subject property." But DLCD has no way to know whether, how, or when the bill might affect the value of *your* property. It's likely to increase the value of a few properties, decrease the value of a few others, and have no effect at all on the value of most.

3. Senate Bill 12 May Not Affect Your Community.

Measure 56 requires DLCD to send a notice like the one above to *all* cities and counties in Oregon whenever the Legislature passes certain types of land-use legislation. But Senate Bill 12 will apply only to communities with the potential to have rapidly moving landslides. Cities and counties not affected by the bill need not mail this notice to any landowners. Local officials with questions about how Measure 56 applies to their city or county should consult their local legal counsel.

Department of Land Conservation and Development (DLCD)
635 Capitol Street NE, Salem OR 97301-2540 ☎ (503) 373-0050

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of PD 1-85/LD 7-85,)
a review of the Planning Commission)
recommendation to change the zoning)
of the property at 5735 SW Grover)
Court from R-20 to R-20, P-D, Planned-)
Development plus a Future Street)
Plan Plus a Fourteen-Lot Subdivision)
_____)

FINAL ORDER

This matter came before the Board of County Commissioners on July 23, 1985.

The Board conducted a public hearing, on the record, to review the Planning Commission's recommendation of May 13, 1985 that the property at 5735 SW Grover Court owned by RF Investment Company be changed from R-20 to R-20, P-D, Planned-Development and approving a revised future street plan plus a proposed 14-lot land division, all with conditions.

Following argument by the parties and full consideration of that testimony and the record in this matter by the Board, it is

ORDERED that the Decision of the Planning Commission be affirmed and a change in zone from R-20 to R-20, P-D plus a future street plan plus a 14-lot land division be approved, based upon the following Findings and Conclusions of PD 1-85/LD 7-85.

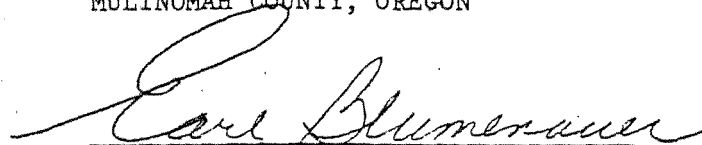
Adopted this 23rd day of July, 1985.

SEAL

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

August 22, 1985

Date


Earl Blumenauer, Presiding Officer

RECEIVED

Multnomah County/
Division of Land Use Planning

SPEAKER #5

**WENDIE L. KELLINGTON
ATTORNEY AT LAW**

PO Box 1930
LAKE OSWEGO, OR
97035

PHONE (503) 624-7790
MOBILE (503) 804-0535
FACSIMILE (503) 620-5562
EMAIL: W.KELLINGTON@VERIZON.NET

September 20, 2001

Multnomah County
Board of Commissioners
501 SE Hawthorne Blvd.
Portland, Oregon 97214

Re: Proposed Environmental Zoning
Multnomah County-Portland Compliance Project

Dear Commissioners:

This office represents RF Investment Company that owns or has interests in land zoned R-20, located at 5735 SW Grover Court, which land consists of more than 11 acres (hereinafter referred to as the property). This letter is to advise that RF Investment Company objects to the County's proposal to add the City of Portland's environmental zoning to this property.

At the outset, it is important to understand that RF Investment Company has had inadequate time and information with which to prepare evidence and argument for today's hearing. RF Investment Company has not been provided with any of the required notices of the proposal, which proposal appears to purport to add Portland Environmental Protection and Environmental Conservation zoning overlays to the property. The first time RF Investment Company or I learned of the proposal was Monday September 17, 2001, after I had requested a planning consultant look into any pending County proposal affecting the property. The reason for my inquiry to the planning consultant was that RF Investment Company advised me that it had heard from a neighbor about a proposal having to do with Metro's Functional Plan and Portland environmental zoning. Because the property is in Multnomah County, this descriptor made no sense to me. It was the meeting with the planning consultant on September 17, 2001 which producing the surprising details of the proposal. We request that an additional public hearing before the Board of Commissioners be scheduled at least 30 days from today's date to provide RF Investment Company and other adversely affected property owners with an opportunity to prepare and present a case. We also request that proper notice of the next proceeding and subsequent events be provided to RF Investment Company as well as to all affected property owners of the proposal, including proper notice under Ballot Measure 56.

Because of the lack of notice, RF Investment Company has been deprived of an opportunity to meaningfully participate in the proposal at earlier points before the planning commission or this level. The notices we obtained at the September 17, 2001

meeting are inadequate to describe the proposal. The notice for the hearing this morning fails to explain the nature of the proposal. It simply states that the County is considering proposed rezoning "to achieve compliance with Metro's Functional Plan." It does not explain that the County is considering delegating County policymaking, interpretive, and procedural authority to the City of Portland; that the proposal applies new restrictive City environmental zoning to property within the authority of Multnomah County; or the standards that apply to the proposal. This is contrary to County and state law. It is also contrary to the Metro Functional Plan that requires and supports adequate opportunities for Citizen participation.

The County has not provided adequate notice of the proposal as required by Ballot Measure 56. The notice of this morning's proceeding states "Multnomah County has not determined that property values will be affected as a result of this action." This statement is made notwithstanding clear statements in the staff report for this proceeding that property owners for other property advised the County that the proposal deprives them of development rights they currently enjoy under County zoning. These property owners state that their currently enjoyed development rights are foreclosed under the proposed application of City environmental zoning. Foreclosure of development rights that are currently enjoyed is a clear reduction in the value of property. Similarly, RF Investment Company's property as explained in greater detail below, is property that can be developed under existing County regulations with a subdivision of more than 14 lots. In fact, the County has made a decision previously approving such a subdivision on the property. In this regard, the County has made a policy decision for the property that it may be developed appropriately under County regulations and that the restrictive provisions proposed under City policy would be inappropriate. The application of the proposed City environmental zoning would purport to foreclose the development of such a subdivision on the property. This proposal then attends a plan purporting to affect a clear reduction of the value of the property. In this regard, it is noted that there is no apparent proposal to increase the allowable density on the property to off set the adverse effects of such newly proposed plan to apply City of Portland environmental zoning to the property.

Previous County approval of a 14-lot subdivision on the property occurred in 1985 (County File # PD 1-85/LD 7-85). The final plat for such subdivision was submitted 1986. I have had inadequate time to review this file to determine the legal status of such filings and platting. While there appears to have been a dispute that erupted after filing the final plat with the County having to do with a street, the County policy makers – the Board of Commissioners made a decision to approve the 14 lot subdivision on the property as being completely appropriate. The proposed City environmental zoning expresses a totally different policy. The proposed environmental zoning does not express a policy required by Metro's Functional Plan – if it did express such a policy, every jurisdiction in the Metro region would be required to have the same thing and this has not proved to be the case. In fact, Metro's relevant regulations regarding environmental or natural resources, are specifically expressed in advisory

terms, with recommended strategies for local governments to implement. Nothing in the Metro Functional Plan requires the result here. In fact, the Functional Plan requires balance. The Functional plan requires consideration of its housing and density goals. The proposal does not do either. The proposal fails to comply with Metro Functional Plan titles dealing with density and housing, including "Table I" targets for housing. Therefore, contrary to implementing the Functional Plan the proposal puts the County out of compliance with it. Also, the proposal fails to consider the proposal's impact on the County's buildable lands inventory, its housing inventory, the County's continued compliance with statewide planning Goal 10 (Housing), the region's continued compliance with Goal 10 as expressed in its Urban Growth Reports and Housing needs analysis, as well as reports made to DLCD in periodic review. The proposal, while a plan amendment and zone change, fails to explain the proposal's compliance with applicable statewide planning goals or other County plan provisions, all as required by law.

Just to the subject property alone, applying the City of Portland policy in its environmental zoning to the property purports to "gut" the existing R-20 zoning. The existing R'20 zoning is based on exceptions to state resource goals based on the developed and committed nature of the subject lands. The developed nature of the subject as well as other affected properties makes it inappropriate as a matter of state, regional and local law to "gut" such residential zoning. It is noted here, that the City staff who evaluated objections from property owners who learned of the proposal and appeared before the planning commission, are recommending to the Board now that such restrictive regulations not be applied to "developed" property. In order to treat the subject property equally, fairly, consistently and under a principled analysis, the subject property too should have the restrictive proposed City environmental zoning removed as it is also developed and committed to development. The planning consultant that reviewed the proposed City zoning proposal to this County property, estimated that the City zoning would purport to authorize only 3 dwellings be developed under the proposal, fully 11 lots less than the County previously authorized and less still than the number of units potentially allowed under applicable County zoning. The loss of 11 developable lots presents a significant loss of value without compensation as well as a significant reduction in the County's and region's housing inventory. On the issue of compensation, the recent decision in *Palazzolo v. Rhode Island*, 69 USLW 3505 (2001) strongly suggests that the proposal could only be accomplished if compensation were provided. The property owner's distinct investment-backed expectations are consistent with at least 14 residential lots, not 3, and the impact on the value of the property is substantial. It is noted, that while no longer relevant to the takings analysis, the property owner here, took its property before the impact of the restrictive regulations was ever known or considered.

Cumulatively, this loss to the inventory is devastating. Both the direct and secondary effects of the proposal on the County's and region's statewide planning Goal 10 compliance must be considered and established before the proposal can be approved. The County has not identified or produced findings for public review that describe the

effect this proposed zoning will have on the loss of housing supply for the County and region.

Moreover, the proposal also fails to treat similar situated property owner's equally. Simply because the subject property is in a certain area of the UGB, it is made subject to the City of Portland policies and procedures with no plan in place for annexation. Properties just outside the UGB, also having the same zoning and similar characteristics are given the benefit of County zoning. Moreover, it appears that there are other County properties in the UGB that would not be subject to Portland zoning. There is no rational reason to require the subject property or any of the properties under consideration, to be singled out for Portland zoning. This is particularly apparent as all the information makes clear that Portland has no plans to annex the property or any of the properties under consideration.

Additionally, the proposal is contrary to clear Oregon and federal constitutional as well as statutory requirements for representative government. The property owners at issue have no voting rights to elect the policy makers who will have complete authority over their properties. This important check on the authority of administrative decisionmakers has been improperly ignored here. The problem is rights to vote for the policy makers who will affect the rights on these properties as well as rights to be represented are completely eliminated under the proposal. Nothing in the statutory provisions allowing intergovernmental agreements authorizes such deprivation of important rights to be represented and to vote. It is noted here, that the intergovernmental agreement provisions authorize only procedural functions be shared, not total delegation of policy and legislative decisionmaking, as is the case here.

The proposal is an improper delegation of legislative authority to the City of Portland. Nothing in any statute or constitution authorizes the delegation of legislative authority to Portland.

The proposal is an improper delegation of policy making and land use administration to the City of Portland. The subject property is required to be considered and managed and adjusted by Multnomah County in state in periodic review as well as Metro Functional Plan Compliance processes. Yet, Multnomah County appears to be washing its hands of the property, and Portland will have refused to have annexed the property, making the benefit of the Oregon state wide planning system, which contemplates meaningful local decisionmaking, unavailable to the subject property.

The proposal violates Statewide Planning Goal 1 (Citizen Involvement). First, the inadequate notice fails to comply with the County's acknowledged Goal 1 compliance program. Second, there is no proposal for any process for citizens to have any meaningful participation in the zoning and planning decisions that affect their property.

There are references to a 1998 Natural Resources inventory. The property owner here has had no notice of such an inventory, has no information about it, has no idea if its property is included in it or why. If this inventory is a Multnomah County inventory, it may not be relied on, as it was improperly developed without citizen participation and without proper notice. If it is a regional or City inventory, it is inapplicable for the same reasons as well as the obvious reason that it is not a County legislative or policy determination as required. In any event, the County has not presented any criteria for establishing what resources are being protected and why under the proposal. This tends to support the concern that the proposal is simply hoped and designed to delegate authority to Portland without any specific County rationale other than a desire for the work to be done elsewhere.

The County must consider the significant loss of development rights and property values that purport to attend this proposal, particularly in light of Oregon and federal compensation requirements, Ballot Measure 56 and Measure 7.

In sum, this proposal requires a great deal of work and the Board should conduct another hearing at least 30 days from now, to give it and affected property owners a chance for informed participation and decisionmaking. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Wendie', with a stylized, cursive script.

Wendie L. Kellington

WLK:wlk

O'DONNELL & CLARK LLP
ATTORNEYS AT LAW

Speaker #7

ph: 503-306-0224

fax: 503-306-0257

Mark P. O'Donnell
email: marko@oandc.com

Matthew D. Lowe*
email: mattl@oandc.com

1706 NW Glisan Street, Suite 6

Portland, Oregon 97209

Kelly Clark
email: kellyc@oandc.com

*Ross A. Day
email: rossd@oandc.com

September 20, 2001

Via Hand Delivery

Multnomah County Board of Commissioners
501 SE Hawthorne Blvd, Suite 600
Portland, Oregon 97214

RE: Multnomah County - City of Portland Compliance project

Dear County Commissioners:

Thank you for this opportunity to respond to the above-referenced proposal. We represent the Frevach Land Company, dba Fred's Marina. The Multnomah County - City of Portland Compliance project ("Compliance project") proposes to downzone Fred's Marina from MUA- 20, where marinas are permitted, to RF, in which a marina is a nonconforming use. For the reasons discussed below, Fred's Marina objects to this change.

Prior to the adoption of Multnomah County's Comprehensive Plan in 1976, Fred's Marina was zoned M-1, Light Industrial. Due to the characteristics of surrounding property (such as the Caffal Bros. Forest Product mill located across the channel) Fred's Marina was zoned MUA-20 in the Multnomah County Comprehensive plan. This zone change was made primarily because it was felt that MUA-20 was the "best fit" for a marina. In any event, a marina was a permitted use in both M-1 and MUA-20, and remains so today. The proposed change contained in the Compliance project will, for the first time in over 50 years of operation, make Fred's Marina a non-conforming use.

Fred's Marina opposes the current proposal incorporated in the Compliance project which will downzone Fred's Marina's property from MUA-20 (Mult. Co.) to RF (Portland). The effect of this downzone will be to preclude Fred's Marina from moving forward on its six-year old plans to expand its operations. By downzoning the property, Multnomah County and the City of Portland will significantly decrease the value of Fred's Marina's property.

O'DONNELL & CLARK LLP

Multnomah County Board of Commissioners
September 20, 2001
Page 2

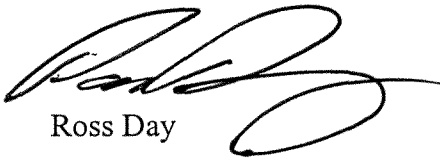
Adoption of the Compliance project would also place Fred's Marina in the unenviable position of having to comply with, and coordinate with, both the City and the County. The Compliance project only covers a portion of Fred's Marina's property. That is, a portion of the property will be regulated by the County and a portion will be regulated by the City. Adding to the difficulty is the fact that one portion of the property (that within Mult. Co. jurisdiction) operation of a marina is a permitted use, while in the other portion of the property (that within City of Portland jurisdiction) the operation of a marina is not permitted. The fact that one jurisdiction permits Fred's Marina's current use while the other jurisdiction does not will likely make it difficult for Fred's Marina to move forward on any projects to upgrade or expand the marina.

I have spoken with planning staff with the City of Portland and Multnomah County. The explanation given for why the downzoning of Fred's Marina is moving forward is because the RF Zone in the City of Portland's Code is the best "match" for the County's MUA-20 Zone. However, in a MUA-20 Zone, marinas are a permitted use whereas in the City's RF Zone, a marina would be a nonconforming use, with no opportunity to expand.

Fred's Marina objects to the current proposal which will downzone Fred's Marina, causing the marina to suffer a significant decrease in the fair market value of its property. For more than 50 years Fred's Marina has provided valuable services to the local community and looks forward to doing so for another strong fifty years. We look forward to working with the County and the City of Portland to develop a solution amenable to all affected interests.

Thank you for your courtesies and attention to this matter.

Very truly yours,



Ross Day

cc: Frevach Land Company
Kelly Clark, Esq.
Mark O'Donnell, Esq.

P.O. Box 8398
Portland, OR 97207
Sept 20, 2001

Multnomah County Commissioners -
501 SE Hawthorne Blvd Rm 100
Portland OR

Re: Portland Project - 4880 SW Humphrey Blvd -
4900 SW Humphrey Blvd -
4920 SW Humphrey Blvd -

I understand you are to consider the Planning Commission's recommendations regarding the subject properties. In behalf of the several owners, I am again protesting any conservation designation on the properties.

According to the several reports and staff information the basis for such designation ~~being~~ proposed was tree growth and other vegetation existing several years ago. All such vegetation was removed in accordance with existing law and regulation more than two years ago - even the stumps were removed. Thus, there is no basis in law or fact for such designation at this time nor was there in June when the Planning Commission adopted its recommendations. At that time Tom McCulloch (?) confirmed or reported such removal but no amendment was made to delete that ~~regulation~~ designation and it was then stated that such change could be made at the commission level which I now ask that you do.

Respectfully,

Please also copy: Peter Voorhies
PO Box 11140
Bainbridge Is WA 98110

P. Voorhies
P. Voorhies II



SCHWABE, WILLIAMSON & WYATT, P.C.
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

THOMAS M. TRIPLETT

Admitted in Oregon

Direct Line: (503) 796-2901

E-Mail: ttriplett@schwabe.com

September 19, 2001

VIA FACSIMILE AND US MAIL

Diane Linn, Chair
Serena Cruz
Lisa Naito
Lonnie Roberts
Maria Rojo de Steffey
Multnomah County Commission
County of Multnomah
501 S.E. Hawthorne, Suite 600
Portland, OR 97214

RECEIVED

SEP 19 2001

DIANE LINN
MULTNOMAH COUNTY CHAIR

Dear Commissioners:

On September 20, 2001 at 10:30 A.M., the Commission will consider whether to adopt the June 18, 2001 recommendation of the Planning Commission. It is the purpose of this letter to strongly urge, alternatively, rejection; bifurcation; or tabling of the recommendation.

I write as an affected person. My property was purchased from two separate sellers in 1967. Each parcel is in a separate tax lot and has been assessed accordingly. It had been our intent to sell the smaller lot as we neared retirement in order to assure our ability to remain in the home on the larger parcel. Last spring, we listed the property at \$200,000, the value attributed to the parcel by professional realtors. At that time, we had received no notice from the County of intent to impose land-use restrictions, other than the existing R 20, upon the property. When the Planning Commission voted to recommend that this property be zoned so that no beneficial use could be made, the broker advised that it be taken off the market, as there could be no sale under the conditions to be imposed.

During the interim, I have communicated by phone and mail with Susan Muir. She left a message to communicate with Tom McGuire who might look at ameliorative alternatives. Unfortunately, a ping-pong of calls was exchanged, with the ball remaining on Mr. McGuire's side of the court. Thus, no discussions have occurred about possible alternatives to ameliorate the draconian effect of the proposed action.

It appears that there are three issues before the Commission. The first is to transfer planning functions from the County to the City. That seems to make good economic sense, as it would support efficient allocation of governmental resources. The second involves continuation of the zoning regulations pertaining to footage. I have no issue with that

Multnomah County Commissioners
September 19, 2001
Page 2

recommendation, although I share the concerns of the Dunthorpe residence that the impact of enhanced density will drastically change the character of their neighborhood with no obvious or certain countervailing benefits.

Rather, I focus upon that aspect of the recommendation that applies environmental overlays. I can assure that no snail darters, coho embryo, or native plants (other than weeds) populate the affected extra lot. Indeed, at one time, it was a pasture with a flow of water that was never more than 2 inches deep and in summer becomes a mere 1" by 6". The *Del Monte Dunes* case puts these facts in proper perspective.


It seems clear that the proposed overlay constitutes a taking under the U.S. Supreme Court decision in *Palazzola*, announced this spring. Of course, staff will urge that imposition of the environmental restrictions on 70% of both parcels and 100% of the separate parcel passes constitutional muster because of adjacency. However, as the Supreme Court counseled, the property can be conveyed to a third party and when a building permit is refused, they have a matured taking claim. Alternately, if Measure 7 is found to be constitutional, it will compel recompense for not merely this parcel, but the larger parcel; and all other people adversely effected by the recommendation.

At the time that the recommendation was made, the Planning Commission did not have the advantage of the Supreme Court decision. It is not certain that it would have approved this recommendation had it been aware of the far-reaching implications of this decision.

There appear to be a variety of alternatives, which the Commission could follow. Of course, the simplest is to reject the recommendation, sending it back to the Planning Commission for further analysis. That does not appear to make good sense, given the amount of work that has gone into this matter. Rather, consolidation should be approved. Those aspects of the recommendation, which merely require reinstitution of R 20 and R 10 zoning, should be approved. I leave to others the Dunthorpe quandary. Finally, institution of the environmental overlay should be tabled until the impact of the U.S. Supreme Court decision is carefully assessed and the Oregon Supreme Court has determined the status of Measure 7. This would avoid immediate, potent claims against the County and permit a clear assessment of the economic consequence of passing such a recommendation.

Regrettably, if the recommendation is approved, I will turn the matter over to Joe Willis and his condemnation professionals who have had great success in the Dolan/Tigard matter and recently with the City of Eugene. I would hope this would not be necessary.

Very truly yours,



Thomas M. Triplett

TMT:lc

BOGSTAD Deborah L

From: MUIR Susan L
Sent: Tuesday, October 02, 2001 9:44 AM
To: LINN Diane M; NAITO Lisa H; ROBERTS Lonnie J; CRUZ Serena M; ROJO DE STEFFEY Maria
Cc: MARCH Steve J; NAITO Terri W; WALKER Gary R; ROMERO Shelli D; BOGSTAD Deborah L; CARROLL Mary P; BUSSE Kathy A; DUFFY Sandra N; Karl Lisle (E-mail)
Subject: Staff Response to public testimony on September 20, 2001



3CCSeptember2020
01hearingtesti...

Chair Linn and Board - attached is a table addressing all of the testimony received at the September 20, 2001 public hearing. On Thursday the 4th we will have revised maps of the properties discussed in this table. We will distribute those at the meeting. The property owners have been involved in the changes we have made to the maps.

We will bring plenty of copies of this memo and the revised maps with us on Thursday. Please let me know if you have any questions or concerns.

Thank you,
Susan Muir x83182

Multnomah County Board of Commissioners
Staff Response to September 20, 2001 Public Testimony

Name	Property Address/Location	Summary of Testimony	Staff Response
Oral testimony			
Ali Azad	1N1W36A 500 (Balch Canyon area of Area #38)	Concerned about development potential and value of his property with proposed downzoning from R10 to RF and application of environmental overlay zones to 100% of parcel.	Tom McGuire met with the property owner on 9-28-01. Several changes to the recommended environmental zoning have been made. A memo with revised map documenting these changes will be presented at the 10-4-01 hearing.
Logan Ramsey	1N1W25B 1200 3026 NW SKYLINE BLVD	Strongly against transfer of authority from County to City. Strongly against environmental zoning on his property.	Property owner brought up same issues and concerns to Planning Commission. No change is proposed to the recommended environmental zoning on the property. See Tom McGuire's 7-23-99 memo, page 8.
Charles Rosenfeld	1N1W36CD 301 7785 NW STARK ST	Questions validity of environmental zoning on properties. Also representing Joe Good and Robert Thompson with similar concerns on neighboring properties.	Tom McGuire met with the property owners on 9-27-01. Several changes to the recommended environmental zoning have been made. A memo with revised map documenting these changes will be available at the 10-4-01 hearing.
Lacey Maginnis	1S1E05CB 3100 1931 SW HIGHLAND RD	Opposes environmental zoning on property. Disputes existence of resource.	Tom McGuire met with the property owner on 6-19-01 and made modifications to the recommended environmental zoning. These changes are outlined on page 6 of Tom McGuire's 8-7-01 memo.

Multnomah County Board of Commissioners
Staff Response to September 20, 2001 Public Testimony

Bob Scholz	1N1W36CD 500 281 NW MILLER RD	Opposes environmental zoning. Questions location of resource.	Tom McGuire met with the property owner on 9-27-01 and has made modifications to the recommended environmental zoning. A memo with revised map documenting these changes will be available at the 10-4-01 hearing.
Jim Jenkins	1S3E18B 400 4801 SE 174TH AVE	Wants access to Portland sewer. Argues that if properties have to be under City regulations, City should provide sewer.	Annexation is generally a requirement for access to Portland sewer. The City cannot annex non-contiguous property. Mr. Jenkins' property is not immediately adjacent to property within the City of Portland.
Ross Day	2N1W34 200 12800 NW MARINA WAY Representing Fred's Marina	Opposes proposed base zoning conversion from County MUA-20 to City RF. The proposed zoning will make the marina a non-conforming use.	This project has converted County zoning to the closest equivalent City zoning. This project is not proposing any major land use changes. City RF is the closest available zone to County MUA20. All City zoning designations that would allow a commercial use outright would require significant increases in available public facilities (generally not available without annexation). The Planning Commission requested staff notify the property owner that 'grandfathering' opportunities exist under current County code. Staff communicated that to Mr. Day on two occasions following the Planning Commission hearing.

Multnomah County Board of Commissioners
Staff Response to September 20, 2001 Public Testimony

Anshula Kedar	1N1W36BD 2800, 2900, 3000 637 NW SKYLINE CREST RD	Request on site review of environmental overlay zoning. Disputes location of environmental resources.	Tom McGuire met with the property owners on 9-26-01 and has made modifications to the recommended environmental zoning. A memo with revised map documenting these changes will be available at the 10-4-01 hearing.
Tim Ramis	Undisclosed client(s)	Proposed amendments to the ordinance including language on development applications vesting under the laws in existence at the time of application.	The proposed amendments have been incorporated into the adopting ordinance before the County Board of Commissioners.
Wendie Kellington	1S1E07BD 1400, 1500, 1600 5735 SW Grover Ct. Representing RF Investment Company	Opposition to application of environmental zoning to the properties. States that development potential of property reduced from 14 to 3 lots. Questions legality of proposed transfer of authority from the County to the City. Questioned noticing procedures. Detailed written testimony provided.	See response to written testimony.
Judith Ann Fenker	Tax lot 2300, T1SR1E Section 7	Effects of Environmental zoning have not been studied enough, lack of notice and explanation to public and lack of 'grandfathering' for development approved under county regulations. Believes implementation of e-zones will hinder our compliance with 2040 goals.	Tom McGuire met with the property owner on 9-27-01. No changes to the recommended environmental zoning are proposed. A memo documenting this recommendation will be available at the 10- 4-01 hearing. The implementation of e-zones are a step towards achieving compliance with the 2040 goals, which include natural resource protection.
Julie Papavero		Supports environmental zoning.	

Multnomah County Board of Commissioners
Staff Response to September 20, 2001 Public Testimony

Maxine Selling	1S1E07BD 2300 5701 SW PATTON RD	Believes environmental zoning overlays different from those agreed upon during 1999 Planning Commission hearings.	Tom McGuire discussed the proposal with Ms. Selling following the hearing on 9-20- 01 to clarify. No changes are recommended to the proposed environmental zoning.
Written Testimony			
Gary Alan Spanovich	1S1E06BC 4400 SW 61 st area. Representing Northwest Tibetan Cultural Association	Supports environmental zoning as recommended.	
Stephen Janik	1N1E31DA 1000 Representing Greg Goodman, 345 NW Hilltop Drive	Believes environmental zoning on a parcel owned adjacent to his residence constitutes a regulatory taking.	The Portland Zoning Code considers adjacent properties under common ownership as one buildable lot. The existence of the resources was confirmed in Tom McGuire's 8-7-01 memo on page 11.
Gary and Michelle Young	1N1W36CA 500 456 NW SKYLINE BLVD	Believe neighboring property was incorrectly left out of the environmental zoning as proposed. Request that the property be included in the environmental protection overlay.	Property in question was included in 1999 ESEE analysis. Sylvan section begins on page 57 of the Planning Commission Recommendation. The analysis determined that the resources on the property in question were not sufficient to warrant an environmental protection zone. No changes recommended.
Robert Van Brocklin	Representing Joseph Angel, 5100 NW Skyline Boulevard	Not a part of project, wanted proof.	Staff mailed a map of the affected areas to Mr. Van Brocklin on October 2, 2001.
Tim Ramis	Undisclosed client	Wanted 'grandfathering' language in Ordinance	The Ordinance was amended at the September 20, 2001 hearing to include language addressing the concern. Mr. Ramis testified he is okay with the language.

Multnomah County Board of Commissioners
Staff Response to September 20, 2001 Public Testimony

<p>Oregon Technical Services Center – Harry Czyzewski, Marie Rikes</p>	<p>1966 NW Ramsey Crest and vacant adjacent 'lot 83'.</p>	<p>Want environmental overlay zone on lot 83 removed.</p>	<p>Staff visited the site and met with the property owners on 7-20-99 and on 8-1-01 to discuss the proposed environmental zoning. Modifications were made following the first meeting. Refer to page 10 of Tom McGuire's 7-23-99 memo and page 9 of the 8-7-01 memo. Staff presented the modifications to the Multnomah County Planning Commission. The Planning Commission heard additional testimony and accepted the recommendation of staff. Staff subsequently met again with the property owners to discuss the implications of the overlay zone and the situation on the lot and would still maintain the same recommendation to the Board about the location of the protection zone on lot 83.</p>
<p>Peter Voorhies</p>	<p>4880 SW Humphrey Blvd 4900 SW Humphrey 4920 SW Humphrey</p>	<p>Protesting any conservation designation on the properties.</p>	<p>All trees were removed from this property immediately following the Planning Commission recommendation. There are currently no county rules prohibiting such action, however such action does not exempt the property from the protection placed during the initial classification of this property. The Planning Commission heard testimony regarding this and other properties that had been cleared of vegetation between hearings and agreed that no changes should be made.</p>

Multnomah County Board of Commissioners
Staff Response to September 20, 2001 Public Testimony

Tom Triplet	1S1E06CB 800 1521 SW 61ST DR	Owens two adjacent parcels. Had hoped to sell vacant one as a development site. Argues that the proposed environmental zoning on his property will render this lot unbuildable and that this constitutes a regulatory taking.	Staff has verified the existence of the mapped environmental resources using aerial photographs and visual observation from the adjacent right-of-way. This is documented on page 8 of Tom McGuire's 8-7-01 memo. A triangular-shaped area roughly 50'x150' remains outside the proposed protection zone.
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Multnomah County Board of Commissioners
Staff Response to September 20, 2001 Public Testimony

<p>Wendie Kellington</p>	<p>1S1E07BD 1400, 1500, 1600 5735 SW Grover Ct. Representing RF Investment Company</p>	<p>Believes noticing on project has been inadequate. Opposition to application of environmental zoning to the properties. States that development potential of property reduced from 14 to 3 lots and that compensation must be provided. Argues that environmental zoning regulations are contrary to statewide housing goals and Metro's Functional Plan Table 1 housing target capacities. Questions legality of proposed transfer of authority from the County to the City. Recommends holding additional hearings at least 30 days from 9-20-01.</p>	<p>In addition to the notices sent in 1999, specifically in the last year, staff confirmed the property owners were mailed the following notices: -April 2001, notice of review and beginning project -May 2001, notice of Planning Commission Public hearing on proposal -August 2001, notice of Board of County Commissioner Public hearing on proposal Staff has verified that the proposed conservation and protection zones are accurately mapped to reflect significant resources on the properties in question. Overall, the housing capacity in the Multnomah County unincorporated areas remains virtually unchanged as a result of this project. There are at least two precedents in Oregon in which counties have delegated quasi-judicial planning and zoning authority for unincorporated urban areas to nearby cities. Lane County has such an agreement with Eugene and Washington County has a similar one with Tigard. Legislative authority is not being delegated. Staff feels that there has been sufficient time for public involvement over the three-year life of the project and that the current recommended proposal is ready for adoption.</p>
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BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Tuesday, October 02, 2001 9:55 AM
To: BOGSTAD Deborah L; MUIR Susan L
Cc: FARMER Stuart L
Subject: RE: 2nd Reading of Compliance Project Ordinance

Maria wanted language in the Ordinance indicating that the County was not giving up its legislative authority (because it can't under state law). However, we don't know that there are 3 votes for that amendment. So Susan is drafting up some language for Maria to use to move to amend the present version of the Ordinance. Susan will bring to the meeting an amended version, but it would be premature to make that amendment now. If the amendment is adopted, then we'll incorporate the language into the Ordinance that will have a third reading.

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

From: BOGSTAD Deborah L
Sent: Tuesday, October 02, 2001 8:30 AM
To: DUFFY Sandra N; MUIR Susan L
Cc: FARMER Stuart L
Subject: 2nd Reading of Compliance Project Ordinance

Any idea when I will be getting the Board requested staff report and amended ordinance? Electronic is fine - I need to make copies for the Board and Boardroom. Thanks!

Deb Bogstad, Board Clerk
Multnomah County Chair's Office
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277
<http://www.co.multnomah.or.us/cc>



CITY OF PORTLAND, OREGON BUREAU OF PLANNING

VERA KATZ, MAYOR
GIL KELLEY, DIRECTOR
1900 S.W. FOURTH AVENUE, ROOM 4100
PORTLAND, OREGON 97201-5350
TELEPHONE: (503) 823-7700
FAX: (503) 823-7800
E-mail: pdxplan@ci.portland.or.us

October 3, 2001

THIRD MEMORANDUM

TO: Multnomah County Board of Commissioners

FROM: Tom McGuire, Senior Planner, Portland Planning Bureau

SUBJECT: Multnomah County – Portland Compliance Project; Additional Modifications to Multnomah County Planning Commission Recommendations

The following are staff responses to environmental zoning issues raised by citizens at the September 20 hearing of the County Board of Commissioners. This memo provides a summary of the status of five sites that were brought to the Board's attention through testimony at the hearing. Refinements to the proposed environmental overlays are recommended at three of the five sites to more accurately reflect site conditions.

Staff advises that the County Board of Commissioners amend the Planning Commission recommended environmental zoning as described in this memo and shown in the attached figures. The memo is organized to follow the August 15 and September 17 memos. The figures begin with Figure 16.

Key to Figures. In the figures below, dark gray shades represent the Environmental Protection overlay zone, lighter gray shades indicate the Environmental Conservation overlay zone. In some cases the proposed corrections to the overlay zone lines are indicated by a light colored line. The subject property boundaries are outlined. All aerial photos are from the summer of 2000.

Site #1 Miller Road Area: Rosenfeld, Good, Thompson, and Scholz Properties

Property Location: NW Miller Road and NW Stark Ave. **Map:** 3021

Issue: In testimony at the hearing and in phone conversations prior to the hearing a number of issues have been raised with the mapping in this area. Staff has found inaccuracies in the location of both the Environmental Conservation and Environmental Protection overlays on the affected properties. Because of this staff will address this as one site including a number of properties rather than on an individual property owner basis.

Staff Response: Staff met with four of the property owners (Rosenfeld, Good, Thompson, and Scholz) at the site on 9/27/01 and walked over much of the area. There were two main issues discussed: (1) the general extent of Environmental Protection overlay on the main tributary stream and the Environmental Conservation overlay surrounding it, and (2) The location of the Environmental Protection overlay on the northern tributary crossing the Scholz property.

The discussion of the first issue was focused on the width of the Environmental Protection overlay. The Planning Commission recommendation was for a 200-foot-wide Environmental Protection overlay centered on the stream. For tributaries of this type staff generally recommends 100 feet on either side of the stream. After visiting the site staff agreed to eliminate the Environmental Conservation overlay or reduce it to a 25-foot buffer surrounding the Environmental Protection overlay. Staff does not agree with the property owners that the Environmental Protection overlay should be reduced. Staff did agree that a "200-foot" designation would be placed on the Official City Zoning Map which indicates that the overlay is 200 feet wide and centered on the stream—100 feet on either side.

On the second issue Staff confirms that Environmental Protection overlay does not accurately follow the northern tributary. On the east side of the Scholz driveway the stream extends out to the northeast not to the southeast as currently mapped.

Recommended Action: Staff recommends that the County Board of Commissioners modify the Environmental Conservation and Environmental Protection overlay zones, as shown in Figure 16, to better match the significant resources on the site.

Figure 16



October 3, 2001

Page 3

Site #2: Kedar Property

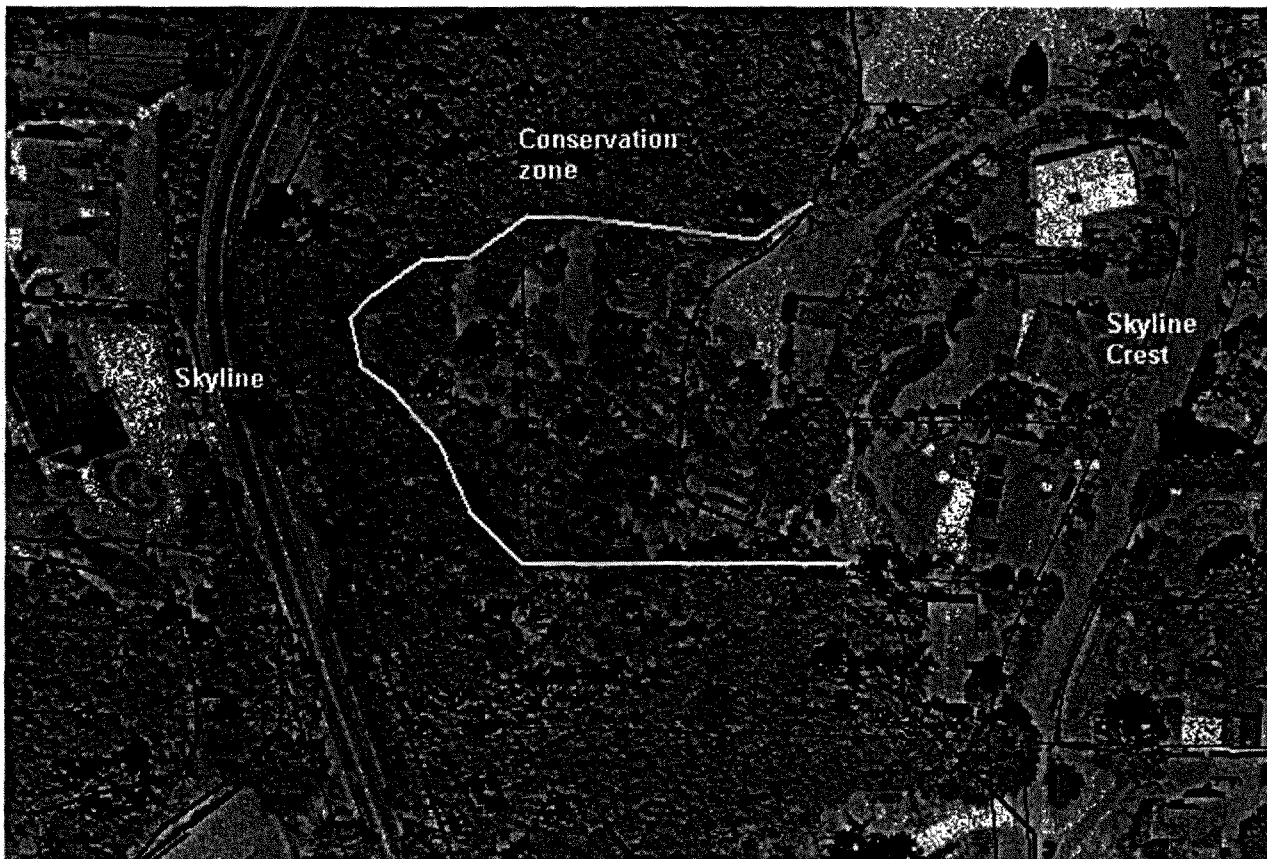
Property Location: 637 NW Skyline Crest **Map:** 2921

Issue: Anshulaaa Kedar testified about concerns with the accuracy of the application of an Environmental Conservation overlay to a portion of her property.

Staff Response: Staff met Ms. Kedar on the property on 9/26/01. Ms. Kedar pointed out areas of the property where there were extensive constructed and landscaped terraces. After touring the property Staff agreed that there were no significant resources in the area of the constructed terraces.

Recommended Action: Staff recommends that the County Board of Commissioners amend the proposed Environmental Conservation zone, as shown in Figure 17 below, in order to remove Environmental Conservation overlay zoning from portions of the property where no significant natural resources are present.

Figure 17



Site #3: Azad/Mosaedi Property

Property Location: NW Cornell Road near NW Skyline Blvd.

Map: 2922

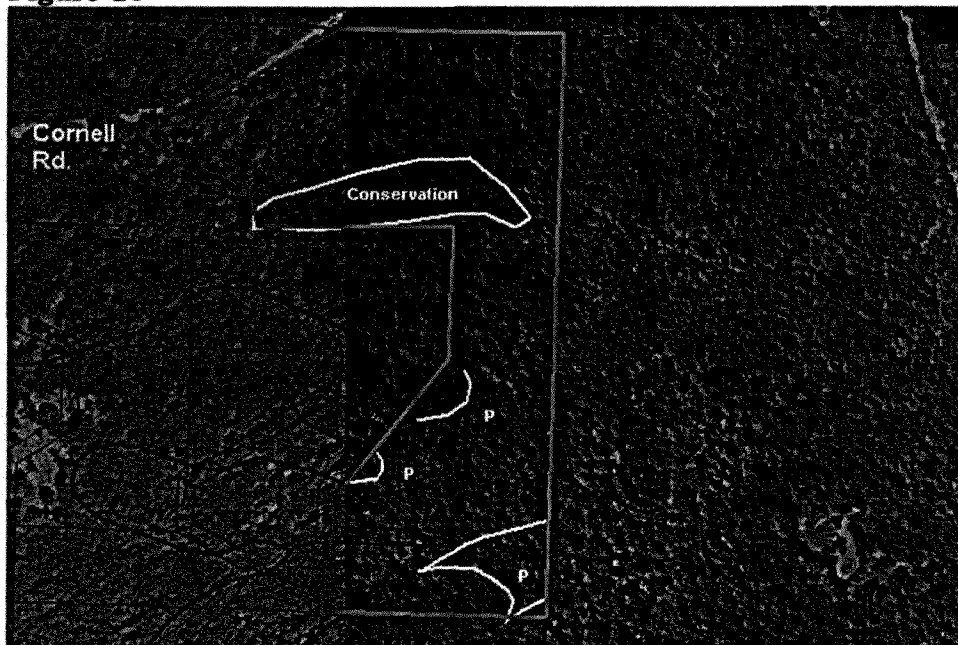
Issue: Ali Azad testified about concerns with the application of an Environmental Protection overlay to a large portion of his property.

Staff Response: Staff met Mr. Azad's co-owner, Mr. Mosaedi, on the property on 9/28/01. Staff discussed the difficult development issues involved with this property with Mr. Mosaedi and his real estate agent Mr. Petrossian. This property is nearly landlocked on very steep terrain in the upper Balch Creek canyon. The City of Portland adopted a policy in 1990 that stated there would not be public sanitary sewer service provided within the Balch Creek canyon so all lots would have to be on septic systems. To access the property the developer would have to construct a bridge over Balch Creek at considerable expense. There is very limited development potential on this property.

However, after reviewing topographic information and access issues staff agrees that there should be an adjustment to locations of the Environmental Protection overlay and the Environmental Conservation overlay. These changes would not be based on resource location and quality issues but would be based on a modification of the ESEE analysis to recognize the only location on the property where some development would be possible. The current Planning Commission recommendation for the location of the Environmental Conservation overlay is in an area that is inaccessible and not suitable for septic systems. Staff proposes to move the Environmental Conservation overlay to a location on a ridgetop that is over 250 feet from Balch Creek and is probably the only place on the property that could be developed.

Recommended Action: Staff recommends that the County Board of Commissioners amend the proposed Environmental Conservation and Environmental Protection zones, as shown in Figure 18 below.

Figure 18



October 3, 2001

Page 5

Site #4: Fenker Property

Property Location: SW Scholls Ferry Road north of SW Patton Rd.

Map: 3323

Issue: Judy Fenker testified about concerns with the application of an Environmental Conservation overlay to a portion of her property.

Staff Response: Staff met Ms. Fenker on the property on 9/27/01. Staff discussed resource issues and development options on this property with Ms. Fenker. Staff did not see any error in the location of the proposed Environmental Conservation overlay on this property and agreed to disagree with Ms. Fenker. Her view was that the resources on the property did not warrant any protection. Staff disagrees and has subsequently learned from a neighboring property owner that a large bull elk was seen on the property just this week.

Recommended Action: No change.

Figure 19



Site #5: R. F. Investment Co. Property

Property Location: SW Grover Court near SW Scholls Ferry Road

Map: 3323

Issue: Wendie Kellington represented the property owner and testified about a number of issues one of which was a concern with the application of an Environmental Conservation overlay to a portion of her client's property.

Staff Response: Staff was not able to directly contact Ms. Kellington. Staff first called Ms. Kellington on 9/24/01 and left a detailed message with questions including who staff should contact about visiting the property—Ms. Kellington or a consultant who had previously contacted Staff about the same property on 9/12/01. Ms. Kellington returned the call on 9/26/01 but did not leave any information addressing Staff's questions. Staff called Ms. Kellington two additional times and left messages. There has been no return call.

There are no obvious errors in the location of the Environmental Protection and Environmental Conservation overlay zones on the property although Staff did not walk the property.

Recommended Action: No change.

Figure 20



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Portland's Zoning Code, Comprehensive Plan and Maps and Community Plans

(~~Struckthrough~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland amended the urban services agreement to include an agreement that the City of Portland would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. In 1999, two public hearings were held before the Multnomah County Planning Commission on the proposal.
- f. In June, 2001, another public hearing was held before the Multnomah County Planning Commission and the Planning Commission forwarded a recommendation to the Board of County Commissioners accepting the staff recommendation to comply with the Functional Plan.
- g. Direct mail notice, in compliance with ballot measure 56 was sent prior to the June 18, 2001 public hearing before the Multnomah County Planning Commission and before the September 20, 2001 public hearing before the Board of County Commissioners.
- h. On September 20, 2001, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Portland and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- A. City of Portland Zoning Code, titles 10, 32, 33 and 34
- B. The Portland Comprehensive Plan
- C. The Portland Comprehensive plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- D. The Outer SE and SW Community Plans
- E. The proposed Metro Design Type Boundary Maps
- F. The proposed County-City Street Classification Conversion Chart
- G. The amended zoning maps attached - including the revisions to the proposed environmental overlay zones presented at the hearing on September 20, 2001.

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, the County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Portland Zoning Code, titles 10, 32, 33 and 34, to include the 'Code Maintenance 2001' update, effective September 7, 2001
- (2) The Portland Comprehensive Plan
- (3) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)
- (4) The Outer SE and SW Community Plans
- (5) The proposed Metro Design Type Boundary Maps
- (6) The proposed County-City Street Classification Conversion Chart
- (7) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Portland Zoning Code titles 10, 32, 33 and 34 and maps adopted by reference in those Ordinances.

Section 3. In accordance with ORS 215.427(3), the changes resulting from Sections 1 and 2 of this ordinance shall not apply to any decision on an application that is submitted before the effective date of this ordinance and that is made complete prior to the effective date of this ordinance or within 180 days of the initial submission of the application.

Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 5. The Multnomah County Board is not intending to delegate legislative authority on land use planning in the unincorporated areas in violation of Multnomah County Charter Section 2.20. The Board of County Commissioners hereby directs the staff to move forward to develop an Intergovernmental Agreement to transfer quasi-judicial authority in accordance with this ordinance, but not legislative authority for future code revisions and amendments to these documents. The Board wants to ensure Multnomah County residents will have an opportunity to testify and participate in revisions to zoning regulations in Unincorporated Multnomah County within the Urban Growth Boundary.

Section 6. This ordinance is effective January 1, 2002.

FIRST READING:

September 20, 2001

SECOND READING:

October 4, 2001

THIRD READING AND ADOPTION:

October 11, 2001

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By _____
Sandra N. Duffy, Deputy County Attorney

MEETING DATE: October 4, 2001
AGENDA NO: R-4
ESTIMATED START TIME: 10:15 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Authorizing Participation in the Community Partnership Agreement Between Multnomah County, the City of Portland, Association for Portland Progress, Portland Metropolitan Chamber of Commerce, and the Portland Development Commission

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

REGULAR MEETING: DATE REQUESTED: October 4, 2001
AMOUNT OF TIME NEEDED: 20 Minutes

DEPARTMENT: Non-Departmental DIVISION: Chair's Office

CONTACT: John Rakowitz TELEPHONE #: (503) 988-5137
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: John Rakowitz, Dave Boyer and Invited Guests

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Resolution Authorizing Participation in the Community Partnership Agreement Between Multnomah County, the City of Portland, Association for Portland Progress, Portland Metropolitan Chamber of Commerce, and the Portland Development Commission

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn

(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

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MULTNOMAH COUNTY
OREGON
CLERK OF BOARD
CLERK OF BOARD



MULTNOMAH COUNTY, OREGON

COUNTY COMMISSIONERS

DIANE LINN, CHAIR
MARIA ROJO de STEFFEY, DISTRICT #1
SERENA CRUZ, DISTRICT #2
LISA NAITO, DISTRICT #3
LONNIE ROBERTS, DISTRICT #4

DEPARTMENT OF SUPPORT SERVICES

MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. 4TH FLOOR
PO BOX 14700
PORTLAND, OR 97293-0700
PHONE (503) 988-3312
FAX (503) 988-3292

MEMORANDUM

TO: Board of County Commissioners

FROM: David Boyer, Finance Director

DATE: September 27, 2001

AGENDA DATE: October 4, 2001

SUBJECT: Community Partnership Agreement Between the City of Portland, Association for Portland Progress, Portland Metropolitan Chamber of Commerce and Multnomah County.

I. Recommendation / Action:

Approve County participation in the Community Partnership Agreement between the City of Portland, Association for Portland Progress, Portland Metropolitan Chamber of Commerce and Multnomah County. Resolution names the County representatives on the Project Steering Committee and Project Technical Team.

II. Background / Analysis:

The County's Business Income Tax is the second largest General Fund revenue (\$30.4 million in fiscal year 2001), representing about 12.8% of the total General Fund revenues. The Business Income Tax revenue declined 6.67% between fiscal year 1999 and fiscal year 2000, declined 12.16% between fiscal year 2000 and fiscal year 2001. Over the last few years the Business Income Tax has become increasingly more difficult to forecast. The County's rating agency, Moody's Investors Service, has expressed concern about the volatility of the Business Income Tax and its impact on the General Fund financial condition.

1977 was the last time a comprehensive Countywide economic tax review was completed and it has been eight years since the County Business Income Tax underwent a comprehensive review. The local, regional, national and global economies have undergone significant changes and with the current financial condition of the County it is important that we undertake a comprehensive economic analysis.

This analysis should identify those industries or industry clusters for which Portland and Multnomah County are (or could be) competitively positioned, and those industries or industry

clusters for which Portland and Multnomah County are not (and cannot be) a competitive location.

The scope for completing Competitive Position Analysis will include analytical elements such as; existing building stock, by type, occupancy, vacancy and turnover rates; vacant available land supply by type and parcel size; facility development costs including land, construction and infrastructure costs, permits, fees and regulatory requirements; facility operating costs including rent, parking, operating taxes and fees, and utilities; transportation functionality, costs and infrastructure capabilities, capacities and reliability, including parking, gas, electricity, telecom, water, and sewer needs; labor availability and costs by occupation and skills types; capacity and performance of existing training and education systems to meet the labor and skill needs and expectations of firms, and perceptions of public schools; housing costs and availability, local transit functionality, quality of life elements; impact of local, state and federal regulations; impact of local, state and federal taxes.

The review of the City of Portland Business License Fee (BLF) and Multnomah County Business Income Tax (BIT) will include research of the legislative history and legislative intent governing the BLF and BIT, determine if and how the relative obligations of the BLF and BIT taxes on the various businesses and industries have changed over the last decade; through a quantitative analysis of all BLF and BIT payers over the last decade, determine how the tax collections have fluctuated, how the composition by number and type of payers has changed and how the amounts paid by all industry categories have been distributed over that same period of time; compare the quantitative trends by industry categories with real job creation in each industry category during the last decade; determine the impact of changes in federal and state tax laws; and review of the multi-year revenue that the BLF and BIT have provided to the City and the County.

The analysis and follow up recommendations and other work will take about a year to complete.

I. Financial Impact:

No immediate financial impact will result from this action. The partners in the agreement have agreed to complete an in-depth evaluation of the Business License Fee and Business Income Tax, and to consider changes that may be needed in order to achieve a predictable tax system that is equitable in allocation, efficient in collection, and that furthers the mission of the City and the County without reducing the revenues available to these local governments.

IV. Legal Issues:

Final outcome may require changes to the County's and City's business tax codes.

V. Controversial Issues:

There are many factors that drive economic competitiveness and there will be varied views on what impacts that different tax structures will have on the economic competitiveness.

VI. Link to Current County Policy:

Agreement continues the County's efforts to work cooperatively with other local governments and the business community to review the County's Business Income Tax and the City's Business License Fee and to assess the economic competitiveness of the community.

VII. Citizen Participation:

Association for Portland Progress, East County Chamber of Commerce, Portland Neighborhood Business Association and Portland Metropolitan Chamber of Commerce,

VIII. Other Government Participation:

City of Portland, City of Gresham, Tax Supervising and Conservation Commission and Portland Development Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Participation in the Community Partnership Agreement Between Multnomah County, the City of Portland, Association for Portland Progress, Portland Metropolitan Chamber of Commerce, and the Portland Development Commission

The Multnomah County Board of County Commissioners Finds:

- a. The Board supports a comprehensive review of actions to support the County's economic health to generate revenues necessary for services to County citizens and businesses.
- b. Significant changes to the economy in the last decade require a comprehensive assessment of the local economy and make County and City of Portland competitiveness a necessity.
- c. Multnomah County last undertook a comprehensive assessment of its economic competitiveness in the local, regional, national and global economies in February 1977.
- d. It has been eight years since the County Business Income Tax has undergone a comprehensive review.
 - The Business Income Tax is the second largest General Fund revenue (\$30.4 million in fiscal year 2001), representing about 12.8% of the total General Fund revenues.
 - The Business Income Tax revenue declined 6.67% between fiscal year 1999 and fiscal year 2000, declined 12.16% between fiscal year 2000 and fiscal year 2001. It has become increasingly more difficult to forecast.
- e. Moody's Investors Service, the rating agency, has expressed concern about the volatility of the Business Income Tax and its impact on the General Fund.

The Multnomah County Board of County Commissioners Resolves:

1. The County will participate in a "Competitive Position Analysis" to examine the County's economic assets and liabilities and review economic opportunities and constraints. The "Competitive Position Analysis" will identify industries or industry clusters for which Portland and Multnomah County are (or could be) competitively positioned, and industries or industry clusters for which Portland and Multnomah County are not (and cannot be) a competitive location.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-129

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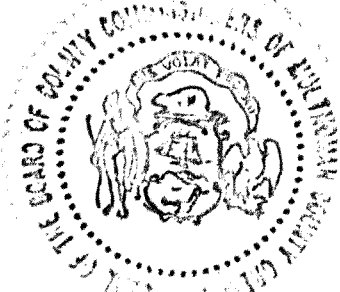
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The Multnomah County Board of County Commissioners Resolves:

1. The County will participate in a "Competitive Position Analysis" to examine the County's economic assets and liabilities and review economic opportunities and constraints. The "Competitive Position Analysis" will identify industries or industry clusters for which Portland and Multnomah County are (or could be) competitively positioned, and industries or industry clusters for which Portland and Multnomah County are not (and cannot be) a competitive location.

2. The County will participate in an in-depth evaluation of the City of Portland Business License Fee and County Business Income Tax, and consider changes that may be needed to achieve a predictable tax system that is equitable in allocation, efficient in collection, and that furthers the missions of the City of Portland and Multnomah County **without reducing the revenues**.
3. The attached Community Partnership Agreement between Multnomah County, the City of Portland, Association for Portland Progress, Portland Metropolitan Chamber of Commerce and the Portland Development Commission will guide the County's participation.
4. The County will have active participation on the Project Steering Committee and The Technical Project Team.
 - Overall coordination for implementing this agreement will be the responsibility of a 13-member Project Steering Committee.
 - An 11-member Technical Project Team will coordinate staff work for review and feedback to the Project Steering Committee.
5. The County representatives on the Project Steering Committee are:
 - Co-chair, John Rakowitz, Chair's Office
 - Maria Rojo de Steffey, Board of County Commissioners
 - Dave Boyer, Finance Director
6. The County Representatives on The Technical Project Team are:
 - Co-chair, Dave Boyer, Finance Director
 - Thomas Sponsler, County Attorney
 - Budget Office Fiscal Analyst
 - Betty Hopkins, Finance Office

ADOPTED this 4th day of October, 2001.

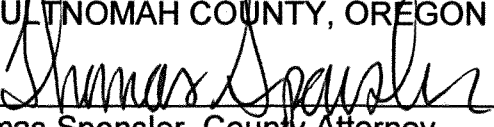


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Thomas Sponsler, County Attorney

COMMUNITY PARTNERSHIP AGREEMENT

To Assess the Economic Competitiveness of the City of Portland and Multnomah County and to Review the Business License Fee and Business Income Tax

The purpose of this Community Partnership Agreement is to outline the City, County and community partnership that has come together to complete a review of the Business License Fee and Business Income Tax and assess the economic competitiveness of the City of Portland and Multnomah County.

Partners

City of Portland

Multnomah County

Portland Development Commission

Association for Portland Progress

Portland Metropolitan Chamber of Commerce

Recitals

- A. Mayor Vera Katz has called for a comprehensive update to Prosperous Portland, the City's 1994 economic development strategy.
- B. County Chair Diane Linn is committed to supporting a comprehensive assessment of the actions necessary to support our community's economic health in a manner that generates the revenues necessary to provide services to our community's citizens and businesses.
- C. The update to Prosperous Portland must be based on a thorough assessment of our economic competitiveness in the regional, national and international economies, including an analysis to compare factors that influence the decision of firms to expand, locate or stay in a given location.
- D. Any thorough assessment of our economic competitiveness must include a comprehensive review of the City of Portland's Business License Fee (BLF) and Multnomah County's Business Income Tax (BIT).
- E. Significant changes to the economy in the last decade, including the growth of technology, new environmental rules and regulations, the rapid decline in abundant inexpensive power and clean water, and changing job growth patterns, make a far reaching assessment of the local economy and the city/county's competitiveness a necessity.

Agreement

1. Purpose

1.1 This Community Partnership Agreement memorializes the good will that the partners bring to completing this project in a collaborative and consultative manner. This is not a legally binding agreement.

1.2 The purpose of the project described in this Community Partnership Agreement is to:

Complete a Competitive Position Analysis that assesses local economic assets and liabilities and identifies economic opportunities and constraints and recommend private- and public-sector changes to increase the economic competitiveness of the City and County. The study will include a comparative analysis among similar cities and states of those factors which affect expansion, location and retention decisions on the part of businesses. It will also compare the degree to which the City and County and competing jurisdictions "fit" with the needs of targeted and existing firms and industries.

1.3 A companion effort that will serve to inform the Competitive Position Analysis is to:

Complete an in-depth evaluation of the BLF and BIT, and to consider changes that may be needed in order to achieve a predictable tax system that is equitable in allocation, efficient in collection, and that furthers the mission of the City and the County without reducing the revenues available to these local governments.

2. Scope of Analyses

2.1 This analysis should identify those industries or industry clusters for which Portland and Multnomah County are (or could be) competitively positioned, and those industries or industry clusters for which Portland and Multnomah County are not (and cannot be) a competitive location. The scope for completing Competitive Position Analysis described in Section 1.2 of this agreement will include analytical elements such as:

Existing building stock, by type, occupancy, vacancy and turnover rates; vacant available land supply by type and parcel size; facility development costs including land, construction and infrastructure costs, permits, fees and regulatory requirements; facility operating costs including rent, parking, operating taxes and fees, and utilities; transportation functionality, costs and infrastructure capabilities, capacities and reliability, including parking, gas, electricity, telecom, water, and sewer needs; labor availability and costs by occupation and skills types; capacity and performance of existing training and education systems to meet the labor and skill needs and expectations of firms, and perceptions of public schools; housing costs and availability, local transit functionality, quality of life elements; impact of local, state and federal regulations; impact of local, state and federal taxes.

2.2 The review of the BLF and BIT described in Section 1.2 of this agreement will include the following analytical elements:

Research the legislative history and legislative intent governing the BLF and BIT; determine if and how the relative obligations of the BLF and BIT taxes on the various businesses and industries have changed over the last decade; through a quantitative analysis of all BLF and BIT payers over the last decade, determine how the tax collections have fluctuated, how the composition by number and type of payers has changed and how the amounts paid by all industry categories have been distributed over that same period of time; compare the quantitative trends by industry categories with real job creation in each industry category during the last decade; determine the impact of changes in federal and state tax laws; and review of the multi-year revenue that the BLF and BIT have provided to the City and the County.

3 **Key Deliverables and Timelines**

3.1. **BLF/BIT Initial Research:** The Technical Project Team will complete its initial research for evaluating the BLF and BIT as called for in Sections 2.2. of this agreement by December 19, 2001.

3.2. **Competitive Analysis Report:** PDC will complete the Economic Competitive Analysis called for in Section 1.1 by April 17, 2002.

3.3 **Preliminary Principles:** The Steering Committee will recommend to the Portland City Council and the Multnomah County Board of Commissioners preliminary principles for the BLF and BIT by May 14, 2002.

3.4 The City Council and County Board will consider preliminary principles by June 28, 2002.

3.5 **Strategy Update:** The City Council will consider an update to the City's economic development strategies on the basis of the recommendations from the Economic Competitive Analysis and the audit of the BLF and BIT within 60 days of the completion of the City and County consideration of preliminary principles under Section 3.4.

3.6 **BLF/BIT Audit:** The partners in this Agreement will determine based upon a recommendation from the Steering Committee whether it is appropriate to initiate an outsider audit of the existing BLF and BIT provisions. If an audit is initiated it will review the BLF and BIT against the preliminary principles adopted by the City Council and County Board provided in Section 3.2 and the data collected. The audit carried out in conjunction with the Economic Competitive Analysis may be conducted by the outside auditor employed for the Economic Competitive Analysis. If an outside audit is to be conducted, it will be initiated within 90 days of the City and County's consideration update to the City's economic development strategy under Section 3.5.

3.7 **Consideration of Changes to BLT/BIT:**

- 3.7.1. The City Council will consider the recommendations of the outside auditor regarding any changes to the BLF as part of considering the 2002 update to the City's economic development strategy.
- 3.7.2. The County Board will consider the recommendations of the outside auditor regarding any changes to the BIT by a date that is not later than 120 days after the completion of the audit.

4. **Oversight**

4.1. The Portland City Council and the Multnomah County Board of Commissioners are the final decision-makers for their respective governments regarding any issues related to this Agreement.

4.2. Overall coordination for implementing this Agreement will be completed by a thirteen-member Project Steering Committee.

4.2.1. The Project Steering Committee will be co-chaired by representatives from the Office of the Mayor and County Chair and will consist of a representative from each of the following: Office of the Mayor, City of Portland; Office of the Multnomah County Chair; Office of the Commissioner-in-Charge of the Bureau of Licenses; Multnomah County Board of Commissioners; City's Chief Administrative Officer; County's Chief Financial Officer; Association for Portland Progress; Portland Metropolitan Chamber of Commerce; Portland Development Commission Board; East County Chamber of Commerce; Office of Mayor/City of Gresham; the Chair of the Multnomah County Tax Supervising and Conservation Commission; and, Portland Neighborhood Business Association.

4.3. A thirteen-person Technical Project Team will coordinate staff work related to Section 2 of this Agreement for review and feedback to the Project Steering Committee.

4.3.1. The Technical Project Team will be co-chaired by a representative of the City Bureau of Licenses, a representative of Multnomah County's Finance Division and a representative of the Portland Development Commission and will consist of a representative of each of the following: City Bureau of Licenses; City Bureau of Financial Planning; City Attorney's Office; County Counsel's Office; County Finance Division; Gresham's City Manager's Office; Portland Development Commission; an outside consultant designated by the Association for Portland Progress; a private-sector independent Certified Public Accountant with public tax policy experience designated by Association for Portland Progress; a private-sector independent Certified Public Accountant with public tax policy experience designated by the Portland Metropolitan Chamber of Commerce; a private-sector independent Certified Public Accountant with public tax policy experience

designated by the East County Chamber of Commerce City economist; and,
County economist.

5. Roles and Responsibilities

5.1. In addition to supporting the work of the Steering Committee and the Technical Project Team, this agreement also establishes roles and responsibilities unique to some partners:

5.1.1 City of Portland

5.1.1.1. On behalf of the City and County, the Bureau of Licenses will provide lead staff work to complete Section 2.2.

5.1.1.2. In the event that the partners determine to initiate an outside audit under Section 3.5, all of the partners will work collaboratively in concurring upon the selection of the independent outside consultant. However, the City, along with the County, shall retain final responsibilities for contracting for the services of the consultant under Section 3.5.

5.1.2. Multnomah County

5.1.2.1. The County Chair's Office will act as liaison with and will represent the East County Cities.

5.1.2.2. In the event that the partners determine to initiate an outside audit under Section 3.5, all of the partners will work collaboratively in concurring upon the selection of the independent outside consultant. However, the County, along with the City, shall retain final responsibilities for contracting for the services of the consultant under Section 3.5.

5.1.3. Portland Development Commission

5.1.3.1. PDC will provide the lead staff work to complete the Competitive Position Analysis as described in Section 1.2 of this agreement.

5.1.4 Association for Portland Progress

5.1.4.1. APP will provide to the project team, at its cost, the services of a qualified economic consultant and an independent Certified Public Accountant with public tax policy experience.

5.1.4.2. APP will act as liaison with its members and will communicate to them the purpose and status of the project.

5.1.4.3. Upon the City and County completing their contracting responsibilities under sections 5.1.1.2 and 5.1.2.2 in a manner consistent with the recommendation of all the partners made pursuant to the collaboration in sections 5.1.1.2 and 5.1.2.2, APP, along with the Chamber,

will pay for the outside independent consultant to perform the audit of the BLF and BIT as described in section 3.5 above..

5.1.5. Portland Metropolitan Chamber of Commerce

5.1.5.1. The Chamber will act as liaison with its members and will communicate to them the purpose and status of the project.

5.1.5.2. Upon the City and County completing their contracting responsibilities under sections 5.1.1.2 and 5.1.2.2 in a manner consistent with the recommendation of all the partners made pursuant to the collaboration in sections 5.1.1.2 and 5.1.2.2, the Chamber, along with APP, will pay for the outside independent consultant to perform the audit of the BLF and BIT as described in section 3.5 above.

5.1.5.3. The Chamber will provide to the project team an independent Certified Public Accountant with public tax policy experience.

6. Agreement

We the undersigned pledge our goodwill to fulfill the purpose of this Community Partnership Agreement to review the BLF/BIT and assess Portland's economic competitiveness.

Vera Katz
Mayor
City of Portland

Jim Francesconi
Commissioner
City of Portland

Diane Linn
Chair of the Board of Commissioners
Multnomah County

Maria Rojo de Steffey
Board of County Commissioners
Multnomah County

Kim Kimbrough
President
Association for Portland Progress

Don McClave
President
Portland Metropolitan Chamber of Commerce

Don Mazziotti
Executive Director
Portland Development Commission

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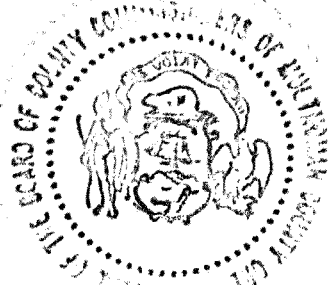
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 - Thomas Sponsler, County Attorney
 - Budget Office Fiscal Analyst
 - Betty Hopkins, Finance Office

ADOPTED this 4th day of October, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By
Thomas Sponsler, County Attorney

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Multnomah County

Portland Development Commission

Association for Portland Progress

Portland Metropolitan Chamber of Commerce

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2. Scope of Analyses

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3 Key Deliverables and Timelines

- 3.1. BLF/BIT Initial Research: The Technical Project Team will complete its initial research for evaluating the BLF and BIT as called for in Sections 2.2. of this agreement by December 19, 2001.
- 3.2. Competitive Analysis Report: PDC will complete the Economic Competitive Analysis called for in Section 1.1 by April 17, 2002.
- 3.3. Preliminary Principles: The Steering Committee will recommend to the Portland City Council and the Multnomah County Board of Commissioners preliminary principles for the BLF and BIT by May 14, 2002.
- 3.4. The City Council and County Board will consider preliminary principles by June 28, 2002.
- 3.5. Strategy Update: The City Council will consider an update to the City's economic development strategies on the basis of the recommendations from the Economic Competitive Analysis and the audit of the BLF and BIT within 60 days of the completion of the City and County consideration of preliminary principles under Section 3.4.
- 3.6. BLF/BIT Audit: The partners in this Agreement will determine based upon a recommendation from the Steering Committee whether it is appropriate to initiate an outsider audit of the existing BLF and BIT provisions. If an audit is initiated it will review the BLF and BIT against the preliminary principles adopted by the City Council and County Board provided in Section 3.2 and the data collected. The audit carried out in conjunction with the Economic Competitive Analysis may be conducted by the outside auditor employed for the Economic Competitive Analysis. If an outside audit is to be conducted, it will be initiated within 90 days of the City and County's consideration update to the City's economic development strategy under Section 3.5.
- 3.7. Consideration of Changes to BLT/BIT:

- 3.7.1. The City Council will consider the recommendations of the outside auditor regarding any changes to the BLF as part of considering the 2002 update to the City's economic development strategy.
- 3.7.2. The County Board will consider the recommendations of the outside auditor regarding any changes to the BIT by a date that is not later than 120 days after the completion of the audit.

4. **Oversight**

4.1. The Portland City Council and the Multnomah County Board of Commissioners are the final decision-makers for their respective governments regarding any issues related to this Agreement.

4.2. Overall coordination for implementing this Agreement will be completed by a thirteen-member Project Steering Committee.

4.2.1. The Project Steering Committee will be co-chaired by representatives from the Office of the Mayor and County Chair and will consist of a representative from each of the following: Office of the Mayor, City of Portland; Office of the Multnomah County Chair; Office of the Commissioner-in-Charge of the Bureau of Licenses; Multnomah County Board of Commissioners; City's Chief Administrative Officer; County's Chief Financial Officer; Association for Portland Progress; Portland Metropolitan Chamber of Commerce; Portland Development Commission Board; East County Chamber of Commerce; Office of Mayor/City of Gresham; the Chair of the Multnomah County Tax Supervising and Conservation Commission; and, Portland Neighborhood Business Association.

4.3. A thirteen-person Technical Project Team will coordinate staff work related to Section 2 of this Agreement for review and feedback to the Project Steering Committee.

4.3.1. The Technical Project Team will be co-chaired by a representative of the City Bureau of Licenses, a representative of Multnomah County's Finance Division and a representative of the Portland Development Commission and will consist of a representative of each of the following: City Bureau of Licenses; City Bureau of Financial Planning; City Attorney's Office; County Counsel's Office; County Finance Division; Gresham's City Manager's Office; Portland Development Commission; an outside consultant designated by the Association for Portland Progress; a private-sector independent Certified Public Accountant with public tax policy experience designated by Association for Portland Progress; a private-sector independent Certified Public Accountant with public tax policy experience designated by the Portland Metropolitan Chamber of Commerce; a private-sector independent Certified Public Accountant with public tax policy experience

designated by the East County Chamber of Commerce City economist; and,
County economist.

5. Roles and Responsibilities

5.1. In addition to supporting the work of the Steering Committee and the Technical Project Team, this agreement also establishes roles and responsibilities unique to some partners:

5.1.1 City of Portland

5.1.1.1. On behalf of the City and County, the Bureau of Licenses will provide lead staff work to complete Section 2.2.

5.1.1.2. In the event that the partners determine to initiate an outside audit under Section 3.5, all of the partners will work collaboratively in concurring upon the selection of the independent outside consultant. However, the City, along with the County, shall retain final responsibilities for contracting for the services of the consultant under Section 3.5.

5.1.2. Multnomah County

5.1.2.1. The County Chair's Office will act as liaison with and will represent the East County Cities.

5.1.2.2. In the event that the partners determine to initiate an outside audit under Section 3.5, all of the partners will work collaboratively in concurring upon the selection of the independent outside consultant. However, the County, along with the City, shall retain final responsibilities for contracting for the services of the consultant under Section 3.5.

5.1.3. Portland Development Commission

5.1.3.1. PDC will provide the lead staff work to complete the Competitive Position Analysis as described in Section 1.2 of this agreement.

5.1.4 Association for Portland Progress

5.1.4.1. APP will provide to the project team, at its cost, the services of a qualified economic consultant and an independent Certified Public Accountant with public tax policy experience.

5.1.4.2. APP will act as liaison with its members and will communicate to them the purpose and status of the project.

5.1.4.3. Upon the City and County completing their contracting responsibilities under sections 5.1.1.2 and 5.1.2.2 in a manner consistent with the recommendation of all the partners made pursuant to the collaboration in sections 5.1.1.2 and 5.1.2.2, APP, along with the Chamber,

will pay for the outside independent consultant to perform the audit of the BLF and BIT as described in section 3.5 above..

5.1.5. Portland Metropolitan Chamber of Commerce

5.1.5.1. The Chamber will act as liaison with its members and will communicate to them the purpose and status of the project.

5.1.5.2. Upon the City and County completing their contracting responsibilities under sections 5.1.1.2 and 5.1.2.2 in a manner consistent with the recommendation of all the partners made pursuant to the collaboration in sections 5.1.1.2 and 5.1.2.2, the Chamber, along with APP, will pay for the outside independent consultant to perform the audit of the BLF and BIT as described in section 3.5 above.

5.1.5.3. The Chamber will provide to the project team an independent Certified Public Accountant with public tax policy experience.

6. Agreement

We the undersigned pledge our goodwill to fulfill the purpose of this Community Partnership Agreement to review the BLF/BIT and assess Portland's economic competitiveness.

Vera Katz
Mayor
City of Portland

Jim Francesconi
Commissioner
City of Portland

Diane Linn
Chair of the Board of Commissioners
Multnomah County

Maria Rojo de Steffey
Board of County Commissioners
Multnomah County

Kim Kimbrough
President
Association for Portland Progress

Don McClave
President
Portland Metropolitan Chamber of Commerce

Don Mazziotti
Executive Director
Portland Development Commission

#2

SPEAKER SIGN UP CARDS

DATE 10/04/01

NAME LADDIE READ

ADDRESS STATEMENT READ

By CO Daito

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-5

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 10-4-01

NAME

Jean Cohen

ADDRESS

2631 N Mississippi
Patl

PHONE

503-335-0855

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R5

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE

10/4/01

NAME

KATHIE PRIETO-HAWKINS

ADDRESS

2631 N. MISSISSIPPI

Portland

NAT'L Assoc

PHONE

528-2160

Social workers

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

R-5

GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 10/4/01

NAME

Kevin Mesch

ADDRESS

1825 SW Vermont St. #14
Portland

PHONE

(503) 245-1081

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-5

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 10/4/01

NAME

Jackie Mercer

ADDRESS

NARA

PHONE

503-621-0114

SPEAKING
TOPIC

ON AGENDA ITEM NUMBER OR
Mental Health R-5

GIVE TO BOARD CLERK

#7

SPEAKER SIGN UP CARDS

DATE Oct 4 2001

NAME

Catherine FIFE MSW

ADDRESS

4103 SE Yamhill
Portland, OR 97214

PHONE

503 232-4350

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC mental health.

GIVE TO BOARD CLERK

#8

SPEAKER SIGN UP CARDS

R5

DATE

10/4/01

NAME

Rosemary Celaya-Alston

ADDRESS

Latino Network

PHONE

988-5464

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Cultural Computing

GIVE TO BOARD CLERK

#9

SPEAKER SIGN UP CARDS

DATE 10/4/01

NAME

Olivia Jeffries

ADDRESS

2210 N. PORTLAND BLVD
PTLD., OR. 97217

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ④ ~~R-4~~ R-5

GIVE TO BOARD CLERK

#10

SPEAKER SIGN UP CARDS

DATE 10-4-01

NAME

Leticia Ugalde

ADDRESS

2710 NE 14TH AVE

PORTLAND OR

PHONE

284-5178

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC MENTAL HEALTH

GIVE TO BOARD CLERK

#11

SPEAKER SIGN UP CARDS

DATE 10-4-01

NAME

Lorena Connelly

ADDRESS

2710 NE 14th Ave

Portland

PHONE

284-5178x1

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Mental Health

GIVE TO BOARD CLERK

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: COMMUNITY AND FAMILY SERVICESDIVISION: N/ACONTACT: CHRIS YAGER/MIKE JASPINPHONE: 26777/28594

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

JOHN BALL/LOLENZO POE/DAVE WARRENSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)**Review and Approval of Budget Modification CFS02 Authorizing Expenditures to Implement the Mental Health Crisis/Acute Care Plan.**

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET**See attach supplemental staff report for details.**

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

See attach supplemental staff report for details**TOTAL \$0**

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

FUND 3002
(Specify Fund)Fund Contingency BEFORE THIS MODIFICATION (as of 9/18/2001): \$ 3,431,717AFTER THIS MODIFICATION: \$ ~~1,598,960~~ 1,598,960

Originated By:

Date:

Christopher Yager9/18/01

Department Director:

Date:

Lorenzo J. Poe9/18/01

Plan / Budget Analyst:

Date:

Michael A. Jaspin9/18/2001

Employee Services:

Date:

Board Approval:

Date:

NANCY BOROWITZ10/04/01

OCT 04 2001 SEP 27 2001

SEP 20 2001

R-2 R-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: COMMUNITY AND FAMILY SERVICESDIVISION: N/ACONTACT: CHRIS YAGER/MIKE JASPINPHONE: 26777/28594

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

JOHN BALL/LOLENZO POE/DAVE WARRENSUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)**Review and Approval of Budget Modification CFS02 Authorizing Expenditures to Implement the Mental Health Crisis/Acute Care Plan.**

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET**See attach supplemental staff report for details.**

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

See attach supplemental staff report for details**TOTAL \$0**

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

3002 Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
 (Specify Fund) AFTER THIS MODIFICATION: \$ _____

Originated By:	Date:	Department Director:	Date:
Plan / Budget Analyst:	Date:	Employee Services:	Date:
Board Approval:	Date:		

BUDGET MODIFICATION: CFS 02
EXPENDITURES & REVENUES

Budget Fiscal Year: 01/02

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1											
2					sub acute prm	60160		1,035,149	1,035,149		
3					sub acute prm	50190		(1,035,149)	(1,035,149)		
4					sub acute 24	60160		684,430	684,430		
5					sub acute 24	50190		(684,430)	(684,430)		
6					sub acute 24 c/o	60160		286,143	286,143		
7					sub acute 24 c/o	50190		(286,143)	(286,143)		
8											
9					respite 25	60160		609,696	609,696		
10					respite 25	50190		(609,696)	(609,696)		
11											
12					vol inp prm	60160		5,753,974	5,753,974		
13					vol inp prm	50190		(5,753,974)	(5,753,974)		
14											
15					invol inp prm	60160		2,346,081	2,346,081		
16					invol inp prm	50190		(2,346,081)	(2,346,081)		
17											
18					e hold cgf	60160		265,409	265,409		
19					e hold cgf	50320		(265,409)	(265,409)		
20					e hold 24	60160		718,654	718,654		
21					e hold 24	50190		(718,654)	(718,654)		
22											
23					waitlist 24	60160		800,000	800,000		
24					waitlist 24	50190		(800,000)	(800,000)		
25					waitlist ohp	60160		500,000	500,000		
26					waitlist ohp	50190		(500,000)	(500,000)		
27											
28											
									0		Total - Page 1
									0		GRAND TOTAL
29											
30					er cgf	60160		150,000	150,000		
31					er cgf	50320		(150,000)	(150,000)		
32					er bwc	60160		144,000	144,000		
33											
34					call cgf	60170		154,544	154,544		
35					call cgf	50320		(154,544)	(154,544)		
36					call prm	60170		259,660	259,660		
37					call prm	50190		(259,660)	(259,660)		
38					call la	60170		389,103	389,103		
39					call la	50190		(389,103)	(389,103)		
40					call bwc	60170		525,695	525,695		
41											
42					sc eval cgf	60160		200,000	200,000		
43					sc eval cgf	50320		(200,000)	(200,000)		
44					sc eval 24	60160		709,404	709,404		
45					sc eval 24	50190		(709,404)	(709,404)		
46					sc eval 25	60160		441,746	441,746		
47					sc eval 25	50190		(441,746)	(441,746)		
48					sc eval bwc	60160		866,562	866,562		
49											
50					mb cr prm	60160		469,695	469,695		
51					mb cr prm	50190		(469,695)	(469,695)		
52					mb cr 25	60160		469,695	469,695		
53					mb cr 25	50190		(469,695)	(469,695)		
54											
55											
56											
									1,536,257		Total - Page 2
									0		GRAND TOTAL
57											

BUDGET MODIFICATION: CFS 02
EXPENDITURES & REVENUES

Budget Fiscal Year: 01/02

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
58					urg wk prm	60160		559,217	559,217		
59					urg wk prm	50190		(559,217)	(559,217)		
60					urg wk 25	60160		559,217	559,217		
61					urg wk 25	50190		(559,217)	(559,217)		
62											
63					hm stbl prm	60160		266,625	266,625		
64					hm stbl prm	50190		(266,625)	(266,625)		
65					hm stbl 25	60160		266,625	266,625		
66					hm stbl 25	50190		(266,625)	(266,625)		
67											
68					warm cgf	60160		37,518	37,518		
69					warm cgf	50320		(37,518)	(37,518)		
70					warm prm	60160		37,518	37,518		
71					warm prm	50190		(37,518)	(37,518)		
72					warm la	60160		37,518	37,518		
73					warm la	50190		(37,518)	(37,518)		
74											
75					acute adm cgf	93002		47,850	47,850		
76					acute adm cgf	50320		(47,850)	(47,850)		
77					acute adm prm	93002		47,850	47,850		
78					acute adm prm	50190		(47,850)	(47,850)		
79					acute adm la	93002		47,850	47,850		
80					acute adm la	50190		(47,850)	(47,850)		
81											
82					it sys bwc	60240		196,500	196,500		
83											
84											
									196,500		Total - Page 3
									0		GRAND TOTAL
85											
86					consult bwc	60170		100,000	100,000		
87											
88					trans prm	60160		62,500	62,500		
89					trans prm	50190		(62,500)	(62,500)		
90					trans cgf	60160		62,500	62,500		
91					trans cgf	50320		(62,500)	(62,500)		
92											
93					flex prm	60160		137,554	137,554		
94					flex prm	50190		(137,554)	(137,554)		
95					flex 25	60160		150,000	150,000		
96					flex 25	50190		(150,000)	(150,000)		
97											
98				950003002		60470	3,431,717	1,598,960	(1,832,757)		
99											
100					caap.ccp.24.car	50190	(444,819)	0	444,819		
104					caap.ccp.24.car	60160	444,819	0	(444,819)		
105											
106					caap.prm.shr.inc	50190	(1,140,000)	0	1,140,000		
107					caap.prm.shr.inc	60160	1,140,000	0	(1,140,000)		
108											
109					caap.prm.shr.ipt	50190	(7,448,000)	0	7,448,000		
110					caap.prm.shr.ipt	60160	7,448,000	0	(7,448,000)		
111											
112					caap.prm.shr.opt	50190	(18,506,000)	(16,216,775)	2,289,225		
113					caap.prm.shr.opt	60160	18,506,000	16,216,775	(2,289,225)		
114											
115					caap.prm.shr.sys	50190	(6,346,000)	(3,379,522)	2,966,478		
116					caap.prm.shr.sys	60160	6,346,000	3,379,522	(2,966,478)		
									(1,732,757)		Total - Page 4
									0		GRAND TOTAL
85											
86					bh amh e-holds 24	60160	718,654	0	(718,654)		

BUDGET MODIFICATION: CFS 02
EXPENDITURES & REVENUES

Budget Fiscal Year: 01/02

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
87					bh amh e-holds 24	50190	(718,654)	0	718,654		
88					bh amh e-holds cgf	60160	340,144	0	(340,144)		
89					bh amh e-holds cgf	50320	(340,144)	0	340,144		
90											
91					caap.wai	60160	500,000	0	(500,000)		
92					caap.wai	50190	(500,000)	0	500,000		
93					bh amh spc pg hosp wl	60160	800,000	0	(800,000)		
94					bh amh spc pg hosp wl	50190	(800,000)	0	800,000		
95											
96					caap.ccp.24.all	60160	684,430	0	(684,430)		
97					caap.ccp.24.all	50190	(684,430)	0	684,430		
98											
99					bh amh cris triage 24	60160	709,404	0	(709,404)		
100					bh amh cris triage 24	50190	(709,404)	0	709,404		
104					bh amh cris triag cgf	60160	250,385	0	(250,385)		
105					bh amh cris triag cgf	50320	(250,385)	0	250,385		
106					bh amh cris triage 25	60160	2,496,979	0	(2,496,979)		
107					bh amh cris triage 25	50190	(2,496,979)	0	2,496,979		
108											
109											
110											
111											
112											
113											
114											
115											
116											
									0		Total - Page
									0		GRAND TOTAL
85											
86					State Local Admin Cuts & Adjustments						
87					cfsdo diversity cgf	60170	5,000	4,000	(1,000)		Professional Svc
88					cfsdo diversity cgf	50320	(5,000)	(4,000)	1,000		CGF Subsidy
89											
90					cfsdo safety cgf	60170	5,000	4,000	(1,000)		Professional Svc
91					cfsdo safety cgf	50320	(5,000)	(4,000)	1,000		CGF Subsidy
92											
93					cfsdo empl of color cgf	60170	5,000	4,000	(1,000)		Professional Svc
94					cfsdo empl of color cgf	50320	(5,000)	(4,000)	1,000		CGF Subsidy
95											
96					cfsdo admin cgf	60340	23,867	4,542	(19,325)		Dues & Sub
97					cfsdo admin cgf	50320	(620,007)	(623,007)	(3,000)		CGF Subsidy
98					cfsdo admin cgf	93002	396,285	418,610	22,325		Assessed Labor
99											
100					cfsdo eval cgf	60170	140,000	100,869	(39,131)		Professional Services
104					cfsdo eval cgf	93002	278,227	317,358	39,131		Assessed Labor
105											
106					cfsdo admin la	93002	194,021	171,696	(22,325)		Assessed Labor
107					cfsdo admin la	50190	(194,021)	(89,925)	104,096		IG- Fed thru State
108					cfsdo admin la	60000	0	(56,516)	(56,516)		
109					cfsdo admin la	60130	0	(12,304)	(12,304)		
110					cfsdo admin la	60140	0	(12,951)	(12,951)		
111											
112					bs mgt la	50190	(37,833)	22,706	60,539		IG- Fed thru State
113					bs mgt la	60000	0	(44,283)	(44,283)		
114					bs mgt la	60130	0	(7,886)	(7,886)		
115					bs mgt la	60140	0	(8,371)	(8,371)		
116											
									0		Total - Page
									0		GRAND TOTAL
85											
86					cfsdo eval la	93002	87,438	48,307	(39,131)		Assessed Labor

BUDGET MODIFICATION: CFS 02
EXPENDITURES & REVENUES

Budget Fiscal Year: 01/02

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
87					cfsdo eval la	50190	(87,438)	(16,824)	70,614		IG- Fed thru State
88					cfsdo eval la	60000	0	(21,068)	(21,068)		
89					cfsdo eval la	60130	0	(4,587)	(4,587)		
90					cfsdo eval la	60140	0	(5,828)	(5,828)		
91											
92					hr la	50190	(121,353)	(85,421)	35,932		IG- Fed thru State
93					hr la	60000	0	(22,989)	(22,989)		
94					hr la	60130	0	(5,005)	(5,005)		
95					hr la	60140	0	(7,938)	(7,938)		
96											
97					bs oss cnt la	50190	(116,416)	(63,858)	52,558		IG- Fed thru State
98					bs oss cnt la	60000	0	(37,184)	(37,184)		
99					bs oss cnt la	60130	0	(8,095)	(8,095)		
100					bs oss cnt la	60140	0	(7,279)	(7,279)		
104											
105					is la	50190	(333,605)	(304,082)	29,523		
106					is la	95107	333,595	304,072	(29,523)		
107				709633		60000	359,275	338,202	(21,073)		
108				709633		60130	81,815	77,228	(4,587)		
109				709633		60140	80,776	76,913	(3,863)		
110				709633		50310	(534,869)	(505,346)	29,523		
111											
112											
113											
114											
115											
116											
									0		Total - Page
									0		GRAND TOTAL
85											
86					BHD Administrative Cuts & Adjustments						
87											
88					bh adm cgf	50320		308,266	308,266		
89					bh adm cgf	60000	0	(205,404)	(205,404)		
90					bh adm cgf	60130	0	(46,447)	(46,447)		
91					bh adm cgf	60140	0	(47,249)	(47,249)		
92					bh adm cgf	60260	47,500	38,334	(9,166)		
93											
94					bh adm la	50190		74,192	74,192		
95					bh adm la	60000	0	(50,951)	(50,951)		
96					bh adm la	60130	0	(11,521)	(11,521)		
97					bh adm la	60140	0	(11,720)	(11,720)		
98											
99					bh psy cgf	50320	(34,970)	(18,170)	16,800		
100					bh psy cgf	60170	34,970	18,170	(16,800)		
104											
105					bh addict adm cgf	50320	(88,936)	(80,004)	8,932		
106					bh addict adm cgf	93002	88,936	80,004	(8,932)		
107											
108					bh oas vict p	50220	(54,330)	(63,262)	(8,932)		
109					bh oas vict p	93002	50,006	58,938	8,932		
110											
111											
112											
113											
114											
115											
116											
									0		Total - Page
									0		GRAND TOTAL
85											
86					Verify Administrative Cuts & Adds for Reallocation (and related adjustments)						

BUDGET MODIFICATION: CFS 02
EXPENDITURES & REVENUES

Budget Fiscal Year: 01/02

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
87											
88					caap.adm.mgcr.prm	50190	(3,451,508)	(2,019,737)	1,431,771		amount before Verity cuts = 1,260,032
89					caap.adm.mgcr.prm	60160	1,482,578	222,546	(1,260,032)		
90					caap.adm.mgcr.prm	60000		(135,005)	(135,005)		
91					caap.adm.mgcr.prm	60130		(29,029)	(29,029)		
92					caap.adm.mgcr.prm	60140		(47,677)	(47,677)		
93					caap.adm.mgcr.prm	93002		39,972	39,972		
94											
95					bs oss cnt xix	50190	(61,729)	(30,036)	31,693		
96					bs oss cnt xix	60000	0	(21,228)	(21,228)		
97					bs oss cnt xix	60130	0	(4,622)	(4,622)		
98					bs oss cnt xix	60140	0	(5,843)	(5,843)		
99											
100					bs oss dm xix	50190	(97,362)	(60,039)	37,323		
104					bs oss dm xix	60000	0	(25,534)	(25,534)		
105					bs oss dm xix	60130	0	(5,559)	(5,559)		
106					bs oss dm xix	60140	0	(6,230)	(6,230)		
107											
108					bs oss fs xix	50190	(300,103)	(285,936)	14,167		
109					bs oss fs xix	60000		(9,330)	(9,330)		
110					bs oss fs xix	60130		(2,031)	(2,031)		
111					bs oss fs xix	60140		(2,806)	(2,806)		
112											
113					bh qaur mho prn	50190	(283,074)	(108,175)	174,899		
114					bh qaur mho prn	60000	0	(122,502)	(122,502)		
115					bh qaur mho prn	60130	0	(26,669)	(26,669)		
116					bh qaur mho prn	60140	0	(25,728)	(25,728)		
									0		Total - Page
									0		GRAND TOTAL
85											
86					cfsdo admin xix	50190	(39,972)	0	39,972		
87					cfsdo admin xix	93002	39,972	0	(39,972)		
88											
89					bh care co cgf	50320		39,972	39,972		
90					bh care co cgf	93002		(39,972)	(39,972)		
91											
92					bh care co mho.prm	50190	(30,126)	198	30,324		
93					bh care co mho.prm	60000	0	(20,945)	(20,945)		
94					bh care co mho.prm	60130	0	(4,560)	(4,560)		
95					bh care co mho.prm	60140	0	(4,820)	(4,820)		
96											
97					is xix	50190	(326,243)	(238,631)	87,612		
98					is xix	95107		(87,612)	(87,612)		
99				709633		60000		(60,696)	(60,696)		
100				709633		60130		(13,225)	(13,225)		
104				709633		60140		(13,691)	(13,691)		
105				709633		50310		87,612	87,612		
106											
107					cfsdo admin cgf	50320		(39,972)	(39,972)		
108					cfsdo admin cgf	93002		39,972	39,972		
109											
110					mhcrs cgf ind	50320	0	(93,055)	(93,055)		Indirect @.7%
111					mhcrs cgf ind	60350	0	93,055	93,055		
112											
113					mhinp cgf ind	50320	0	(318,263)	(318,263)		Indirect @.7% & 15.88%
114					mhinp cgf ind	60350	0	318,263	318,263		
115											
116											
									1		Total - Page
									0		GRAND TOTAL
85											
86					caap.ind.cgf 1505	50320	0	5,177	5,177		Indirect @.7%

BUDGET MODIFICATION: CFS 02
EXPENDITURES & REVENUES

Budget Fiscal Year: 01/02

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
87					caap.ind.cgf 1505	60350	0	(5,177)	(5,177)		
88											
89					caap.ind.cgf 3002	50320	(697,411)	(600,505)	96,906		Indirect @.7% & 15.88%
90					caap.ind.cgf 3002	60350	697,411	600,505	(96,906)		
91											
92					bh cgf ind	50320	(1,865,178)	(1,731,977)	133,201		Indirect @.7% & 15.88%
93					bh cgf ind	60350	1,865,178	1,731,977	(133,201)		
94											
95					cfsdo cgf ind	50320	(340,473)	(306,381)	34,092		Indirect @15.88%
96					cfsdo cgf ind	60350	340,473	306,381	(34,092)		
97											
98					bs cgf ind	50320	(443,523)	(412,354)	31,169		Indirect @15.88%
99					bs cgf ind	60350	443,523	412,354	(31,169)		
100											
104					hr cgf ind	50320	(84,593)	(78,887)	5,706		Indirect @15.88%
105					hr cgf ind	60350	84,593	78,887	(5,706)		
106											
107					is cgf ind	50320	(302,381)	(283,780)	18,601		Indirect @15.88%
108					is cgf ind	60350	302,381	283,780	(18,601)		
109											
110	20-00		1			60560	37,315,938	37,229,472	(86,466)		Cash Transfer (Indirect)
111	19			950001000		50310		86,466	86,466		
112											
113	70-80	3500		708000		50310		212,387	212,387		Svc Reimb F/S Insurance
114	70-80	3500		708000		60330		(212,387)	(212,387)		Insurance
115											
116											
									0	0	Total - Page
									0	0	GRAND TOTAL

BUDGET MODIFICATION: CFS 02

5. ANNUALIZED PERSONNEL CHANGE

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

							ANNUALIZED			
Fund	Cost Center	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
State Local Admin Cuts for Reallocation										
	200000	6005	61121	Admin Secretary	703070	(1.00)	(32,056)	(6,979)	(8,754)	(47,789)
	200000	9115	61121	PDS Senior	703694	(1.00)	(52,296)	(11,385)	(10,576)	(74,257)
	200011	6085	61123	Research Analyst 1	702392	(1.00)	(31,445)	(6,846)	(8,699)	(46,990)
	201000	9619	61369	Deputy Director	704569	(1.00)	(39,348)	(6,812)	(7,140)	(53,300)
	201000	6021	61369	PDS	707208	(0.20)	(7,365)	(1,603)	(1,837)	(10,805)
	201300	6001	61372	Office Assistant	706689	(1.00)	(22,989)	(5,005)	(7,938)	(35,932)
	201100	9653	61370	IS Manager	707261	(0.50)	(31,452)	(6,847)	(5,765)	(44,064)
	202050	9008	61376	CFS Supervisor	705203	(1.00)	(55,499)	(12,082)	(10,864)	(78,445)
				Sub-Total		(6.70)	(272,450)	(57,559)	(61,573)	(391,582)
BHD Administrative Cuts for Reallocation										
	207000	9612	61404	Senior Manager	701626	(1.00)	(83,549)	(18,189)	(13,388)	(115,126)
	207000	9115	61404	PDS Senior	700706	(1.00)	(55,919)	(12,174)	(10,902)	(78,995)
	207000	9720	61404	Ops Administrator	700383	(1.00)	(49,685)	(10,816)	(10,341)	(70,842)
	207000	9006	61404	Admin Analyst	700487	(1.00)	(49,126)	(10,695)	(10,290)	(70,111)
	207000	6005	61404	Admin Secretary	705752	(1.00)	(31,535)	(6,865)	(8,707)	(47,107)
	207000	6074	61404	Data Tech	704591	(0.50)	(17,275)	(3,761)	(4,489)	(25,524)
	207000	6002	61404	OA Senior	704142	(0.50)	(15,440)	(3,311)	(4,324)	(23,075)
	207000	6021	61404	PDS	701020	(1.00)	(37,739)	(8,216)	(9,266)	(55,221)
	207000	6002	61404	OA 2	703941	(1.00)	(27,851)	(6,063)	(8,376)	(42,290)
	207000	6002	61404	OA 2	705283	(0.30)	(6,897)	(4,800)	(5,800)	(17,497)
				Sub-Total		(8.30)	(375,015)	(84,890)	(85,883)	(545,787)
Verity Administrative Cuts & Adds for Reallocation										
	207200	6365	61407	Mental Health Consultant	708176	(1.00)	(42,261)	(9,200)	(9,673)	(61,134)
	207200	6365	61407	Mental Health Consultant	707353	(1.00)	(42,261)	(9,200)	(9,673)	(61,134)
	207200	9008	61407	CFS Supervisor	704365	(1.00)	(52,530)	(11,436)	(10,597)	(74,563)
	207200	6365	61407	Mental Health Consultant	707352	(1.00)	(51,771)	(11,270)	(10,528)	(73,569)
	207300	9008	61408	CFS Supervisor	708616	(1.00)	(51,768)	(11,270)	(10,528)	(73,566)
	207300	9008	61408	CFS Supervisor	703167	(1.00)	(44,435)	(9,674)	(9,868)	(63,977)
	207300	6019	61408	Health Info Specialist	707108	(1.00)	(26,727)	(5,818)	(8,274)	(40,819)
	207300	6019	61408	Health Info Specialist	707109	(1.00)	(26,712)	(5,815)	(8,273)	(40,800)
	207300	6019	61408	Health Info Specialist	708615	(1.00)	(26,267)	(5,718)	(8,233)	(40,218)
	207300	6002	61408	OA Senior	701202	(1.00)	(30,002)	(6,531)	(8,569)	(45,102)
	207300	6001	61408	OA 2	704757	(0.65)	(15,248)	(3,320)	(5,187)	(23,754)
	207300	9115	61408	PDS Senior	701370	(1.00)	(54,912)	(11,594)	(10,811)	(77,317)
	207300	9115	61408	PDS Senior	707377	(1.00)	(49,296)	(10,732)	(10,306)	(70,334)
	207300	6020	61408	PDT	706369	(1.00)	(32,674)	(7,113)	(8,810)	(48,597)
	207300	6021	61408	PDS	705756	(1.00)	(36,289)	(7,900)	(9,135)	(53,324)
	207300	6021	61408	PDS	707258	(1.00)	(36,289)	(7,900)	(9,135)	(53,324)
	207600	9745	61414	CFS Administrator	701113	(1.00)	(69,889)	(15,215)	(12,159)	(97,263)
	207800	6021	61415	PDS	703031	(1.00)	(41,890)	(9,119)	(9,639)	(60,648)
	207800	6021	61415	PDS	700304	(1.00)	(49,381)	(10,750)	(10,313)	(70,444)
		6186		Network Analyst 2	707292	(0.40)	(16,261)	(3,540)	(3,811)	(23,612)
				Various It Staff		(1.45)	(44,435)	(9,685)	(9,880)	(64,000)
	202300	6085	61379	Research Analyst	706677	(0.50)	(15,723)	(3,423)	(4,350)	(23,495)
	202100	6021	61377	PDS	702784	(1.00)	(38,110)	(8,297)	(9,299)	(55,706)
	202600	6029	61382	Fiscal Specialist 1	706879	(1.00)	(31,684)	(6,898)	(8,721)	(47,303)
	202600	6001	61382	OA 2	702047	(0.50)	(13,926)	(3,032)	(4,188)	(21,146)
	207300	6365	61408	Mental Health Consultant	708635	1.00	43,740	9,522	9,806	63,068
	207300	6365	61408	Mental Health Consultant/AC	708637	1.00	43,740	9,522	9,806	63,068
	207300	6365	61408	Mental Health Consultant/AC	708761	1.00	43,740	9,522	9,806	63,068
	207300	9745	61408	CFS Administrator	706792	1.00	62,001	13,498	11,449	86,948
	207300	9520	61408	EMS Medical Director	708579	0.50	72,356	15,752	9,447	97,554
	207300		61408	Program Manager/Corp Complic		1.00	67,500	14,695	11,944	94,139
	207300		61408	Program Manager		1.00	67,500	14,695	11,944	94,139
				Sub-Total		(17.00)	(540,164)	(117,243)	(145,758)	(803,165)
TOTAL ANNUALIZED CHANGES						(32.00)	(1,187,629)	(259,692)	(293,214)	(1,740,534)

BOGSTAD Deborah L

From: CARROLL Mary P

Sent: Thursday, October 04, 2001 10:03 AM

To: BOGSTAD Deborah L

Subject: serena's remarks

Deb: Serena asked Diane to allow Marie to read her comments into the record re: the MH bud mod. Here it is.

I am sorry that I am not able to be here at the Board of County Commissioner's meeting as you consider this important Budget Modification of the Department of Community and Family Services. Thank you for allowing my comments to be read into the record.

You are considering a budget modification that will result in the elimination of 38 positions in BHD and Verity. We do not yet know how many county employees will lose their jobs as of November 1st as a result of this bud mod.

My concerns are that these cuts will have a significant impact on our ability to continue to provide services and oversight to our residential care providers, our school based mental health providers

Since fy2000, DCFS will have taken \$2million in cuts in central administration. The department receives funds from 95 different revenue sources and oversees 200 contracts. I fear that we are cutting out the heart of our ability to administer and oversee these functions.

I am concerned that these cuts have not been done in a thoughtful manner with consideration of who will carry out the duties of those people who will be laid off.

For example, the county depends of small adult foster care providers to care of single adults in the MH system. They make almost no money --\$500 or so a month. But the county's policy has been to offer hands on support and resources to these providers. Our employees visit them regularly, map out case management and help with paperwork. These providers depend of the relationships we have built with them to carry out their business. We have not had the problems with these adult clients and providers that other communities have experienced because of the hands-on commitment of our county employees. I am very concerned that we will lose many of these providers, which will result in a crisis that we have created.

Are we going to be able to continue to offer high quality, community based services with these cuts? I think that these cuts were decided purely on a fiscal and cost saving view rather than a thoughtful, consumer and community based approach to our role as MH authority and provider.

Thank you again for allowing my comments to be entered into the record.

10/4/2001

Cruz

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BUDGETS COUNT

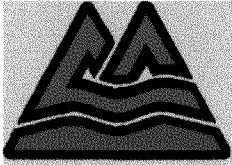
In this nitty gritty messed up world, with terrorists flying planes into buildings, Police shooting the Mentally Ill, and more becoming unemployed or homeless every day, I lay Awake at night wondering what new tragedy's tomorrow will bring.

To say I am a concerned citizen is an understatement; I am so much more than just concerned because you see I live in this society too. I do not wish to stay in my house and keep my head buried in the sand. I have a right and an obligation to stand up proud and say, "Hey, this is my opinion and I want it heard."

I have been speaking at a lot of groups and forums, including the Police training sessions held lately. The more I speak with people, the more I am convinced that We do not get to sit and gripe about the Budget anymore. I know that more situations happen each day that bring the crises into more light and more public attention. It is TIME for something to be DONE about the Budget. The Budget MUST pass, or we better have a darn good LOGICAL reason why it can't and a darn good alternative to follow it up. I'm very serious about what I am saying!!!! We have gone so far past need and so deep into CRISES that I am very worried that even with a Budget approval we'll do a lot of singing and dancing to get it to fly right

Please, lets make Portland a place to be considered livable again for each and EVERY Human being that lives here.

LADDIE READ



Department of Support Services
MULTNOMAH COUNTY OREGON

Budget and Quality
501 SE Hawthorne Boulevard, Fourth Floor
Portland, Oregon 97214
(503) 988-3883 phone
(503) 988-4570 fax

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Mike Jaspin

DATE: October 3, 2001

RE: Amendment of Budget Modification CFS02

Based on Jim McConnell and Jim Gaynor's review of the position cuts reflected in Budget Modification CFS 02 that was held over from the September 20 Board meeting, the following adjustments (amendments) are proposed.

- Cut the CFS Administrator position (#706792) that was previously added, saving \$58,255.
- Cut half a Mental Health Consultant that was added for acute care coordination, saving \$21,128.
- Cut an additional \$36,368 of M&S costs
- Restore a Program Development Specialist position (#705756) that was cut, adding an additional \$35,727.
- Restore an Operations Administrator position (#700383) that was cut, adding an additional \$47,464.
- Restore a Program Development Technician position (#706369) that was cut, adding \$32,560.

These changes reflect minor adjustments in the administrative structure. There is no net change in revenue or expenditure budgets, although the net annualized impact is an increase of 1.50 FTE.

Draft – October 1, 2001

Phase II Child and Family System Goals and Objectives

In Resolution __, the Multnomah County Board of County Commissioners committed to the development of a System of Care for children and families in the County mental health system. Now is the time to create the County policies which will make this System of Care a reality. The Board should adopt the CASSP System of Care Values and Principles¹ as the guiding values for Multnomah County. These values should guide the Board and County departments in enacting child and family centered mental health policies.

In addition, Multnomah County's Verity Mental Health Organization should contract with acute and outpatient providers whose organizational structures and clinical programs are consistent with the CASSP System of Care principles.

System of Care Values and Principles, with related Goals and Objectives for Phase II Mental Health Redesign

System of Care Value I.

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

Goal:

Children and Families in Multnomah County will have access to a continuum of mental health and related services that will be easily accessible in a timely manner.

Objectives:

1. Oregon Health Plan (OHP)-enrolled children and families will have access to mental health outpatient services in a timely manner.
Families will be able to obtain a mental health assessment within 14

¹ From Stroul, B. & Friedman, R. (1986). A system of care children and youth with severe emotional disturbance (rev. ed., p. 17). Washington, DC: Georgetown University Child Development Center, National Technical Assistance Center for Children's Mental Health. CASSP stand for the Child and Adolescent Support Services Program.

days. Providers will provide appointments during evenings and weekends as necessary to ensure that 95% of new clients are seen within 14 days.

2. Mental health assessments for OHP child and family consumers will be completed in collaboration with a child's family (for consumers under 14, or with the child's consent, if child is 14 or older) unless there are compelling reasons to the contrary.
3. Mental health assessments for OHP child and family consumers will determine the timeliness and intensity of services needed.
4. OHP-enrolled clients will be seen as soon as clinically necessary after discharge from acute or hospital-alternative mental health settings. Primary providers will provide care coordination and other services necessary to move a child out of a hospital setting as soon as possible.

System of Care Value II.

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

Goals:

- A. Children and Families in Multnomah County will have access to a continuum of mental health and related services that will be easily accessible in a timely manner.

Objectives:

1. Community based treatment teams will consist, at minimum, of: a child's family (including foster family and/or extended family, if applicable), the child (age 14 or older) and a provider clinician.
2. Performance-based contracts between Verity and community providers will give treatment teams authority to determine the type, amount and intensity of services provided, based upon child and family need.
3. Provider clinical care coordinators, clinicians and physicians will have the authority, under contract, to authorize flexible, wraparound

and/or non-traditional mental health related services (subject to OHP and Medicaid regulations).

- B. Providers will coordinate mental health services on behalf of consumers with other systems: schools, Early Intervention, Head Start, juvenile justice, the Department of Human Services, developmental disabilities, health, substance abuse, Psychiatric Residential Treatment Services (PRTS), Day Treatment, etc.
1. Providers will be paid to provide individualized services in a setting that is determined by the child's and family's needs, including schools, pre-schools, Head Start, child care, community settings, recreational settings and family homes, as well as provider clinics.
 2. Providers will identify, as part of the assessment, community stakeholders who are also involved with the child and family. Providers will coordinate services and resources with private, county and state agencies and schools in order to best meet children and families' treatment needs.
 3. Children being discharged from residential treatment who will be residing in Multnomah County will have a clinical care coordinator assigned no less than 30 days prior to a scheduled discharge. Upon the date of discharge from a residential psychiatric treatment setting, the care coordinator will have an aftercare plan developed with the input and participation of the family, residential provider and other service providers (e.g., DHS).
 4. County information systems will be designed to provide access to the following types of information: referrals for case coordination, involvement of other systems (e.g., school, county, state), crisis plans and standing orders, qualifying diagnoses, treatment plans and prescriptions.
 5. Authorized providers, acute care coordinators, hospitals and county employees (including school-, DHS- and juvenile justice-based clinicians) will be able to access information through county database as appropriate.

System of Care Value III.

The system of care should be culturally competent, with agencies, programs, and services that are responsive to the cultural, racial, and ethnic differences of the populations they serve.

Goal:

Children and Families in Multnomah County will have the ability to choose services and providers based upon their needs, including cultural, linguistic and geographic.

Objectives:

1. Children and families will be informed about linguistically- and culturally-specific services and will have the right to choose culturally- and linguistically-appropriate providers.
2. Verity contracts will specify that families have the right to choose culturally- and linguistically-appropriate providers.
3. Verity will contract with providers who demonstrate the ability to effectively serve children and families from minority and traditionally under-served populations, and providers will do active outreach to under-served groups.
4. Both Verity and providers with primary authorization authority will be required by county policy to refer families who need and desire culturally- and linguistically-appropriate providers to refer families to non-par providers if no such participating providers exist.

SOC Principles

System of Care Principle I.

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

Goals:

- A. Mental health services for Verity members will support children's involvement in age-/developmentally-appropriate educational, recreational, vocational and other activities.

- B. County funds, including OHP funds, state and county general funds and other types of funding for children's mental health services and programming will be allocated to support child and family well being with an array of traditional and non-traditional mental health services that address children's needs. Policy should be written to offer the greatest possible flexibility in braiding or blending "mental health" funding with other funds to support children's physical, emotional, social and educational needs.

System of Care Principle II.

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

Goal:

Verity contracts will allow providers the flexibility to provide services that meet a child and family's unique needs.

System of Care Principle III.

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

Goal:

County contracts will include performance requirements that primary providers deliver services in the least restrictive, clinically-appropriate setting.

Objectives:

1. For children who are at risk of removal from home, disruption from foster placement or placement in a hospital setting or residential facility, providers will develop a crisis plan with the child's parents/caregivers that describes a continuum of crisis prevention and crisis response options.
2. Providers will offer crisis prevention/crisis response options for families that they can access evenings and weekends.
3. Providers will assist families in developing crisis prevention/response strategies that utilize family resources

and natural support networks, as well as professional services.

4. Verity will provide incentives to providers to offer intensive community-based services for children who are at risk of moving from their homes or foster placements into residential or other, more restrictive levels of treatment.
5. Primary providers who have an inordinately high amount of assigned consumers (children) in highly restrictive (inpatient) treatment settings over time, as evidenced by performance/outcome measures, will be at risk of losing funding under contract with Verity.

System of Care Principle IV.

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

Objectives:

1. Children ages 14 and older shall be participants in the treatment team.
2. Children and/or families shall participate in the assessment and treatment planning process with providers.
3. Individually-crafted service plans created by providers will have the input of child/family consumers, and the consumers' needs shall be primary. Providers' clinical records will document child/family involvement.
4. Foster families and the agencies acting as guardian for child consumers will participate fully in children's mental health treatment planning for children who are in the custody of the state.

System of Care Principle V.

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

Goals:

- A. Verity performance measures will include integration of services for children and families. Contracts will eliminate financial disincentives to collaboration and include incentives for coordination and collaboration between providers and partners (listed above in Principle II., Goal B.).
- B. Providers and Verity will coordinate assessments and services with the Developmental Disabilities Services Division, and *vice versa*, when a member child has or is suspected of having a developmental disability in addition to a mental health disorder.
- C. The principles of service coordination and least restrictive services for children with mental health diagnoses or suspected diagnoses shall apply to the county juvenile justice system, as well.
 - 1. Authorized juvenile justice detention and probation staff will be able to access information about primary providers and work with mental health providers to ensure continuity of care.
 - 2. Providers will continue care coordination services as necessary while children are detained or on probation, and providers and county detention staff will coordinate services to minimize any interruptions to a child's prescribed psychiatric medication regimen.
 - 3. For youth who are held in detention because they pose a threat to themselves or others primarily due to a mental illness, county staff and providers (and other partners, as appropriate) will collaborate to move the child to a more clinically appropriate setting as soon as possible (pending approval by the Juvenile Court).

System of Care Principle VI.

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

System of Care Principle VII.

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

Goal:

All children, including young children and adolescents, will have access to clinicians who have specific training and experience in developmentally-appropriate assessment and intervention.

Objectives:

1. Verity will ensure through contract oversight that providers employ and retain clinicians with training in early childhood mental health assessment and intervention.
2. Verity will offer incentives to providers to offer preventative services.
3. Contract agreements with providers who serve young children (ages 0-5) shall ensure that clinically appropriate interventions, training and education done with parents, foster parents, teachers and child care providers of children with mental or emotional disturbances, or the precursors thereof, will be reimbursed by Verity.

System of Care Principle VIII.

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

Goal:

All children, including young children and adolescents, will have access to clinicians who have specific training and experience in developmentally-appropriate assessment and intervention.

Objectives:

1. Verity will ensure through contract oversight that providers employ and retain clinicians with training in adolescent and young adult mental health, including knowledge of developmentally-appropriate assessment and intervention.
2. Verity will require through its contracts that providers will engage in active outreach to eligible adolescents in the child welfare, “youth investment,” homeless and juvenile justice systems.
3. Before a provider can close a case because an adolescent has not attended scheduled appointments for mental health services, the provider must document reasonable efforts they have made to provide community-based, developmentally appropriate services to the youth.
4. Verity will monitor the availability of developmentally appropriate services for adolescents through its quality assurance process.
5. Contracted providers will develop and support adequate adolescent mental health services, including clinical care coordination for youth up through the age of 21.

System of Care Principle IX.

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

Goals:

- A. The county will establish an independent ombudsman with experience and expertise in child and family mental health and other social service systems.

Objectives:

- 1. The county ombudsman will have the authority to investigate and intervene on behalf of any child and/or family that receives mental health-related services from any county department or division or from any Verity-contracted provider.
 - 2. The county ombudsman for child and family mental health will not be subordinate to the administrator of any county department or agency.
- B. The Office of the Chair should revisit the Multnomah County Mental Health Task Force's recommendation to establish a Special Assistant to the Chair for Children's Mental Health Coordination.
- C. Multnomah County and its departments will protect the rights of children with mental and emotional disorders who enter the juvenile justice system.
 - 1. Verity's contracts with providers will offer incentives for providers who deliver services to prevent a child's involvement or continued involvement in the juvenile justice system, based upon performance and/or outcome measures.

System of Care Principle X.

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

Goals:

- A. The County will use the Quality Assurance and Contract Monitoring processes to promote access to mental health services to underserved groups.
 - 1. Verity will do a self-assessment to identify any contractual disincentives and other barriers that prevent children with disabilities; sexual minority children or parents; dependent or delinquent children; or children and families from cultural/linguistic minority groups from accessing clinically-appropriate, community-based services in the least restrictive setting.
 - 2. Each provider who contracts with Verity will do a self-assessment to identify any barriers that prevent children with disabilities; sexual minority children or parents; dependent or delinquent children; or children and families from cultural/linguistic minority groups from accessing clinically-appropriate, community-based services in the least restrictive setting.
 - 3. Verity and its providers will continue such assessments on an annual basis until access and encounter data show that child and families from groups listed in 1 and 2 have access to services proportionate to their needs and demographic representation among OHP eligibles in Multnomah County.
- B. Providers will receive incentives to hire and retain diverse, qualified and skilled clinical practitioners.
 - A. Providers will assign the most clinically experienced practitioners to the children and families with the highest needs. The following criteria can be used to identify children with the greatest needs: Child and Adolescent Functional Assessment Scale (CAFAS) or Children's Global Assessment Scale (CGAS) scores; psychiatric diagnoses; multiple system involvement; history of abuse, neglect or other trauma; developmental disability; substance abuse; juvenile justice involvement, etc.

Proposed Mechanisms to Implement
Initial Recommendations
For Cultural Competence
October 1, 2001

- I. The roles, responsibilities and expectations of various mental health system participants should be documented at the earliest opportunity. A clear statement should be developed as to where and how policy formulation, accountability mechanisms, administrative service organization operations and service delivery in its various facets will be achieved. This information should be broadly disseminated to system participants through various mechanisms at the earliest opportunity.

Work Plan:

- A. Members of the Cultural Competence Committee, the Multnomah County Director of the Department of Community and Family Services (DCFS), the Multnomah Director of Behavioral Health (Verity), and County Commission staff will be contacted about the organizational structure of the Multnomah public mental health system.
- B. Information will be gathered regarding which entity has responsibility for the following tasks and operations at their respective levels:
 - Policy formulation
 - Accountability mechanisms, including system design, system monitoring, service authorization, service delivery, tracking of system performance, and training for systems change
- C. A summary statement will be written which describes the roles and responsibilities of the County Commission, DCFS, Verity, and service provider contractors as they relate to policy formulation and accountability mechanisms.
- D. A set of recommendations will be submitted which outline methods for disseminating information about the roles and responsibilities of system participants.

Projected Timeline for Completion:

November 9, 2001

- II. Training and orientation on principles of managed care and functions of a capitated payment system should be provided to system participants (County Commissioners and staff, county staff, mental health providers, ancillary providers, consumers and other stakeholders) as a high priority.

Work Plan:

- A. A representative number of the members of the County Commission staff, DCFS, Verity, and mental health providers (System Participants) will be queried about their level of understanding of the operations of a managed care system and of incorporation of cultural competence in the Multnomah mental health system.
- B. An existing general training session will be provided to members of the Cultural Competence Committee and others at their option.
- C. Based upon the findings from the basic query of system participants, a set of recommendations for more focused training and methods to guide the implementation of system redesign will be submitted.
- D. A set of recommendations for initial and long term training will be provided, which will include suggested methods for accessing resources to assist in implementation of training for system participants.

Projected Timeline for Completion:

November 23, 2001 or as agreed.

- III. The mechanisms by which pre-paid, flexible, limited-risk contracts for specialized providers will be entered should be formulated, and contracts should be executed within the same time period and in coordination with implementation of contracts for other service providers.
 - A. A list of contract mechanisms and options will be created, following discussion with System Participants.
 - B. At the option of System Participants, this contractor will facilitate one or more working sessions to review the contracting options of specialized mental health service providers who will have the option of pre-paid, flexible-risk contracting with Multnomah County.
 - C. A summary of the options identified and the proposed working sessions will be submitted, following their completion.

Projected Timeline for Completion:

December 14, 2001 or as agreed.

- IV. A plan to develop additional age and culturally competent service capacity, to be guided by specialized providers, should be developed.
 - A. In conjunction with system participants, the Contractor will develop a plan for incremental implementation of cultural competence into the Multnomah mental health system. Features of the plan will include:

1. A general assessment of the current capacity of the Multnomah mental health system at the inpatient, crisis, outpatient and residential service provider levels.
 2. A description of the basic components of a culturally competent mental health system and the essential functions of that system, based upon the SAMHSA Monograph, Cultural Competence Standards in Managed Care Mental Health Services: Four Underserved/Underrepresented Racial/Ethnic Groups, Center for Mental Health Services Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services, SMA00-3457, Spring, 2000.
 3. A Multnomah system specific set of recommendations for implementation of cultural competence.
 4. A set of recommendations for service delivery staff and other system participant development intended to accomplish the implementation of cultural competence in the Multnomah mental health system.
- B. Following review of the proposed plan by system participants, the Contractor will revise and submit the plan for acceptance and implementation.

Projected Timeline for Completion:

January 25, 2002

BOGSTAD Deborah L

From: Uherbelau Rebecca A
Sent: Thursday, September 20, 2001 2:10 PM
To: Barry Kast (E-mail); Beckie Child (E-mail); Chair Adult Advisory Board (E-mail); #ALL CHAIR'S OFFICE; HELGESON Dave J; LINN Diane M; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; MATTIODA Gina M; Hank Balderrama (E-mail); Jason Renaud (E-mail); GAYNOR Jim G; MAYFIELD Karen D; DARGAN Karyne A; JAMISON-CARTER Kristi X; OSKOCHIL Laureen I; POE Lorenzo T; Lusero (E-mail); Madeline Olson (E-mail); MILLER Maggie L; STEWART MaryAnn; DAVIDSON Peter J; MACK Robin M; CELAYA-ALSTON Rosemary C; LYON Seth A; Sharrone Kelley (E-mail); Steve Weiss (E-mail)
Subject: Mental Health Budget Modification

Below please find a statement from the Chair explaining why the Board has continued action on the Budget Modification. Please let me know if you have questions and pass it along to whomever you think would be interested in the matter.

Thank you,

Becca Uherbelau
Communications Director
Office of Chair Diane Linn
503-988-5273

CHAIR LINN'S STATEMENT:

The Multnomah County Board of Commissioners has unanimously consented to continue consideration on the Mental Health Budget Modification originally scheduled for today's agenda. Pursuant to the August 9, 2001 Resolution and October 1 timeline, we will soon be clarifying the roles and responsibilities in the County mental health system.

As part of that effort, I have asked Jim McConnell, Director of Aging and Disability Services, to assume a new and unique role as Director of the Office of Mental Health Services. He will work out of the Chair's office and will coordinate all County mental health services.

I have also asked Jim to review the position cuts reflected in this Budget Modification. Lorenzo Poe and Jim Gaynor have proposed these cuts with their focus on DCFS, Verity and BHD. Jim McConnell will now review them over the next few days and suggest any changes that may make sense in the broader context of countywide mental health services.

This continuance will not delay the implementation process and will not adversely affect the Action Plan. We will go ahead with this as soon as possible and I expect to bring it back to the Board next Thursday. If there are any significant changes to the substance of the Budget Modification, we will take the necessary steps to ensure that all interested parties have access to the document prior to Thursday's Board meeting.

I am very excited that Jim McConnell is joining my office in our effort to effectively implement the Board's Action Plan and we have confidence that he is committed to our goal of providing quality of care for those who make use of our services.

I want to underscore that my administration will continue with our approach to identify and utilize the incredible talent across the county organization as needed when we face unique challenges such as this in the future.

NEWS RELEASE

September 20, 2001

Contact: Becca Uherbelau
503-988-5273

CHAIR LINN ANNOUNCES NEW OFFICE OF MENTAL HEALTH SERVICES

Jim McConnell, Multnomah County's Director of Aging and Disability Services, will soon be transitioning into a new and unique role in the County's mental health system. McConnell will direct the Office of Mental Health Services recently created by Chair Linn. McConnell will work out of the Chair's office. While his position and duties are still being finalized, his responsibilities will include coordinating the continuing development of mental health services across all Multnomah County departments and services.

McConnell has served as director of ADS for eighteen years. Under his leadership the department has become a model service provider for the aging and special needs population, including a dramatic decrease in nursing home stays. McConnell has been praised for his innovative approach in involving the community and consumers in determining how best we can serve them.

Prior to working for Multnomah County, he spent a year in the Region X Office of the Federal Community Services Administration, and from 1973-80 was Executive Director of PACT, Inc., a non-profit community action program in Portland.

"I am very excited about Jim's new role and have complete confidence that his expertise and leadership will augment our continued efforts to improving our countywide mental health services," said Chair Linn.

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BOGSTAD Deborah L

From: Jason Renaud [Portland@NAMI.org]
Sent: Wednesday, September 19, 2001 9:13 AM
To: Portland@NAMI.org
Subject: Business Journal stories

Multnomah County's Department of Community and Family Services in preparation for the September 20 mental health budget modification (new terminology: "Bud Mod") released a "Supplemental Staff Report," a review and set of recommendations to the Board of County Commissioners on September 14. See: <http://www.nami.org/multnomah/BudMod091701.htm> Yesterday, September 16, DCFS cut 38.5 administrative positions.

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Mental health in crisis, by Merlin Douglass, Portland Business Journal, September 14, 2001
<http://portland.bcentral.com/portland/stories/2001/09/17/focus1.html>

Closure of Pacific Gateway adds pressure to ER, by Merlin Douglass, Portland Business Journal, September 14, 2001
<http://portland.bcentral.com/portland/stories/2001/09/17/focus2.html>

Walk-in clinics, mobile teams part of new plan, by Merlin Douglass, Portland Business Journal, September 14, 2001
<http://portland.bcentral.com/portland/stories/2001/09/17/focus3.html>

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You are cordially invited to join NAMI in celebrating heroic efforts of Portland's Police at NAMI's Sixth Annual Crisis Intervention Team Recognition Banquet.

September 28, 2001 at 5:30 PM

Special Guests: Mark Kroeker, Portland Police Chief and Diane Linn, County Commission Chairperson

Cost is \$30.00 per person, Multnomah Athletic Club 1849 SW Salmon

Send your RSVP with check to NAMI 619 SW 11th Avenue #219 Portland, Oregon 97205, no later than September 25th

Officer recognition: Ed Riddell, Police CIT Coordinator and Scott Snedecor, Multnomah County Managed Care Consumer Liaison

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Do you send NAMI's messages along to others? Send us the email addresses of those who need NAMI's message of advocacy, support and education. NAMI's Portland mail list now holds over 2000 Oregonians and NAMI's national mail list sends regular messages to over 100,000 people and associations. Join Portland's list by sending an email to Portland@NAMI.org. Join the national mailing list by filling out a short form at <http://www.nami.org/update/enewslist.htm>

Are you DELETING NAMI's message? We're not here to annoy. Send a reply to this email message with REMOVE somewhere in the subject line or message area and you will not receive future messages.

BOGSTAD Deborah L

From: Uherbelau Rebecca A
Sent: Friday, September 14, 2001 11:31 AM
To: Barry Kast (E-mail); Beckie Child (E-mail); Chair Adult Advisory Board (E-mail); #ALL CHAIR'S OFFICE; HELGESON Dave J; LINN Diane M; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; MATTIODA Gina M; Hank Balderrama (E-mail); Jason Renaud (E-mail); GAYNOR Jim G; MAYFIELD Karen D; DARGAN Karyne A; JAMISON-CARTER Kristi X; OSKOCHIL Laureen I; POE Lorenzo T; Lusero (E-mail); Madeline Olson (E-mail); MILLER Maggie L; STEWART MaryAnn; DAVIDSON Peter J; MACK Robin M; CELAYA-ALSTON Rosemary C; LYON Seth A; Sharrone Kelley (E-mail)
Subject: Mental Health Update

Greetings,

As you know, we are continuing to refine our system of communication for information regarding mental health issues. The Mental Health Communications Committee met recently to discuss, among other agenda items, how best to distribute important information to all interested parties in a timely manner.

We are in the process of assembling an information matrix and assigning responsibility of distribution among members of our committee. We are being extremely careful to include all affected constituencies and county staff. Once the matrix is finalized you will be receiving mental health updates and information from a member of the Communications Committee via e-mail. Until then, and in lieu of the Mental Health Updates previously provided by John Rakowitz, you will be receiving e-mail updates from the Chair's communications staff.

Attached please find a Supplemental Staff Report on the Review and Recommended Approval of Budget Modification authorizing expenditures to implement the crisis/acute care plan approved by the Board on August 9, 2001. This document will be considered by the Board at 9:30 AM on September 20, 2001 as a Regular Agenda item.

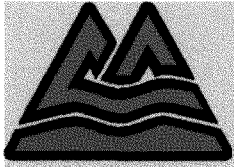
Please feel free to contact me at any time if you have any questions or would like more information.

Thank you,

Becca Uherbelau
Communications Director
Office of Chair Diane Linn
503-988-5273



#2 Staff Report for
CFS02 Bud ...



Department of Support Services
MULTNOMAH COUNTY OREGON

Budget and Quality
501 SE Hawthorne Boulevard, Fourth Floor
Portland, Oregon 97214
(503) 988-3883 phone
(503) 988-4570 fax

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Dave Warren
Kathy Tinkle

DATE: September 12, 2001

RE: Review and Recommended Approval of Budget Modification CFS02

1. Recommendation/Action Requested:

Approve budget modification CFS02 authorizing expenditures to implement the crisis/acute care plan approved by the Board on August 9, 2001.

2. Background/Analysis:

On August 9, 2001 the Board approved a financial framework for the mental health crisis/acute care system. That framework assumed \$12,969,309 of projected inpatient and crisis funding and \$12,799,261 of estimated inpatient service costs. A new array of crisis service was also accepted by the Board:

County access/crisis line	\$1,856,067
Secure evaluation facility	2,217,712
Mobile crisis services	939,389
Urgent walk-in clinics	1,118,434
Homebased stabilization days	533,250
Warm line	225,108
Acute care administration	143,550
Raintree IT system	196,500
Flex Fund	300,000
Consultation	100,000
	<hr/>
	\$7,630,010

Funding these services required reallocations and cuts in the following areas:

Reallocate OHP systemwide funds	\$2,181,467
Shift 3% incentive pool	998,980
Additional MHO revenue	695,962
Revise e-hold days and rates	365,757
Verity administrative cuts	700,793
Behavioral Health administrative cuts	408,502
CFS Department local admin cuts	393,261
Use Managed Care Fund reserve	1,715,250
	<hr/>
	\$7,459,972

Bud Mod CFS02 alters appropriations in CFS to implement the plan.

3. Financial Impact:

As the Board was warned on August 9, some details are different now than they were assumed to be at that time. These changes, as well as other details not available in August, are briefly explained below.

1. Not included in the August 9 plan was the budgetary reduction needed to bring revenues and expenditures overall into synch with the actual number of clients covered by Verity. The budget as adopted was based on an assumed 85,000 covered clients. The actual client population is now known to be approximately 70,000, and the revised budget reduces revenues and expenditures to this level.
2. The August 9 plan mingled emergency hold and hospital waiting list revenues and expenditures with other crisis/acute care services. Those revenues and expenditures are shown separately in the Bud Mod. They are:

Emergency holds	\$ 984,063
Hospital wait list	1,300,000

Unfortunately, displaying the costs separately has caused the realization that the August 9 plan assumed a \$365,000 reduction in emergency hold costs *twice*. Similarly, the amount of State MHS 24 dollars carried over from last year is \$286,000, not the \$445,000 assumed to be available in the August 9 plan. These unpleasant discoveries were offset by a number of savings noted below but results in a use of Behavioral Health Managed Care Fund contingency only slightly different from the August 9 plan.

3. Dale Jarvis has re-visited the anticipated workload of the access/crisis line call center. This refinement includes a change in the estimate for call volume. This has significantly reduced the estimated number of clinicians needed to answer calls: from 21.3 in the August 9 plan to 14 in the latest estimate. This change reduces the overall full year cost of the call center budget from \$2,297,130 to \$1,607,537. Assuming a November 1 date of startup, the Bud Mod appropriates \$1,329,002, the number equivalent in all respects to the August 9 estimate of \$1,856,007 for a November start, except for the number of clinicians beginning November 1.

The access/crisis line cost estimates assumed leasing space and equipment from a contract provider. It now seems likely that the program will operate in a County facility using the County phone system. This could reduce the first year and startup cost of the service by \$53,000. Further, it is also apparent that the system may not begin to operate November 1, as originally assumed. Continuing a contract with Providence through January 2002 could reduce the cost by as much as \$124,000. Neither of these savings is assumed in the Bud Mod.

4. The secure evaluation facility envisioned in the August 9 plan has not been identified. This means that the ramp up savings are likely to be greater than assumed. However, the cost of other modes of handling the clients until a secure evaluation site is agreed on will probably result in essentially the same overall cost for the service. The Bud Mod authorizes the same total expenditure, \$2,217,712, as the August 9 plan.
5. The August 9 summary assumed mobile crisis units would begin operations in mid-August and would fully operate from September on at a cost of \$96,909 per month. The Bud Mod reflects a cost for August/September of \$127,346 and an ongoing monthly cost of \$94,823, resulting in the same overall cost as in the original plan.
6. Contracts for urgent walk-in clinics are not yet in place. The August 9 summary included estimated costs of \$118,225 per month beginning late August. The Bud Mod appropriates this estimated cost, \$1,118,434.
7. A two FTE increase in Acute Care Administration, was estimated in the August 9 plan at a cost \$143,550. Those costs are included in the Bud Mod as a separate expenditure.
8. Homebased stabilization days, the Raintree IT system, and additional consultation are appropriated at the August 9 amounts.
9. The Bud Mod appropriates only half of the August 9 estimate for the Warm Line. To date, implementation efforts have been limited. The Bud Mod anticipates the Warm Line will begin operations January 1 and will cost half of the \$225,108 assumed in the August 9 plan.
10. The Bud Mod includes one service component not included in the August 9 plan: transportation services. This function, to move clients in crisis from one location to another, is an unavoidable cost not separately identified and figured into the August plan. Its estimated cost is \$125,000. Budgeting the Warm Line for only six months allows \$112,000 to be reallocated toward this cost. The balance comes out of the Flex Funds, which are otherwise budgeted as the August plan assumed.
11. Funding for the revised services was predicated on \$1.5 million of reductions in the existing CFS Administration, Behavioral Health Division Administra-

tion, and Verity budgets. In addition, Verity has created new positions not included in the February budget submission. The Bud Mod authorizes reductions and new positions for a net savings of \$1,244,169 in personnel/FTE costs (see attached Summary by Classification); \$136,304 in materials and services; and a reduction in the Managed Care Fund Contingency \$120,835 greater than was anticipated in the August 9 plan.

12. The Managed Care Fund Contingency used by the Bud Mod to cover FY 2002 costs is \$1,832,757. This is the net difference between the costs of programs to be implemented and the other revenues available.

Notice that this is \$120,835 higher than the August 9 estimate. Actually, we expect to restore some of the increased use as the operational details are determined for the Warm Line, the call center, and Acute Care Administration. There are places where the August 9 plan assumed offsets to program costs through transfers from existing programs. Until the operational details (what kinds of positions are necessary, what kind of materials and services costs) are known, it is difficult to see if those assumptions can be counted on. The Bud Mod takes advantage of none of those estimates. If any of them come to pass, the Managed Care Fund Contingency can be correspondingly restored.

It is important to reiterate that this Bud Mod balances revenues and expenditures for 2001-02. However it uses approximately \$2.7 million of one-time-only savings and resources to cover costs. The plan is to reduce inpatient services sufficiently to reduce overall costs to the ongoing revenues available. If this cannot be done, the budget for 2002-03 will require significant changes again.

In addition to the details above, the attached spreadsheet (Detail of Crisis/Acute Care Recommendations & Budgeted Amounts) shows the link between funding sources and program expenditures.

4. Legal Issues:

None

5. Controversial Issues:

The consequences of these cuts will have direct impact on the Department's ability to provide administrative support; e.g. contracts management, contract monitoring, grant writing, for the remaining Department divisions and programs. In the past two budget cycles, the Department's Central Administrative infrastructure has experienced reductions of \$704,497 to be able to meet their constraint budget.

Budget Modification CFS02 continues to reduce that infrastructure by another \$393,261 for a total reduction since FY01 of \$1,097,758. In addition to the reduction, all central support positions funded by managed care resources have transferred to Verity. Some of those transferred positions are being cut or reduced by Verity.

With this reduction, DCFS Central Administration will no longer provide support services such as contracts, HR, IS, finance or budget to the Behavioral Health/Verity Division. This Division will need to rely on its own resources (see positions added). This could have long term consequences that need to be addressed.

6. Link to Current County Policies:

NA

7. Citizen Participation:

The record in regard to Mental Health is long and deep. The Mental Health Task Force and the Mental Health Coordinating Council involve citizens. The Board has held numerous public hearings on the issue, including one on August 6 about the proposed “gap” plan.

8. Other Government Participation:

The State of Oregon Mental Health and Developmental Disabilities Services Division has participated on the Mental Health Task Force, Mental Health Design Team and the Mental Health Coordinating Council.

**Multnomah County Mental Health
Detail of Crisis/Acute Care Recommendations
(with County Operated Access/Crisis Line)**

SECTION 2: PROJECTED INPATIENT EXPENSE

					Forecast								Expense	
					FY2002	County						24150 (OHP	Fund 3002	Less
Service Category	Days	Description	FY2002 Full- Year Expense	Adjustments	FY2002 Expense	General Fund	OHP Premium	SMHG -LA	MHS 24	MHS 24 Carryover	MHS 25	Waitlist)	Contingency	Revenue
Sub-Acute Services	5,000	Verity Bed Days	\$2,005,722	\$0	\$2,005,722		\$876,473		\$684,430	\$444,819				(\$0)
Respite Services	4,357	Verity Bed Days	\$609,696	\$0	\$609,696						\$609,696			\$0
Voluntary Inpatient Services	9,880	Verity Bed Days	\$6,915,834	(\$1,161,860)	\$5,753,974		\$5,753,974							\$0
Involuntary Inpatient Services	4,028	Verity Bed Days	\$2,819,809	(\$473,728)	\$2,346,081		\$2,346,081							\$0
Indigent Inpatient Services	1,406	Mult. Co.-Responsible Bed Days	\$0	\$0	\$0									\$0
E-Hold Expense		Per 9/3 Jarvis e-mail - \$1,140,747 fo	\$1,349,820	(\$365,757)	\$984,063	\$340,144			\$718,654					(\$74,735)
Wait List		Assume Revenue fully spent	\$1,300,000	\$0	\$1,300,000				\$800,000			\$500,000		\$0
Adjustment to balance with Model 12			(\$860,032)	\$0	(\$860,032)				(\$494,972)					(\$365,060)
Emergency Room Payments	105	Bed Days	\$294,000	\$0	\$294,000	\$150,000							\$144,000	\$0
less Medicare/Medicaid Copays			-\$1,635,588	\$1,635,588	\$0									\$0
TOTAL INPATIENT SERVICES	24,671	Total Days	\$12,799,261	(\$365,757)	\$12,433,504	\$490,144	\$8,976,528	\$0	\$1,708,112	\$444,819	\$609,696	\$500,000	\$144,000	(\$439,795)

SECTION 3: PROJECTED CRISIS EXPENSES

Service Category	Days	Description	FY2002 Full- Year Expense	Less Ramp- Up Savings	Forecast FY2002 Expense										Check: Expense Less Revenue
Access/Crisis Line	122,585	Incoming Calls	\$2,297,130	\$441,063	\$1,856,067	\$83,875	\$551,707	\$372,500					\$408,188	\$439,797	
Secure Evaluation Facility	2,450	Days	\$2,388,949	\$171,237	\$2,217,712	\$200,000			\$709,404		\$441,746		\$866,562	(\$0)	
Mobile Crisis Services	14,449	Service Hours	\$1,096,305	\$156,916	\$939,389		\$469,695				\$469,695			\$0	
Urgent Walk-In Clinics	10,800	Service Hours	\$1,254,823	\$136,389	\$1,118,434		\$559,217				\$559,217			\$0	
Homebased Stabilization Days	3,333	Verity Days	\$533,250	0	\$533,250						\$266,625			\$0	
Warm Line	6	FTEs	\$225,108	0	\$225,108	\$75,036	\$75,036	\$75,036						\$0	
Acute Care Administration	2	FTEs	\$143,550	0	\$143,550	\$47,850	\$47,850	\$47,850						\$0	
New IT System			\$196,500	0	\$196,500								\$196,500	\$0	
Additional Consultation			\$100,000	0	\$100,000								\$100,000	\$0	
Flex Fund		Dollars	\$300,000	0	\$300,000		\$150,000				\$150,000			\$0	
TOTAL CRISIS SERVICE COSTS - FULL YEAR			\$8,535,615	\$905,605	\$7,630,010	\$406,761	\$2,120,130	\$495,386	\$709,404	\$0	\$1,887,283	\$0	\$1,571,250	\$439,797	
						Total Revenue Used Above	\$896,905	\$11,096,658	\$495,386	\$2,417,516	\$444,819	\$2,496,979	\$500,000	\$1,715,250	\$20,063,512
						Total Revenue Available	\$896,905	\$11,096,658	\$495,386	\$2,417,516	\$444,819	\$2,496,979	\$500,000	\$1,715,250	\$20,063,513
						Over/Under Revenue	\$0	\$0	\$0	(\$0)	\$0	\$0	\$0	\$0	\$1

SECTION 4: BUDGET REALLOCATIONS

1. Allocate Larger Portion of OHP System-Wide Funds	\$2,181,467	
2. Shifting of 3% Incentive Pool	\$998,980	
3. Use of Additional MHO Admin Revenue	\$695,952	
4. Revisions to Emergency Hold Days and Rates	\$365,757	reduced expense above
5. Reduction of Verity Administrative Costs	\$700,793	
6. Reduction of BHD Administrative Costs	\$408,502	
7. Transfer of State Local Mental Health Authority Funds	\$393,261	
TOTAL REALLOCATIONS	\$5,744,712	
8. One-Time Use of Reserves	\$1,715,250	
TOTAL REALLOCATIONS AND USE OF RESERVES	\$7,459,962	
INCREASE IN OUTPATIENT FUNDING	\$0	
BALANCE		

Section 1: REVENUE

Program	Category	Fund Source	Fund Source Name	FY2002 Full-Year Expense
AMH Contracts	Indigent Inpatient	76010	County General Fund Subsidy	\$340,144
Managed Care	Indigent Inpatient	24150	Mental Health Hospital Beds	\$500,000
AMH Contracts	Indigent Inpatient	MHS 24	Regional Acute Psychiatric Inpatient	\$718,654
AMH Contracts	Indigent Inpatient	MHS 37	Regional Acute Psychiatric Inpatient Facilities, non Mg Care folks	\$800,000
AMH Contracts	Indigent Inpatient	MHS 24	Pass through funds not spent	<u>-\$494,972</u>
Subtotal				\$1,863,826
Managed Care	Subacute	82024	MHS24	\$684,430
Managed Care	Subacute	82024	MHS24 carryover	<u>\$444,819</u>
Subtotal				\$1,129,249
Managed Care	Inpatient Premium	26030	TXIX Medicaid FQHC	<u>\$6,519,466</u>
Subtotal				\$6,519,466
TOTAL INPATIENT CONTRACTS				\$9,512,541
AMH Contracts	Crisis	76010	County General Fund Subsidy	\$250,385
AMH Contracts	Crisis	MHS 24	Regional Acute Psychiatric Inpatient	\$709,404
AMH Contracts	Crisis	MHS 25	Community Crisis Svcs for Adults &	<u>\$2,496,979</u>
TOTAL CRISIS TRIAGE FUNDING				\$3,456,768
TOTAL BUDGETED INPATIENT AND CRISIS FUNDING				\$12,969,309

Changes

mhs 24 carryover of \$444,819 should be \$286,143 per Les (year-end close)
Transportation

Multnomah County Mental Health

Detail of Crisis/Acute Care Recommendations & Budgeted Amounts Assuming Passage of Budget Modification CFS 02

(with County Operated Access/Crisis Line)

BUDGETED INPATIENT EXPENSES & REVENUES

BUDGETED INPATIENT EXPENSES & REVENUES				REVENUE							Check: Expense Less Revenue	
Service Category	Full-Year Expense	Adjustments	Forecast FY2002 Expense	County General Fund	OHP Premium	SMHG -LA	MHS 24	MHS 24 Carryover	MHS 25	24150 (OHP Waitlist)	Fund 3002 Contingency	
Sub-Acute Services	\$2,005,722	\$0	\$2,005,722		\$1,035,149		\$684,430	\$286,143				(\$0)
Respite Services	\$609,696	\$0	\$609,696						\$609,696			\$0
Voluntary Inpatient Services	\$6,915,834	(\$1,161,860)	\$5,753,974		\$5,753,974							\$0
Involuntary Inpatient Services	\$2,819,809	(\$473,728)	\$2,346,081		\$2,346,081							\$0
Indigent Inpatient Services	\$0	\$0	\$0									\$0
E-Hold Expense	\$1,349,820	(\$365,757)	\$984,063	\$265,409			\$718,654					\$0
Wait List	\$1,300,000	\$0	\$1,300,000				\$800,000			\$500,000		\$0
Emergency Room Payments	\$294,000	\$0	\$294,000	\$150,000							\$144,000	\$0
less Medicare/Medicaid Copays	-\$1,635,588	\$1,635,588	\$0									\$0
TOTAL INPATIENT SERVICES	\$13,659,293	(\$365,757)	\$13,293,536	\$415,409	\$9,135,204	\$0	\$2,203,084	\$286,143	\$609,696	\$500,000	\$144,000	\$0

BUDGETED CRISIS EXPENSES & REVENUES

	FY2002 Full- Year Expense	Less Ramp-Up Savings	Forecast FY2002 Expense								
Service Category											
Access/Crisis Line	\$1,607,537	\$278,535	\$1,329,002	\$154,544	\$259,660	\$389,103				\$525,695	\$0
Secure Evaluation Facility	\$2,388,949	\$171,237	\$2,217,712	\$200,000			\$709,404		\$441,746	\$866,562	(\$0)
Mobile Crisis Services	\$1,096,305	\$156,916	\$939,389		\$469,695				\$469,695		\$0
Urgent Walk-In Clinics	\$1,254,823	\$136,389	\$1,118,434		\$559,217				\$559,217		\$0
Homebased Stabilization Days	\$533,250	0	\$533,250		\$266,625				\$266,625		\$0
Warm Line	\$225,108	\$112,554	\$112,554	\$37,518	\$37,518	\$37,518					\$0
Acute Care Administration	\$143,550	0	\$143,550	\$47,850	\$47,850	\$47,850					\$0
New IT System	\$196,500	0	\$196,500							\$196,500	\$0
Additional Consultation	\$100,000	0	\$100,000							\$100,000	\$0
Transportation	\$0	0	\$125,000	\$62,500	\$62,500						\$0
Flex Fund	\$300,000	\$12,446	\$287,554		\$137,554				\$150,000		\$0
TOTAL CRISIS SERVICE COSTS	\$7,846,022	\$868,077	\$7,102,945	\$502,412	\$1,840,619	\$474,471	\$709,404	\$0	\$1,887,283	\$0	\$1,688,757 (\$0)

Total Revenue Used Above	\$917,821	\$10,975,823	\$474,471	\$2,912,488	\$286,143	\$2,496,979	\$500,000	\$1,832,757	\$20,396,481
Total Revenue Available	\$917,821	\$10,975,823	\$474,471	\$2,912,488	\$286,143	\$2,496,979	\$500,000	\$1,832,757	\$20,396,482
Over/Under Revenue	(\$0)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

BUDGET REALLOCATIONS PER AUGUST 9TH BOARD PRESENTATION

1. Allocate Larger Portion of OHP System-Wide Funds	\$2,181,467
2. Shifting of 3% Incentive Pool	\$998,980
3. Use of Additional MHO Admin Revenue	\$695,952
4. Revisions to Emergency Hold Days and Rates	\$365,757
5. Reduction of Verity Administrative Costs	\$700,793
6. Reduction of BHD Administrative Costs	\$408,502
7. Transfer of State Local Mental Health Authority Funds	\$393,281
TOTAL REALLOCATIONS	\$5,744,712
8. One-Time Use of Reserves	\$1,715,250
TOTAL REALLOCATIONS AND USE OF RESERVES	\$7,459,962
INCREASE IN OUTPATIENT FUNDING	\$0

Shown as reduced expense above in the adjustment column. Double counting of this savings eliminated.
Cost reduced by \$579,958. The remainder is taken from the contingency.
Revenue rows above reflect that this is 80.12% General Fund and 19.88% Local Admin Funds.

Increased by \$120,835 above to cover Verity cuts not made less \$3,328 balance adjustment.

REVENUE LIST PER AUGUST 9TH BOARD PRESENTATION

Program	Category	FY2002 Full- Year Expense
AMH Contracts	Indigent Inpatient	\$340,144
Managed Care	Indigent Inpatient	\$500,000
AMH Contracts	Indigent Inpatient	\$718,654
AMH Contracts	Indigent Inpatient	\$800,000
AMH Contracts	Indigent Inpatient	<u>-\$494,972</u>
Subtotal		\$1,863,826
Managed Care	Subacute	\$684,430
Managed Care	Subacute	<u>\$444,819</u>
Subtotal		\$1,129,249
Managed Care	Inpatient Premium	<u>\$6,519,466</u>
Subtotal		\$6,519,466
TOTAL INPATIENT CONTRACTS		\$9,512,541
AMH Contracts	Crisis	\$250,385
AMH Contracts	Crisis	\$709,404
AMH Contracts	Crisis	<u>\$2,496,979</u>
TOTAL CRISIS TRIAGE FUNDING		\$3,456,768
TOTAL BUDGETED INPATIENT AND CRISIS FUNDING		\$12,969,309

Changes

Because Max Hospital Wait List (Pass-through) Cost is assumed, do not reduce revenue by this amount.

Reduce MHS 24 carryover of \$444,819 to \$286,143 per actual year-end close.

Mental Health System Redesign Bud Mod FTE
Summary by Classification

Positions Cut		Amount	Local 88	Management
Administrative Analyst	1.00			1.00
Administrative Secretary	2.00		2.00	
CFS Administrator	1.00			1.00
CFS Supervisor	4.00			4.00
Data Tech	0.50		0.50	
Deputy Director	1.00			1.00
Financial Specialist 1	1.00		1.00	
Info & Referral Spec (Health Info Spec)	3.00		3.00	
Mental Health Consultant	3.00		3.00	
Office Assistant - Senior	1.50		1.50	
Office Assistant 2	2.45		2.45	
Operations Administrator	1.00			1.00
IS - Operations Manager	0.50			0.50
Program Development Specialist	4.20		4.20	
Program Development Specialist Senior	6.00			6.00
Program Development Technician	1.00		1.00	
Research Analyst 1	1.50		1.50	
Senior Manager	1.00			1.00
Various IS Positions	1.85		1.85	
Word Processing Tech/OA2	1.00		1.00	
Total FTE Reductions	38.50	\$1,750,867	23.00	15.50

Positions Added

Mental Health Consultant	1.00		1.00	
Mental Health Consultant/Acute Care Coord.	2.00		2.00	
CFS Administrator	1.00			1.00
Medical Director	0.50			0.50
Program Manager 2	2.00			2.00
Total FTE Added	6.50	\$506,698	3.00	3.50

Net FTE Change	(32.00)	(\$1,244,169)	(20.00)	(12.00)
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BOGSTAD Deborah L

From: Jason Renaud [Portland@NAMI.org]
Sent: Monday, September 10, 2001 12:14 PM
To: Portland@NAMI.org
Subject: Psychiatric unit told to fix several critical problems

Psychiatric unit told to fix several critical problems
By DON COLBURN, The Oregonian, 09/07/01

A state inspection of Woodland Park Hospital's psychiatric unit has turned up critical concerns about patient safety and care that require immediate correction.

State regulatory officials ordered the Northeast Portland hospital to cease admitting new psychiatric "hold" patients -- those deemed potentially dangerous -- until the shortcomings are corrected.

"Woodland Park Hospital has demonstrated a substantial failure to comply with applicable rules," an eight-page state report concluded. State officials did not revoke certification but identified six "critical areas of noncompliance" and gave the hospital a deadline of 30 days to fix them.

A spokeswoman for Woodland Park described the problems as "very fixable."

Among the state findings: Some patients did not receive a complete medical examination within 24 hours of admission. Some staff members were not aware that only a nurse or doctor can initiate seclusion or restraint procedures on a patient. Staff members failed to file reports on six safety hazard incidents this year. These included two incidents in which a patient attacked another patient and another in which a patient removed a pipe from a toilet to use as a weapon.

"The idea here is not to see how many hospitals we can shut down, but to make sure the hospitals in business are doing it safely and according to the requirements we have," said Bob Nikkel, deputy assistant administrator of the state Office of Mental Health Services, which released the report Thursday. The hospital can continue to treat current patients, he said.

Nikkel declined to say whether the state report corroborated the complaints of two ex-employees, which triggered the investigation last month.

"The complaints opened the door for a thorough review," he said. What mattered, more than confirming those complaints, was "what did we see when we got there."

In a statement issued Thursday afternoon, Woodland Park officials said they had resolved the complaints in the state report and plan "to invite (state regulators) back to resurvey as soon as they are available." Most of the state's complaints involved documentation, they said, and "at no time was a patient restrained" in violation of Oregon rules.

County officials have been negotiating for months with Woodland Park over a contract for a new 10-bed secure evaluation unit for psychiatric patients, including those being held by police.

The unit was a key element in the so-called Gap Plan for mental health reform approved by county commissioners Aug. 9. The plan is designed to fill the gap left by the closing of the Crisis Triage Center at Providence Portland Medical Center at the end of July.

Diane Linn, chairwoman of the county Board of Commissioners, this week described the contract negotiations with Woodland Park as "on hold." She said last month the county would pursue contingency plans, including the possibility of putting out a formal request for bids from other hospitals.

Inspections by the county and the state were prompted by complaints filed Aug. 5 by two nurses, one of whom was suspended by the hospital Aug. 2 and fired Aug. 14.

You can reach Don Colburn at 503-294-5124 or by e-mail at doncolburn@news.oregonian.com.

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NAMI's Advocacy Classes continue October 1 at 6:30 PM at Adventist Hospital, Education Center B. Participants get an up to the minute account of the County's mental health system, tools for advocacy, practice making policy statements into human language, and designate their own advocacy goals. Great for new members of NAMI or people curious about NAMI's advocacy.

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You can get training to be a NAMI Family To Family teacher!

Food, lodging and training for NAMI's nationally recognized family education program are all provided by NAMI. Classes begin soon!

Come one come all. NAMI needs you to teach the Family To Family Education Program. Please call and let us know you want to help! We want you!

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You may have been saying to yourself, is this all there is to this internet thing? A bunch of emails from NAMI of Multnomah County? No - there's getting to be a more interesting world out there.

Oregonian Mitzi Waltz, author of several practical books on mental illness:
<http://www.mitziwaltz.com/>
Morrison Center Child and Family Services: <http://www.morrisoncenter.org/>
Community Residential Siting Program:
http://www.myportlandneighborhood.org/programs/civic%20involvement%20center/CRSP/crsp_index.htm
Kaiser Center for Health Research: <http://www.kpchr.org/info/new.html>
Central City Concern: <http://www.centralcityconcern.org/>
Reach Development: <http://www.reachcdc.org/>
OHSU Child Psychiatry: <http://www.ohsu.edu/som-childpsychiatry/>
OHSU Psychiatry: <http://www.ohsu.edu/som-psych/>
Resolution 00-161:
<http://www2.co.multnomah.or.us/boardclerk/viewdetail.cfm?DocID=8054>
Resolution 00-194:
<http://www2.co.multnomah.or.us/boardclerk/viewdetail.cfm?DocID=8101>
Laddie Read:
http://communities.msn.com/LaddiesSelfAdvocateWebSite/_whatsnew.msnw
Network Behavioral Health: <http://www.nbhc.org/>
Mt Hood Mental Health:
<http://www.teleport.com/~mthoodmh/mhservices/index.shtml>
Trillium Family Services: <http://www.unitedway-pdx.org/family/trillium.html>
Oregon Advocacy Center: <http://www.oradvocacy.org/>
Multnomah County's Community Court:
<http://www.multnomah.lib.or.us/da/ccourt/ccourt.html>
Oregon Health Forum: <http://www.healthforum.org/>

Child Development Center of Oregon: <http://www.cdso.org/>
 Nurse Practitioners of Oregon:
http://npo.oregonrn.org/npo-patient-npodirectory-list.cfm?by=specialty&credential_id=4
 NAMI of Multnomah County: <http://www.nami.org/multnomah/index.html>
 NAMI of Lane County: <http://www.efn.org/~namilane/>
 NAMI of Oregon: <http://www.namioregon.org>
 Multnomah County's Mental Health Policy Web Site:
<http://www.nami.org/multnomah/index.htm>
 Legacy Health Systems: <http://www.legacyhealth.org/>
 Managed HealthCare Northwest, Inc.: <http://www.mhninc.com/>
 Jefferson Behavioral Health: <http://www.jbh.org/>
 Regional Research Institute for Human Services: <http://www.rr.i.pdx.edu/>
 Dignity Village: <http://www.outofthedoors.org/>
 Oregon Parents United: <http://www.oregonparentsunited.org/>
 Oregon Friends of Carl Jung: <http://www.ofj.org/>
 Housing Authority of Portland: <http://www.hapdx.org/>
 Accountable Behavioral Healthcare: <http://www.abhabho.org/>
 American Mental Health Alliance, Oregon chapter:
<http://www.americanmentalhealth.com/index.tpl?chapter=OR>
 PacificCare Behavioral Health: <http://www.pbhi.com/>
 NW Mental Health Associates: <http://www.nmha.com/index.html>
 Lifeways Behavioral Health: <http://www.lifeways.org/>
 Autism Society of Oregon: <http://www.autismoregon.com/>
 Hispanic Services Roundtable:
<http://www.geocities.com/hispanicservicesroundtable/>
 Oregon State Office of Mental Health Services:
<http://omhs.mhd.hr.state.or.us/>
 Health Care for All - Oregon: <http://www.healthcareforalloregon.org/>
 Albertina Kerr Centers: <http://www.albertinakerr.org/>
 Tualatin Valley Centers: <http://www.tvcenters.org/>
 Oregon State Hospital: <http://omhs.mhd.hr.state.or.us/Osh/index.cfm>
 Woodland Park Hospital: <http://www.woodlandparkhospital.com/>
 Oregon Health Care Association: <http://www.ohca.com/>
 NW Addiction Technology Transfer Center: <http://www.open.org/~nfatc/>
 Addiction Counselor Certification Board of Oregon: <http://www.accbo.com/>
 Raintree Computer Systems: <http://www.raintreeinc.com/>
 Transition Projects, Inc.: <http://www.tprojects.org/>
 Sister's of the Road Cafe: <http://www.sistersoftheroadcafe.org/>
 1999 Budget Narrative Description of Multnomah County's Behavioral Health
 Division:
<http://pub.multnomah.lib.or.us/budget/99budgetnarrat/CFS/Behavioral/BehaviorDivNar.htm>
 Multnomah County Behavioral Health Division's Clinical Excellence:
<http://www.multnomah.lib.or.us/clinic/>



Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214-3587
Email: mult.chair@co.multnomah.or.us

Phone: (503) 988-8308
FAX: (503) 988-3093

MEMORANDUM

TO : Board of County Commissioners
Mental Health Coordinating Council
FROM: John Rakowitz, Chief of Staff
DATE: August 30, 2001
RE: Mental Health Bulletin

This bulletin is the latest update being provided to the Board of County Commissioners, Mental Health Coordinating Council, Department of Community and Family Services, Cultural Competency Committee, and various partners regarding the changes in acute mental health services.

Next Steps for the Board of County Commissioners:

In accordance with standard County budgeting procedures, the DCSF Director and the Budget Director will submit appropriate budget modifications for Board approval by September 20, 2001.

Partnership Activities:

The Mental Health Coordinating Council will meet on September 5, 2001 at 4:30 in the Multnomah Building, 3rd floor.

The Multnomah County Action Plan Implementation Status Report lists ten high priority "next step" items. Below are the ten items and the staff "lead" assigned to each:

Ten High Priority "Next Step" Items	Lead Staff
Communications Coordination	Marie Dahlstrom
Implementation Project Coordinator	Jim Gaynor/Lorenzo Poe
Contracts Completion	Jim Gaynor/Lorenzo Poe
County-Operated Call Center	Jim Gaynor
Crisis/Acute Care Service Rollout	Laureen Oskochil/Peggy Loveless
Clinical Accountability	Dale Jarvis
Budget Modification	Dave Warren/Kathy Tinkle
Immediate Performance Measures	Teresa Posner/Peter Davidson
Verity Reorganization	Jim Gaynor
BHD Reorganization	Lorenzo Poe/Kathy Tinkle

During discussion regarding each item, several updates were given:

John Ball, Chief Operations Officer for Diane Linn, said the goal for Multnomah County's mental health system is to build a system capacity that can handle the ever-changing mental health needs of our community. Due to the constantly changing mental health environment, today's system may not look like tomorrows and we must be able to adapt to those changes.

The Mental Health Executive Team believes that the Communications Committee has an extremely vital role in the acceptance of any mental health system developed by Multnomah County. That Committee is already meeting on a regular basis and has identified several audiences that need to be informed about developments in the mental health redesign. Members of the Communications Committee believe internal communication should be priority one. A mental health expert will be on loan to the Committee as the "nuts and bolts" expert on system changes. Gina Mattioda, from the County's Public Affairs Office, will attend the Communications Committee meetings as a consultant.

Plans for the County-Operated Call Center are moving forward with a potential start-up date of November 1, 2001. The Cultural Competency Committee will be directly involved in outreach by the Call Center to underrepresented communities.

The mental health consultants who have been working with Multnomah County on the Mental Health Action Plan will be available on an "as needed" basis to help with any implementation actions step.

Chair Diane Linn is planning an all DCFS staff meeting on September 7. The purpose of the meeting is to discuss changes in the County's mental health system.

Service Update:

Commissioner Lisa Naito and Peter Davidson are organizing a meeting with CAMHSA and other volunteers who want to work on changes in the delivery of mental health services to children.

Due to the Woodland Park Hospital investigation, hospital emergency rooms will still be utilized as part of the mental health acute care services. Chair Linn and staff met with the Oregon Hospital Association on August 24. The hospital representatives were interested in a possible RFP process being proposed by Multnomah County for delivery of those services. Many jurisdictions around the country use hospitals as part of a decentralized acute care delivery system.

cc: County Chair Diane Linn, Mental Health Executive Team

BOGSTAD Deborah L

From: Jason Renaud [Portland@NAMI.org]
Sent: Tuesday, August 28, 2001 9:49 AM
To: Portland@NAMI.org
Subject: Encore for In A Different Light!

MULTNOMAH COUNTY MENTAL HEALTH URGENT CARE CLINICS UP AND RUNNING

Mental Health Hotline: 503-215-7082

NETWORK PLAZA

Direct Phone: 503-238-0705, 2415 SE 43rd, Portland, West entrance off Division. Monday through Friday 1:00 to 9:00 PM, Saturday 1:00 to 4:00 PM
Tri-met? Take #4 Division; exit bus at 43rd & Division.

MT. HOOD GRESHAM

Direct Phone: 503-661-5455, 400 NE 7th, Gresham. Monday through Friday 1:00 to 5:00 PM. Max? Take the train to Gresham Central Station & walk South across the street.

MT. HOOD NORTH PORTLAND

Direct Phone: 503-251-1338, 3113 N Lombard, Portland. Monday through Friday 1:00 to 5:00 PM. Tri-met? Take #1 Greeley, exit bus at Lombard & Peninsular. Walk West one block.

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Well, it's quite a read: SURGEON GENERAL'S REPORT ON MENTAL HEALTH: CULTURE, RACE & ETHNICITY

<http://www.surgeongeneral.gov/library/mentalhealth/cre/>

Statement of Richard Birkel, Ph.D., NAMI's national Executive Director

U.S. Surgeon General David Satcher has continued to move forward from the landmark Report on Mental Health, published in 1999, and the report of Children's Mental Health published earlier this year. Taking a closer look at four principal racial and ethnic communities in the United States-African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders and Hispanic Americans - this latest report finds that in a society where access to mental healthcare is already limited, most minority groups "are less likely than whites to use services, and they receive poorer quality mental health care."

The report is a stunning indictment of the gap between American ideals of one nation, indivisible, with liberty and justice for all, and the reality of our nation's mental healthcare system. America derives strength from racial and ethnic diversity, and cannot tolerate a system that violates fundamental principles of equality in providing help to people who grow ill.

As a threshold concern, the Surgeon General reiterates support for legislation to achieve parity in health insurance coverage of mental illnesses-a need that affects all racial and ethnic groups. NAMI therefore is encouraged that in a message accompanying the report, Secretary of Health & Human Services, Tommy G. Thompson, acknowledged the fact that effective treatments exist for most mental disorders, and that to date, "Americans do not share equally in the best that science has to offer."

Secretary Thompson has called the report a "first step" toward preventing mental health problems and reducing the effects of mental illness."

Actually, it is only the latest in a series of reports and reforms in recent years. The most important first step that the federal government can take this year to support principles of equal access to treatment is to enact the parity legislation now pending in Congress. That truly would be a bold step toward addressing the Surgeon General's concerns.

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MENTAL HEALTH FACTS

Mental illnesses are health conditions characterized by alterations in thinking, mood, or behavior (or some combination) associated with distress and/or impaired functioning.

Of American adults, 5.4 percent have a serious mental illness (SMI).

Twenty-three percent of American adults (ages 18 and older) suffer from a diagnosable mental disorder in a given year, but only half report impairment of their daily functioning due to the mental disorder. Six percent of adults have addictive disorders alone, and three percent have both mental and addictive disorders.

Almost half of the adults with serious and persistent mental illnesses are between the ages of 25 and 44.

Approximately nine percent to 13 percent of children ages nine to 17 have a serious emotional disturbance with substantial functional impairment, and five percent to nine percent have a serious emotional disturbance with extreme functional impairment due to a mental illness.

Not all mental disorders identified in childhood and adolescence persist into adulthood, even though the prevalence of mental disorders is almost the same percentage. A substantial number of children and adolescents recover from mental illness.

Four of the ten leading causes of disability in the United States and other developed countries are mental disorders, which include major depression, bipolar disorder, schizophrenia, and obsessive-compulsive disorder.

The treatment success rate for a first episode of schizophrenia is 60 percent, 65 percent to 70 percent for major depression, and 80 percent for bipolar disorder.

Of the 1,012,582 total hospital admissions in the U.S. in 1998, 261,903 (25.8 percent) were psychiatric admissions.

The total cost of mental health services in the U.S. was \$148 billion in 1990. The direct cost of mental health services (treatment and rehabilitation costs) totaled \$69 billion, and the indirect costs (lost productivity at work, school, or home due to disability or death) were estimated at \$78.6 billion.

Serious mental illnesses (SMI) interfere with employment. An estimated 57 percent of adults with SMI were not employed in 1990 compared to 29 percent of the general population.

Approximately one-third of the estimated 600,000 homeless people in the United States have a severe mental illness. However, only one in 20 persons with a severe mental illness are homeless.

Only five percent to seven percent of homeless persons with a mental illness need to be institutionalized; most can live in the community with appropriate, supportive housing.

In 1998, 283,800 people with mental illnesses were incarcerated in American

prisons and jails. This is four times the number of people in state mental hospitals throughout the country.

Sixteen percent (179,200) of state prison inmates, seven percent (7,900) of federal inmates, 16 percent (96,700) of people in local jails, and 16 percent (547,800) of probationers have reported a mental illness.

Mentally ill offenders are more likely than other offenders to have a history of substance abuse/dependency and a higher rate of homelessness and unemployment prior to incarceration.

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IN A DIFFERENT LIGHT

Presenting a Theater Production (with an emphasis on Mental Health) Our Goal: To Have Fun - To Illustrate our Talent and to Reduce Mental Health Stigma by Helping Others to See Us . . .

LaSalle High School Auditorium 11999 SE Fuller Rd, Milwaukie

Friday, September 21st, 7:30 PM AND Saturday, September 22nd, 7:30 PM
Tickets \$7.00, available at the door or call Kay: (503)663-7616

Sponsored by: VSA arts, ORCA - Oregon Cultural Access, NAMI of Clackamas County

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SECOND ANNUAL NAMI INVITATIONAL GOLF TOURNAMENT

Red Tail Golf Course and NAMI of Clackamas County invite you to tee it up and make a difference
September 17th, 2001

8200 SW Scholls Ferry Rd Beaverton, Oregon 97008. Registration deadline: September 10th, 2001

Join Us For Golf. Cost per person \$50. Includes green fees, lunch and tee prizes.

FOUR PERSON SCRAMBLE...

- Check-in begins at 7:00 a.m.
- Shotgun start at 8 a.m.
- Form your own foursome or be placed in a foursome.
- Each golfer will receive a complimentary welcome package.
- Barbecue ribs after golf at Stockpot Restaurant.
- Red Tail Golf Course is a soft spike only course

PRIZES! PRIZES! PRIZES!

Golf equipment, certificates, merchandise, clothes and more

Please mail checks payable to:

NAMI Clackamas County

P.O. Box 68627, Oak Grove, OR 97268

Call Hal Boldt @ 503.538.7662 OF Email halandkaren@home.com

NAMI is a group of volunteers whose goal is to improve the quality of life for persons with serious and persistent mental illness. With appropriate treatment and supportive housing, most of those with mental illness are able to live meaningful lives. Fund-raising and grant-seeking has made it possible to build two new apartment buildings. This golf tournament will be

a fun and exciting way to provide funds for those housing needs.

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Do you send NAMI's messages along to others? Send us the email addresses of those who need NAMI's message of advocacy, support and education. NAMI's Portland mail list now holds over 2000 Oregonians and NAMI's national mail list sends regular messages to over 100,000 people and associations. Join Portland's list by sending an email to Portland@NAMI.org. Join the national mailing list by filling out a short form at <http://www.nami.org/update/enewslist.htm>

Are you DELETING NAMI's message? We're not here to annoy. Send a reply to this email message with REMOVE somewhere in the subject line or message area and you will not receive future messages.

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BOGSTAD Deborah L

From: Jason Renaud [Portland@NAMI.org]**Sent:** Monday, August 27, 2001 9:05 AM**To:** Portland@NAMI.org**Subject:** Woodland Park Hospital

The National Alliance for the Mentally Ill invites you to recognize and celebrate the Portland Police Bureau's Crisis Intervention Team - September 28, 2000. Social hour begins at 5:30 PM.

Location: Multnomah Athletic Club, 1849 SW Salmon Street

Speakers: Mark Kroeker, Chief of Police; Diane Linn, Multnomah County Commission; Scott Snedecor, Multnomah County Consumer Liaison and CIT Trainer.

Please send your RSVP with a check for \$30 per person prior to September 25 to NAMI, 619 SW 11th Avenue, #219, Portland, Oregon 97205. All CIT officers and one guest are free.

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Wednesday, September 19, 2001

Bazelon Center for Mental Health Law & Office of MH Services Present:

Interfacing with Mental Health & Criminal Justice System

Registration: 8 to 8:30 am Conference: 8:30 to 5

Fee - NO CHARGE

Location: Holiday Inn 25425 SW 90th Avenue, Wilsonville, Oregon (Exit 286 off I-5) 503-682-2211

Focus: + Jail diversion services

+ Mental health courts and alternatives to them

+ Coordination with SSA so that inmates have their benefits upon release

+ Leveraging resources for diversion services

+ Dual diagnosis

Contact : Sydney Wright at OMHS 503-373-7327 for a reservation. (conference limited to 100)

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Health & Safety Risk Review - Woodland Park Hospital, written by David J. Helgeson, Ph.D.
August 20, 2001

The Multnomah County Department of Community and Family Services, Behavioral Health and Managed Care Division designated a Health and Safety Risk Review team consisting of David Helgeson, Ph.D. and Janet Trinkle, LCSW. The purpose of this team was to conduct a review in order to determine whether County-sponsored clients were receiving safe, appropriate, acute inpatient care at Woodland Park Hospital.

8/27/2001

The team performed an initial walk-through on Monday August 13th and then returned with the State of Oregon's Office of Mental Health Services', Mike Morris, LPC and Health Division's Diane Werner, RN and Janelle Pilmer, RN as part of the State's unannounced on-site review, 8/15/01 - 08/17/01.

The team reviewed the following data: administrative and clinical policies; administrative structure; staffing criteria, including training and orientation policies; restraint and seclusion policies and logs; chart audits of county-sponsored clients; tour of the physical plant; and staff interviews.

The Health and Safety Risk Review Team had the following preliminary observations:

There was a variance in most staffs' opinions about the staffing needs and availability of staff for the Adult Psychiatric Unit, especially during evening shifts when most intakes occurred. However, all staff involved seemed confident in their ability to page the on-call administrator and request additional staff. This was seen as one of the program's greatest strengths at this time.

The reviewers noted from both a policy review and staff interviews that there is an unclear, inconsistent administrative structure, mostly around the use of House Supervisors and the Behavioral Health Administrator on-call.

There was not a clear policy for who could call, lead and/or debrief a Code Green. (OAR's state that only an RN can call and lead a Seclusion and Restraint event).

While the policies around Seclusion and Restraint were generally adequate, the staff was not well trained in the policies and their applications. The Medical Director, Nursing Administrator and interviewed line staff all had different understandings of the policy and application of restraint events. It was unclear what the policy for 1:1 monitoring of a patient in restraints where.

Seclusion and Restraint Training is offered several times a year, and PRN as new hires need to complete the training; however, it appears that the current curriculum is well below the mandated four hours of training required in the OAR's.

When a Code Green was called, staff from several areas of the hospital would respond and assist in the Seclusion and Restraint event. Most hospital staff are not specifically trained in compliance with the OAR's to participate in S &R.

Seclusion and Restraint, in practice, were often used as an informal therapeutic technique, or as a treatment plan intervention, in a manner that was not in compliance with the OAR's and HCFA rules.

Compliance with client History and Physicals within 24 hours of admission appeared to be problematic. There were concerns about the facility's ability to properly assess and treat co-existing medical conditions. In fact, some senior management and medical personnel suggested that they prefer not to treat patients with co-existing medical issues because they could not at times reasonably accommodate these patients, referring to them a safety hazard.

Hold clients were most often admitted with paperwork which read "NMI" on the client signature line. No corresponding documentation verified that these patients received copies of their civil right, fee agreements and consent to treat (or refuse treatment) forms.

While access to interpreter services were uniformly understood and used, there were not clear policies regarding translation of civil rights, fee agreements and consent to treat forms. Since intakes were often done in the evening, and interpreter services were generally not called until the following day, it was unclear how these documents were processed. Intake, treatment, release of information and civil rights forms were not available in other languages or formats.

8/27/2001

Personnel Files did not adequately document staff's training and orientation at their initial hire date. Files also did not document on-going training and did not track the required four hours of approved Seclusion and Restraint Training per OAR's. Files also lacked supporting documentation of staff compliance with the hospital's Cultural Competency plan around annual training and interpreter services.

None of the staff interviewed could remember any specific cultural competency training. The Hospital's Cultural Competency Plan, while accepted by Multnomah County, appeared to be lacking in its oversight and implementation.

Initial Summary

Based on some of the initial observations and interviews, the review team concluded that there are clear administrative and clinical policies, procedures and practices that need to immediately be corrected. The review team, in consultation with the State of Oregon's Department of Health and Office of Mental Health Services, will issue a report within the next 15 days outlining the necessary corrective action steps needed and timelines for correction of the specific findings.

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AUG 27, 2001

Minorities' Care for Mental Ills Is Called Inferior

By ERICA GOODE - NEW YORK TIMES

he nation's ethnic and racial minorities face large and troubling disparities in mental health care, the surgeon general said yesterday in a broad and comprehensive report that offers a rare look at the mental- health needs of four minority groups and the obstacles to treatment.

Minorities in the United States, the surgeon general, Dr. David Satcher, said, "suffer a disproportionate burden of mental illness" because they often have less access to services than other Americans, receive lower quality care and are less likely to seek help when they are in distress.

While serious mental disorders like depression, schizophrenia, panic disorder, manic-depression and substance abuse occur in all races, ethnicities and socioeconomic classes, Dr. Satcher said, minorities tend to be overrepresented among those most vulnerable and in need of mental health treatment, including the poor, the homeless, the institutionalized, the incarcerated and the survivors of traumatic experiences.

And because of the stigma attached to mental illness in some minority cultures, he said, there is often a reluctance to use services even when they are available.

"We have got to find a way to bridge the gap between the need and the access to services," Dr. Satcher said in a telephone interview before the release of the report yesterday at a news conference at the American Psychological Association's annual meeting in San Francisco.

He called for more research in an area that is little studied and for more cultural awareness on the part of mental health professionals. He also recommended increased efforts to address the needs of minorities in shaping the delivery of services, educating the public and integrating mental health treatment with general medical care. As he has done in the past, Dr. Satcher endorsed insurance coverage for mental illness comparable to that for physical ills.

The 200-page report, "Mental Health: Culture, Race and Ethnicity," is based on peer-reviewed research from disciplines as varied as mental health, history, sociology and anthropology. It

8/27/2001

examines virtually every aspect of mental health, including the prevalence and diagnosis of disorders, the services that are available, insurance issues and the cultures of practitioners and patients. Individual chapters are devoted to the mental health concerns of African-Americans; Hispanic-Americans; Asian-Americans and Pacific Islanders; and American Indians and Alaska Natives. The report is a supplement to the "Surgeon General's Report on Mental Health," which Dr. Satcher issued in 1999.

Dr. Renato D. Alarcón, the vice chairman of psychiatry at Emory University, called the report "one more step, a big step."

"Ethnic minorities benefit the least from the existing services," Dr. Alarcón said, "and when they need them they might not have access to those services."

The report found that the disparities in care were, in part, a result of fragmented, costly and inadequate mental health services and a lack of insurance coverage in minorities.

"Simply put, the nation's health systems must work to bring mental health services to where the people are," the report summarized.

But the problems for minorities, the report found, were also closely tied to cultural differences that created barriers to treatment.

"The main message of this supplement — that culture counts — should echo through the corridors and communities of this nation," Dr. Satcher said.

Providers of mental health services, for example, often know little about the cultural values and backgrounds of the patients they are treating, or about the traditions of healing and the meaning of illness within their cultures, the report said.

Language differences may create further obstacles to effective communication. There are few Spanish-speaking mental health practitioners, the report noted, but up to 40 percent of Hispanics say their proficiency in English is limited.

In addition, the report found, racism and discrimination can lead to errors in diagnosis or to inappropriate treatment. African-Americans, for example, are more likely to receive misdiagnoses of schizophrenia and less likely to be receive accurate diagnoses of depression or other mood disorders. And while the rates of mental illness in Asian-Americans do not differ significantly from those found in other groups, mental health professionals may hold the stereotype that they are "mentally healthier," a bias that contributes to inadequate treatment and prevention.

Compounding the problem, mental illness carries a greater stigma among some ethnic and racial groups.

Dr. Francis Lu, a professor of clinical psychiatry at the University of California, San Francisco, who was a reviewer for the report, said that for Asian-Americans, "the stigma factor is very intense."

"We routinely see patients who delay treatment because the family has tried to shelter the patients for months or years," Dr. Lu said.

Among some minorities, the report said, distrust and fear of the mental health system and mental health practitioners are common. And the symptoms of illness may differ in different ethnic and racial groups. For example, African-Americans, Asian-Americans and Hispanics are more likely than non-Hispanic whites to express mental distress through physical symptoms like stomachaches, chest pain, dizziness or other somatic complaints.

Researchers have reported many "culture-bound syndromes" like "ataque de nervios," a cluster of symptoms, including uncontrollable screaming and attacks of crying, found mostly among

Hispanics, particularly Caribbean women.

"If people are going to feel comfortable discussing mental disorders they have to be talking to someone they trust, and to someone who understands their culture and how things are expressed in their culture," Dr. Satcher said.

He urged members of minorities to seek out help when they suffered from "depression or anxiety or anything that interferes with one's ability to function."

He recommended the development of more mental health services tailored for minorities and for training and support to increase their representation in the mental health professions. And he raised the possibility that the benefits in the long run might be worth the short-term costs of "culturally appropriate" services, like outreach to minorities in the community, increasing the number of bilingual community health workers and working cooperatively with alternative medicine practitioners.

In some minorities, the report pointed out, traditional healers are the first to be consulted. Dr. Alvin F. Poussaint, a professor of psychiatry at Harvard and an author of "Lay My Burden Down: Suicide and the Mental Health Crisis Among African-Americans," said, "We tend to dismiss a lot of these cultural practices as quackery, further alienating the patient or in fact not understanding the patient."

Dr. Satcher and other experts who contributed to the report emphasized the dearth of research on the effectiveness of different treatments, including medication and psychotherapy, in different minority groups. And they said that little was known about the prevalence of mental disorders in many smaller racial and ethnic groups, including Asian-Americans, Pacific Islanders, American Indians and Alaska Natives.

For example, the report noted that there were no large published studies of the prevalence of mental disorders among the 500 tribes that make up the native population.

Dr. Spero Manson, director of the division of American Indian and Alaska Native programs at the University of Colorado's Health Sciences Center and a science editor for Dr. Satcher's report, said that in a review of the mental health literature, he found only 2,000 studies over 10 years, the bulk of them small and concerned primarily with alcohol and drug abuse treatment.

Yet the suicide rate among male Native Americans ages 15 to 24, the report noted, is two to three times higher than in the general population, and a 1997 study found that from 1979 to 1993, male Alaska Natives had "one of the highest documented suicide rates in the world."

Dr. Manson, who is conducting a large study of psychiatric disorders in American Indians, is one of several researchers trying to fill the gap. Similar projects are under way for Asian-Americans, Hispanics and African-Americans and Caribbeans of African descent.

BOGSTAD Deborah L

From: Jerris Hedges [hedgesj@ohsu.edu]
Sent: Sunday, August 26, 2001 8:27 PM
To: deborah.l.bogstad@co.multnomah.or.us; mult.chair@co.multnomah.or.us
Cc: district1@co.multnomah.or.us; serena@co.multnomah.or.us
Subject: Some feedback regarding Mental Health Plan

August 26, 2001

Regarding August 24th Meeting

Commissioner Linn,

Thank you for arranging the meeting between hospital representatives, the Oregon Association of Hospitals and your office. You have assumed a difficult task in seeking a solution for the county's mental health crisis. Let me make a few comments regarding the current service delivery issues, potential problems with the Proposed Action Plan, and suggestions for improving the situation. I agree with your statement that things will get worse before they get better. I also suspect that the Plan will need considerable modification before we can get to the better.

A. Current service delivery issues

We have a community deficit of 23-hour and intermediate stay psychiatric beds in our community. This deficit arose from the County's closure of the Crisis Triage Center and the closure of Pacific Gateway Hospital. There is also a community-wide deficit of outpatient immediate assessment clinics that would help avert hospital admissions. Such clinics could help avert some psychiatric evaluations at community emergency departments and could permit aggressive outpatient management following an initial emergency department assessment and initiation of care. This immediate assessment clinic deficit was made critical by the County's closure of the Crisis Triage Center. Currently there is no functional information network to help guide the care of psychiatric patients regardless of the setting and there is no comprehensive network of clinic-based mental health providers to provide longitudinal care, thus helping to avert crises. Reimbursement for the care of mental health patients has been relatively flat in this community since the establishment of the Crisis Triage Center. Hospitals and health system-based clinics have no incentive to provide these services given the rising cost of delivering care to potentially violent patients.

B. Potential problems with the Proposed Action Plan

The Plan makes the unfounded assumption that a managed care organization structure can be developed to financially control costs through "risk sharing." For any hospital or mental health service agency to enter into a risk sharing arrangement, there must be sufficient financial incentive and control of risk possible to make it worth the agency's while to become involved. The recent hesitancy of Woodland Park Hospital to participate in the Plan highlights the adverse aspects of providing 23-hour bed availability from the perspective of even those hospitals which have the capacity. Ironically, the recent closure of the Crisis Triage Center suggests that another risk to any agency seeking to participate is the sudden withdrawal of financial support from the County.

Given the paucity of inpatient psychiatric treatment options and the placement of psychiatric patients on medical/surgical wards in major hospitals throughout our community, we can presume that the hospitals have done the math and see little to gain by establishing additional high cost/minimally reimbursed intensive psychiatric services. For similar reasons, it will be surprising if we see interest on the part of the health service agencies to assume risk in an outpatient situation that is out of control. The County will continue to be perceived as the source for these woes and will be expected to directly provide the services since the services are not available through community hospital venues.

There are parts of the Plan which have never made much sense. In addition to the fantasy of a managed risk program and the unfounded belief that hospitals and mental health agencies will clamor for the County's business at the prices identified, there is the speculative mobile treatment team concept. This latter element at best could complement a fully developed system, but can never be the foundation for a functioning system. A functioning system requires an extended and integrated outpatient capacity and 23-hour inpatient bed resources. A mobile treatment team is impractical for multiple reasons in the larger Portland area hospitals (e.g., increased liability risk and duplication of services currently provided) and was never requested by these facilities.

C. Suggestions for improving the situation

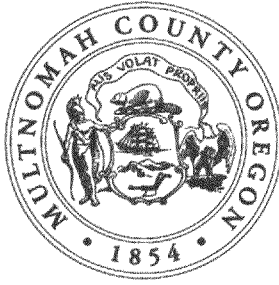
As noted in section A above, the County needs the following: access to 23-hour and intermediate stay psychiatric beds, outpatient immediate assessment clinics, an information network to help guide the care of established psychiatric patients, and a comprehensive network of outpatient mental health providers. Given the events of the last several months these resources are unlikely to be created de novo by the existing health care systems in the community. What resources do exist? Pacific Gateway Hospital, the Sisters of Providence Crisis Triage Center space, and portions of Holiday Park Hospital are facilities with the physical capacity to house a 23-hour stay and immediate assessment clinic. To make any of these sites operational, the County would need to enter into a long-term service contract with an existing health system to provide these services for the county.

Establishment of such a 23-hour stay and immediate assessment clinic would represent a retreat to the Providence Crisis Triage Center concept in some ways. However, we have been led to believe that the major concern with the Providence Crisis Triage Center was cost. While the County may have underestimated the actual cost of providing this service, the reimbursement for a new facility could be based upon a blend of base operating support and a significant incentive offered to accept transfers from community emergency departments. The latter incentive would be used to encourage evaluation of additional cases at the new facility in order to avert more costly hospital admissions at the community hospitals. Given that community hospitals will not be expanding their inpatient capacity, any patients admitted to community hospitals will be the most acutely in need of such care.

If the above can be done, the establishment of an effective community network of mental health providers and a supportive information system would remain. I suspect there are potential providers in the community who will participate if the support is provided. Rather than a risk sharing based upon the premise that the clinics can avert hospitalization, it might be best to base reimbursement upon both the number of client lives covered and the provision of access for new and established clients.

I hope some of these observations and suggestions ring true for you. Either I or one of my colleagues would be happy to discuss this further. We have a strong desire to improve mental health service delivery in Multnomah County. This can be achieved by the County becoming active in the development of new facility providing 23-hr beds and an immediate assessment clinic with extended hours of operation and by establishing a longitudinal care program which provides incentives for client lives covered and clinic accessibility.

Jerris Hedges, MD, MS
OHSU Health Systems
Chief of Emergency Services



Diane M. Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 S.E. Hawthorne Blvd.
Portland, Oregon 97214

Phone: (503) 988-3308
FAX: (503) 988-3093
Email: mult.chair@co.multnomah.or.us

MEMORANDUM

TO : Board of County Commissioners
Mental Health Coordinating Council
FROM: John Rakowitz, Chief of Staff
DATE : August 24, 2001
RE : Mental Health Bulletin

This bulletin is the latest update being provided to the Board of County Commissioners, Mental Health Coordinating Council, Department of Community and Family Services, Cultural Competency Committee, and various partners regarding the changes in acute mental health services.

Next Steps for the Board of County Commissioners:

On September 20, 2001, the DCSF Director and the Budget Director will submit for Board approval appropriate budget modifications in accordance with standard County budgeting procedures.

Partnership Activities:

- Please refer to the attached "Statement From Chair Diane M. Linn Regarding Woodland Park Hospital" and the draft copy of "Health and Safety Risk Review-Exit Summary Woodland Park Hospital". Both of these documents were released per media request on August 23, 2001.
- Chair Linn, Chief of Staff John Rakowitz, and Mental Health Executive Team members will be meeting with the Oregon Hospital Association today, August 24, 2001, to discuss contingency plans for hospital care for acute mental health crisis situations.
- Chief Operating Officer, John Ball, will meet with the Chief of Portland Police Mark Kroeker and his Commanders on Monday, August 27. Additionally, a meeting with the Multnomah County Sheriff Dan Noelle and his staff is expected next week.

MEMORANDUM

Board of County Commissioners

Mental Health Coordinating Council

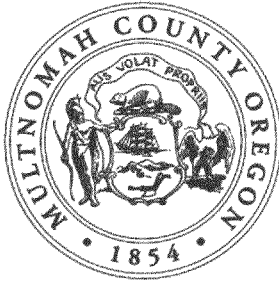
August 24, 2001

Page Two

Service Update:

On August 22 and 23, the Mental Health Executive Team and their advisory committee members met to develop an Action Plan Implementation Status Report. The purpose of the report is to fulfill Resolution 01-109 and to prepare budget figures for the Board of County Commissioners. More than eight hours of discussion went into the development of this document. The Action Plan Implementation Status Report will be reviewed next week by the Chair's office. As this plan is finalized, more details will be provided.

cc: County Chair Diane Linn, Mental Health Executive Team



Diane M. Linn, Multnomah County Chair

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501 S.E. Hawthorne Blvd.
Portland, Oregon 97214

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FAX: (503) 988-3093
Email: mult.chair@co.multnomah.or.us

STATEMENT FROM CHAIR DIANE M. LINN REGARDING WOODLAND PARK HOSPITAL

August 23, 2001

We are pursuing in a fair and serious manner the issues raised regarding the quality of patient care and safety at Woodland Park Hospital. We have a clear threshold and will not execute a contract for potential secure evaluation and stabilization services, unless this threshold for quality of care and patient safety is met.

The County's investigation is complete. The preliminary findings are under review. The hospital has expressed an interest in appealing the preliminary findings and good faith efforts to reconcile points of difference will be made.

If we are unable to rapidly conclude a contract for secure evaluation and stabilization services this will have an impact on area hospitals. To prepare for this possibility, tomorrow I am meeting with the Oregon Hospital Association to discuss our options.

In addition, my Chief of Operations, John Ball will meet with the Chief of Portland Police Mark Kroeker and his Commanders on Monday. Additionally, a meeting with the Multnomah County Sheriff and his staff is expected next week.

It is necessary at this point in time to pursue contingency planning for other alternatives, including an open Request for Proposal for secure crisis services, discussions with potential new owners of the Pacific Gateway Hospital, and of other area facilities which might be but are not currently used for crisis services.

The draft exit summary is exactly – a draft. The outcome of this process is still unknown and what we are looking for is the facts that will lead to a resolution of this situation.

Health & Safety Risk Review – Exit Summary

Woodland Park Hospital

Written by David J. Helgeson, Ph.D.

August 20, 2001

The Multnomah County Department of Community and Family Services, Behavioral Health and Managed Care Division designated a Health and Safety Risk Review team consisting of David Helgeson, Ph.D. and Janet Trinkle, LCSW. The purpose of this team was to conduct a review in order to determine whether County-sponsored clients were receiving safe, appropriate, acute inpatient care at Woodland Park Hospital.

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- The reviewers noted from both a policy review and staff interviews that there is an unclear, inconsistent administrative structure, mostly around the use of House Supervisors and the Behavioral Health Administrator on-call.
- There was not a clear policy for who could call, lead and/or debrief a Code Green. (OAR's state that only an RN can call and lead a Seclusion and Restraint event).
- While the policies around Seclusion and Restraint were generally adequate, the staff was not well trained in the policies and their applications. The Medical Director, Nursing Administrator and interviewed line staff all had different understandings of the policy and application of restraint events. It was unclear what the policy for 1:1 monitoring of a patient in restraints where.
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- Seclusion and Restraint, in practice, were often used as an informal therapeutic technique, or as a treatment plan intervention, in a manner that was not in compliance with the OAR's and HCFA rules.
- Compliance with client History and Physicals within 24 hours of admission appeared to be problematic. There were concerns about the facility's ability to properly assess and treat co-existing medical conditions. In fact, some senior management and medical personnel suggested that they prefer not to treat patients with co-existing medical issues because they could not at times reasonably accommodate these patients, referring to them a safety hazard.
- Hold clients were most often admitted with paperwork which read "NMI" on the client signature line. No corresponding documentation verified that these patients received copies of their civil right, fee agreements and consent to treat (or refuse treatment) forms.
- While access to interpreter services were uniformly understood and used, there were not clear policies regarding translation of civil rights, fee agreements and consent to treat forms. Since intakes were often done in the evening, and interpreter services were generally not called until the following day, it was unclear how these documents were processed. Intake, treatment, release of information and civil rights forms were not available in other languages or formats.
- Personnel Files did not adequately document staff's training and orientation at their initial hire date. Files also did not document on-going training and did not track the required four hours of approved Seclusion and Restraint Training per OAR's. Files also lacked supporting documentation of staff compliance with the hospital's Cultural Competency plan around annual training and interpreter services.
- None of the staff interviewed could remember any specific cultural competency training. The Hospital's Cultural Competency Plan, while accepted by Multnomah County, appeared to be lacking in its oversight and implementation.

Initial Summary

Based on some of the initial observations and interviews, the review team concluded that there are clear administrative and clinical policies, procedures and practices that need to immediately be corrected. The review team, in consultation with the State of Oregon's Department of Health and Office of Mental Health Services, will issue a report within the next 15 days outlining the necessary corrective action steps needed and timelines for correction of the specific findings.



Diane Linn, Multnomah County Chair

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MEMORANDUM

TO: Board of County Commissioners
Mental Health Coordinating Council
FROM: John Rakowitz, Chief of Staff
DATE: August 16, 2001
RE: Mental Health Bulletin

This bulletin is the latest update being provided to the Board of County Commissioners, Mental Health Coordinating Council, Department of Community and Family Services, Cultural Competency Committee, and various partners regarding the changes in acute mental health services.

Next Steps for the Board of County Commissioners:

- The DCSF Director and the Budget Director will submit for Board approval appropriate budget modifications, in accordance with standard County budgeting procedures, by September 20, 2001.
- The DCSF Director will provide quarterly progress reports (October 1, January 1, April 1, etc.) regarding the progress of the new and reconfigured Crisis and Acute Care Alternatives to the BCC.

Partnership Activities:

The Mental Health Coordinating Council met on August 15, 2001. Dr. Bigelow chaired the meeting in Chair Diane Linn's absence,

- Dr. Peter Davidson presented an update on Mental Health Redesign Phase II and Acute Care Services.
- The implementation of the Mental Health Action Plan and the special project work teams were discussed. The work teams are needed to successfully implement the Phase I Action Plan.

- Work Team Overview:

Clinical Services:

- Crisis/Acute Care Alternatives
- Acute Care Coordination
- Inpatient Provider System
- Multi-Cultural/Underserved Populations
- Children's Outpatient Services

Management Structure:

- Verity/BHD Reorganization
- Outpatient Provider Pool/Plan/SPA Structure
- Raintree Implementation
- Action Plan & Budget Revisions
- DCSF Mental Health Contracts Audit
- Performance Measurement System

Please contact Laureen Oskochil, Department of Community and Family Services, at 503-988-3999 ext. 26348 if you are interested in volunteering for a work team.

- Dr. Peter Davidson and John Ball reviewed the Draft Cultural Competency Plan and Resolution 01-109

Service Update:

- On Monday August 13, Multnomah County Quality Assurance staff visited Woodland Park Hospital to investigate allegations by two hospital staff members that safety precautions, staffing patterns, and formal policies were inadequate. Wednesday August 15, Multnomah County and State of Oregon Quality Assurance staff conducted an unscheduled visit to Woodland Park Hospital to continue the investigation.
- Contract negotiations continue with Woodland Park Hospital. Any information obtained during the current investigation in reference to safety, staffing, and policy concerns will be taken into consideration during the contract negotiations. County Council will be reviewing the contract prior to any agreement.
- Riles Center expansion is completed. Two new sub-acute beds and seven new respite beds will be available.

cc: County Chair Diane Linn, Mental Health Executive Team

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

RESOLUTION NO. 01-109

Providing Policy Direction for the Acute Care Crisis Action Plan (Phase I)

The Multnomah Board of County Commissioners Finds:

- a. On December 7, 2000 the Board unanimously approved Resolution 00-194 that directed the Department of Community and Family Services (DCFS) to begin work to transform the County's existing mental health organization to provide a consumer and family-centered mental health system.
- b. The Board remains committed to continuing efforts to integrate physical and mental health services.
- c. On May 15, 2001, the Board approved a budget note directing the DCFS to present to the Board a revised mental health budget reflecting the redesign no later than July 30, 2001. The Board directed budget modifications to reallocate funding.
- d. The closure of the Crisis Triage Center created a gap in the service delivery system for individuals in mental health crisis and has created an urgent need to implement alternative crisis and acute care inpatient services.

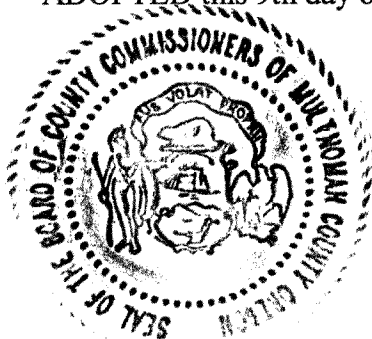
The Multnomah County Board of County Commissioners Resolves:

1. Multnomah County will neither delegate nor contract its authority to determine how the clinical and fiscal responsibility for the mental health care of Oregon Health Plan beneficiaries and indigent clients will be assigned to providers.
2. The Board approves the policy direction of the first six action steps of the Phase I Plan, dated August 8, 2001, including phone services, walk-in clinics, mobile crisis teams, secure evaluation facility, acute hospital alternatives and acute care coordination.
3. The Director of the DCFS will clarify system participants, their roles and responsibilities as part of the next steps of implementing Phase I and preparing for Phase II, and submit a report to the Board by October 1, 2001.
4. The DCFS Director and the Director of Support Services will submit for Board approval appropriate budget modifications, in accordance with standard County budgeting procedures, by September 20, 2001.

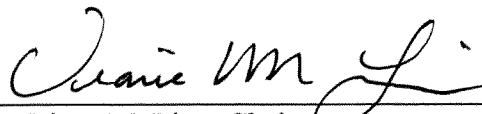
5. Special Populations:
 - a) The Board adopts the Cultural Competency Committee's Position Statement (July 17, 2001) outlining the principles that must be adhered to as the County proceeds with the efforts to restructure the mental health system.
 - b) The Board also adopts the Committee's recommendations for establishing culturally competent Crisis Services (July 17, 2001). The County Chair will ensure that the DCFS Director implements their recommendations.
 - c) The County Chair will ensure that the DCFS Director enhances existing service delivery capacity by contracting with specialized providers through pre-paid, flexible, limited-risk contracts.
 - d) The County Chair will ensure that the DCFS Director engages the specialized providers to guide further development of age and cultural competence expertise within the mental health system.
 - e) The County Chair will ensure that the DCFS Director promotes collaboration among all providers to carry out the system mission and values.
 - f) The County Chair will ensure that the DCFS Director continues the involvement of the Cultural Competency Committee in the policy development of all aspects of the mental health redesign.
6. The DCFS Director will develop and submit a plan for children's outpatient services, in consultation with stakeholder groups that is consistent with the principles identified in Section 5 above.
7. This Acute Care Services Plan is transitional in nature. Competitive procurement processes for the long-term purchase of clinically appropriate Acute Care Crisis Service components must be conducted no later than July 1, 2002. A single omnibus contract will not be offered to a single provider for mental health services. The structure of the single point of accountability is not meant to imply the creation of a single contract with one provider.
8. The DCFS Director will include representatives from all county departments serving mental health client populations and other stakeholders, including CareOregon, in all planning and implementation teams for the mental health system redesign.

9. The DCFS Director will provide quarterly progress reports to the Board beginning October 1, 2001 regarding the progress of the new and reconfigured Crisis and Acute Care Alternatives. The reports must specifically address the financial status, services outcomes, cultural competency issues, and developments related to a comprehensive outpatient service plan.

ADOPTED this 9th day of August, 2001.

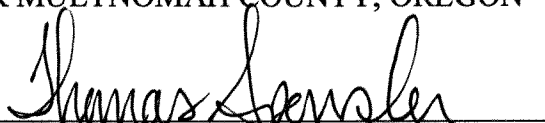


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Thomas Sponsler, County Attorney

Resolving the Multnomah County Acute Care Crisis Action Plan - Phase I

August 8, 2001

*Jim Gaynor, Director of Mental Health Redesign, Verity
Peter Davidson, MD, Chief Clinical Officer/Medical Director, Verity
Dale Jarvis, CPA, MCPP Healthcare Consulting, Inc.*

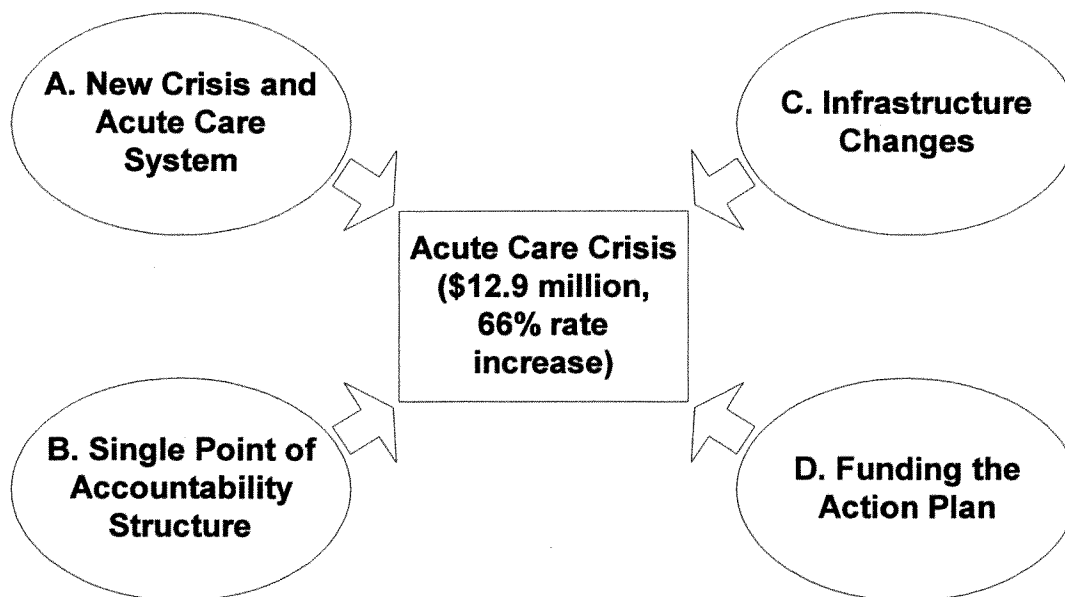
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Executive Summary

In the fiscal year that just ended June 30, 2001 the average cost for an Oregon Health Plan acute inpatient bed day was \$422.50. With the implementation of the new, per diem arrangement that goes into effect next month, this average rate will increase 66% to approximately \$700 per day. Based on a thorough analysis of projected inpatient use, this represents a \$2.9 million (29%) increase in inpatient costs from \$9.9 million to \$12.8 million. This increase is based on the assumption that, as the Crisis Triage Center closes August 1, 2001, new and more comprehensive inpatient alternatives will start being brought online and hospital admissions will begin to decline. If better management of inpatient does not occur during the fiscal year, Multnomah County will spend an additional \$1 million or more on inpatient expenses (on top of the \$2.9 million planned increase).

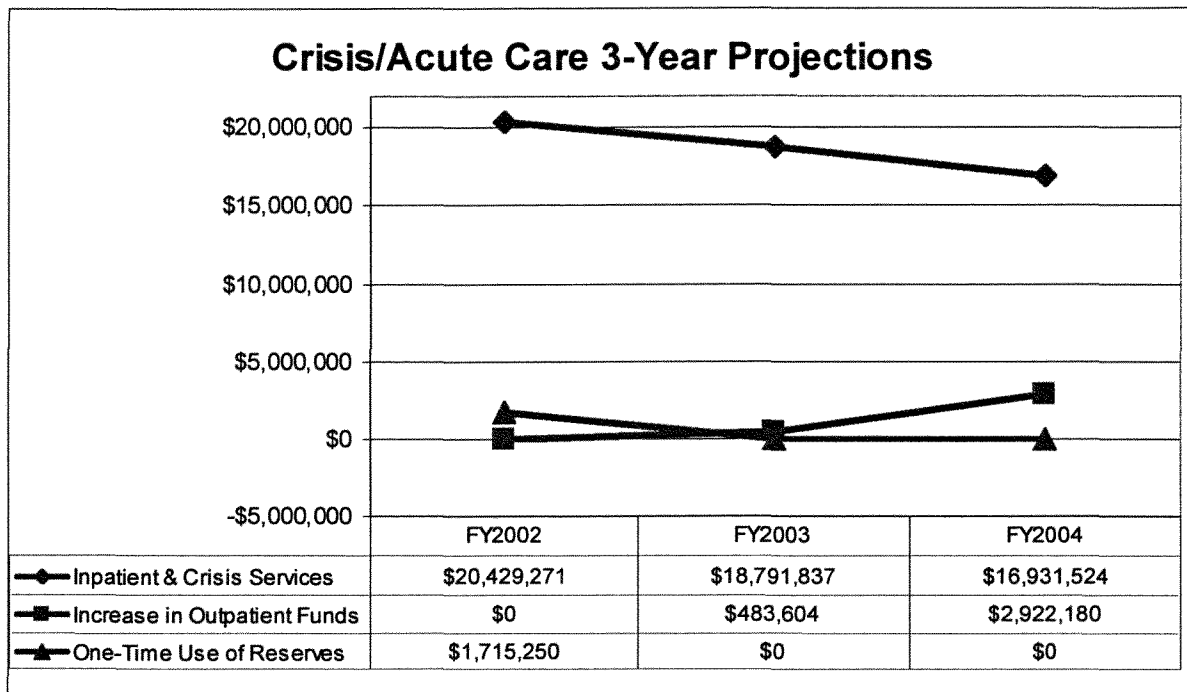
These rate increases mean that almost one out of every five mental health dollars (19.2%) will be spent on inpatient services. These figures do not include state hospital costs, which increase the inpatient percentage. These are the highest costs in the State of Oregon and the Pacific Northwest. For example, King County Washington (Seattle) spends 13.2% of their mental health funds on inpatient services.



Resolution of the accelerating acute care crisis is the most critical system initiative facing the mental health system in Multnomah County. The effective management of quality, access, utilization, and cost elements must be brought about swiftly. At the same time, the solution which is deployed to resolve our acute care crisis must establish long term foundations upon which recovery and child/family based systems of care will more naturally emerge and flourish.

The Phase I plan that is presented in this report is a 90-day first step towards resolving this crisis. This Action Plan has been designed to reduce inpatient costs over a 3-year period by \$3.6 million. Although the plan recommends dipping into reserves for the first year, it is projected

that outpatient service funds can grow \$2.9 million by the third year. The following chart illustrates these projections.



The Action Plan includes the following four areas of intensive activity.

A. Roll-Out of New and Reconfigured Crisis and Acute Care Alternatives

Currently there are significant gaps in the service delivery system for individuals experiencing a mental health crisis. With the closing of the Crisis Triage Center these gaps are going from problematic to critical. Work has already begun on the development and implementation of crisis and acute care alternative services. Six action-steps must be taken to support the implementation of these services.

1. Access/Crisis Phone System
2. Urgent Walk-In Clinics
3. Mobile Crisis Teams
4. Secure Evaluation Facility
5. Acute Hospital Alternatives
6. Acute Care Coordination

B. Roll-Out of the Single Point of Accountability Philosophy and Structure

Currently, if an individual who is enrolled with a mental health provider organization has a mental health-related crisis there is no practical way to identify and contact the clinician who has the best clinical knowledge of that individual. In addition, there is no standardized process for identifying individuals who are not currently enrolled and in need of mental health service, and “hooking them up” with a “primary clinician”. These disconnects surrounding crises are just one view into a service delivery system that has not embraced a single point of accountability

philosophy and structure, where each consumer of mental health services has a primary partner to assist them in meeting their service needs and aiding in their rehabilitation and recovery. Three action-steps must be taken to support the implementation of this philosophy and structure.

7. Single Point of Accountability Structure
8. Convert and Expand the OHP Outpatient Premium Pool to an Accountability/Incentive Pool
9. Assignment of Existing and New Consumers

C. Infrastructure Changes to Support the Action Plan

There are a handful of “mission-critical” infrastructure changes that are required to support the reconfigured crisis and acute care alternatives and single point of accountability structure. The most important four are listed below.

10. Design and Implement the Business Rules and Contracts for the Accountability/Incentive Pool
11. Rapid Implementation of Raintree Systems Computer Software
12. System-Wide Performance Reporting System
13. Redeployment of Key DCFS Staff

D. Funding the Action Plan

The costs for the Crisis and Acute Care System for the fiscal year are currently projected at \$20,429,271. This includes \$12,799,261 for Acute Inpatient and Acute Inpatient Alternative Service, which cost approximately \$9.9 million in fiscal year 2001. As funds are currently allocated, the Crisis and Acute Care System is currently underfunded by \$7,459,962. The following action steps must be taken to resolve this crisis.

14. Reallocation of New OHP System-Wide Funds
15. Transfer of the 3% OHP Incentive Pool
16. Inpatient Contract Negotiation
17. BHD/Verity Reorganization and Budget Adjustments
18. One-Time Use of Mental Health Reserves

Note: It is important to underscore that the consequences of not funding the crisis and acute care services listed in this report creates significant risks for the Multnomah County mental health consumers, the County and provider organizations. If one or more financial recommendations are considered unfeasible and not implemented, the difference should be appropriated from the County General Fund Contingency Pool.

Implications for Phase II

The 90-day Phase I must be followed immediately by Phase II that should run from days 91 – 365. During this second phase the following major activities must occur.

- Completion of the implementation of Crisis and Acute Care Alternatives
- Significant expansion of the Single Point of Accountability Pool
- Completion of the critical Infrastructure Changes

- Continued reorganization of the Behavioral Health Division and Verity to come into alignment with the Action Plan
- Careful Monitoring and Adjustment, as needed of Utilization, Revenue and Expense

Introduction

Resolution of the accelerating acute care crisis is the most critical system initiative facing the mental health system in Multnomah County. The effective management of quality, access, utilization, and cost elements must be brought about swiftly. At the same time, the solution which is deployed to resolve our acute care crisis must establish long term foundations upon which recovery and child/family based systems of care will more naturally emerge and flourish.

The current system is fragmented, has the wrong incentives built-in, and perpetuates costly redundancies. This is neither cost effective nor clinically efficient. It also provides unnecessary impediments for consumers attempting to access the right care at the right time. Accordingly, system accountability suffers.

The solutions outlined in this plan:

- Lay the groundwork for the integrated consolidation of system providers, infrastructure, and the blending of funding streams wherever possible.
- Make strategic interventions in the crisis, and acute care, and outpatient systems in Phase I.
- Begin a process that will allow dollars to be freed up for reinvestment in service expansions and capacities that will result in easy access to the right care, delivered at the right time, for the right price.
- Allow us to move to Phase II where further system development will occur and unnecessary administrative overhead is identified and eliminated.

As old silos are replaced with a new seamless array of easily accessible services, true public-private partnerships based on risk as well as gain sharing will emerge. A new era of system accountability will be born that is much more self-regulating, consumer centered, and responsive.

Consumer choice will be enhanced by providing expanded service options that produce good consumer outcomes. Synergies will be achieved through ongoing horizontal and vertical integration initiatives resulting in systems of activities that are complementary, consistent, interdependent, and mutually reinforcing. The finite pool of system dollars will be managed for maximum effectiveness for the maximum amount of consumer gain. This will be achieved by blending funding streams into a single risk pool managed by the MHO. Performance based contracts will be executed and actively managed by continuous quality improvement specialists serving in responsive outcomes management roles. Likewise, County employed Acute Care Coordinators will serve in the capacity of “innovation stimulators” as well.

Providers will be increasingly self-regulated through performance based accountability contracting models that reward the generation of good consumer outcomes while also assuming the risk and responsibility associated with negative outcomes. Any remaining fee-for-service provider contracting will be aggressively managed. Consumers will no longer be “exiled” from treatment options for any reason. The MHO will be a proactive partner in the development and

deployment of productive and innovative systems of care that minimize risk and promote success. Reinvestment plans will be negotiated that result in increased risk reserves, employee compensation, and capacity building.

Background and Problem Statement

The problems in the mental health system are well known and have been well documented over the course of the past 2 years of redesign initiatives. These problems are interconnected and require an integrated approach to solutions. This section will identify the prioritized target issues most in need of immediate turnaround solutions.

ACUTE CARE CRISIS

Escalating Utilization

Multnomah County has an inpatient utilization rate that is more than twice that of the statewide average when adjusted per capita (bed days/month/1000 members). When Multnomah County's utilization data is removed from the statewide aggregate data, we exceed inpatient rates by a factor of almost four (19/1,000 vs. 5/1000). The major reason for this predicament is the lack of less costly and more clinically appropriate sub-acute and crisis response alternatives. It should be noted that risk often motivates the deployment of these types of service alternatives, yet this idea was never pursued by the partner hospitals under the risk partnership contractual arrangements over the past 2 years. Inpatient care should be targeted to stabilize individuals so that they can be more actively engaged in community based recovery oriented treatment. Instead, it is capable of consuming over a third of the total available system treatment resources if left uncontrolled.

Movement to Per Diem Inpatient Vendors

The inpatient providers in the process of severing their current risk contract with the County and return to individually negotiated per diem bed rates. This return to a fee-for-service relationship will result in a significant net increase in the cost of a bed day of an average of 66% over current rates. When factored in to present utilization rates, this could result in an annual inpatient cost of over \$14,000,000. Suffice it to say that this development mandates a rapid utilization management solution to reverse this scenario.

Absence of Vital Crisis Response Service Continuums

The Crisis Triage Center (CTC) performed a vital system function but was nonetheless providing significantly fewer crisis response services than it agreed to perform in its proposal to the original RFP. Because of this, the CTC was a very expensive system component. The CTC's efficacy was severely compromised due to the lack of a strongly coordinated system of adjunct crisis services geared toward mitigating the inpatient risk with more appropriate and less costly alternatives. This most critical service element is the most glaring service gap in the current system.

OUTPATIENT DELIVERY SYSTEM

Fragmentation and Market Rivalry

Multiple providers delivering basically the same types of services while looking to protect and expand their historical market share does not drive good collaboration or true partnership. It does drive a lot of expensive window dressing and meeting time, which only resembles true collaborative partnership. Competition for scarce clinical resources across professional disciplines results in added ongoing recruitment costs that could be better spent by providing a more stable integrated workforce at higher wages. The providers could look to create seamlessly integrated niche specialties and clinical centers of excellence that would better benefit consumers and the system as a whole. Historically, there was little financial incentive to explore consolidated service delivery models in an environment of “co-opetition” (cooperation + competition).

Fee-for-Service Program Structure

The current outpatient reimbursement formula pays for services based 50% on encounter and 50% on case rates. This encourages the outpatient system to perform in much the same way as under fee-for-service models. However, under managed care, the case rate portion results in a net loss from those historical Medicaid fee-for-service revenues. Therefore, the outpatient system is experiencing much downside associated with risk while still operating the same way as before. This dual mismanagement rewards the system for focusing on those who are easiest to care for while neglecting the difficult client most likely to need more costly and intensive services. Currently, the outpatient system is financially encouraged to shift the care for difficult clients to hospitals rather than expend the overburdened clinical resources to provide alternatives to hospitalization.

Administrative Redundancy

The current multiple providers separately fund multiple administrative structures that are mirror operational components of one another. These redundancies come at a high cost to the system, whereas, if providers were consolidated, the savings would be reinvested in vital service and capacity expansion. The two major contracting networks (ABH and HSA) show some economies of scale, but they provide yet another layer of administrative overhead. Member organizations must reduce their individual administrative structures to offset the costs the networks charge back to the members.

Low Productivity

Despite feeling genuinely overburdened with huge caseloads and dramatically reduced fiscal reserves, the average time clinical staff spend in direct clinical encounters with consumers averages less than 50% across the system. Paperwork, meetings, lack of automated processes, and antiquated infrastructures are reasons given as to why more direct service time isn't being spent with consumers. Productivity should and can be increased significantly. Nationwide, successful provider organizations have found ways to work smarter, resulting in more effective and efficient clinical service models. Providers must also find ways to reduce their overhead costs. These changes will result in more time for clients and the ability to better meet the needs of the community. It is

also important to note that the MHO must be part of this solution by working to reduce unnecessary paperwork and non-value-added procedures to a minimum.

Access

Waiting times to access outpatient services are too long. Approximately twenty-five percent of all consumers accessing the inpatient system are not assigned to any outpatient provider. This results in a very expensive access system whose doorbell is, by proxy, a bad outcome (i.e. deterioration to the point of requiring an inpatient stay).

The providers, with a combination of poor productivity, greatly increased caseloads, and little incentive to successfully move clients from out the back door (i.e. successful recovery oriented treatment utilizing natural community systems of support), are in fact unwittingly contributing to their own burnout and failure. The bottleneck at the front door is experienced by the providers as being a direct result of a real lack of service capacity to meet the demand needs of clients wishing to access outpatient services. The reality is that as access to less expensive and most appropriate care is impeded at the outpatient level, more and more consumers are deteriorating to the point of having to access the inpatient system. This in turn bleeds more money out of the outpatient pools, which then results in more diminished outpatient capacity. This downward spiral must be reversed. The best way to achieve this is to provide adequate incentives to provide access on demand and to lower hospitalization

BUSINESS MODEL AND ORGANIZATIONAL STRUCTURE

Accountability Alignment

The single variable most responsible for the deterioration of the mental health system with the advent of capitated Medicaid funding is the adverse alignment of risk and reward across the system. Shared risk contracting, when properly aligned and aggressively managed, generates true partnerships and, most importantly, effective, expanded, and seamless clinical care continuums. This is the difference between managed care nightmares and good managed care being synonymous with good and timely clinical intervention. Good accountability-based contracting will result in the right care being delivered at the right time and for the right price. When done effectively, the consumer benefits enormously. Secondly, so does everyone else.

Contract Compliance Management

The County's contracting and contract management processes are in need of major change. Multiple contracts with multiple terms and expiration dates that get changed, sometimes only verbally, are often signed several months after the services are being delivered. The ongoing management of performance metrics and other contract terms are frequently renegotiated in the direction of less value than the original terms. MHO staff will be focused on performance that generates good consumer outcomes. Contingencies must be considered and acted upon when, despite all efforts otherwise, contract agencies fail to meet necessary conditions specified in the contract.

Role Diffusion

The relationship between the MHO and the Behavioral Health Division (BHD) has been unclear in the past. Clear boundaries and relationships must be defined and operationalized to maximize accountability while maintaining the flexibility to continuously improve in mutually effective ways. As always, assuring that the right care is taking place at the right time and for the right price will be the ultimate yardstick against which any change is made and measured. Fiscal accountability between the two divisions must be reconciled accordingly.

Data Analysis and Infrastructure

Standardized reporting across specified outcomes management targets must be made available through sound database/data warehouse development and ongoing analytical processes that can optimize continuous quality improvement activities.

CONSUMER INVOLVEMENT**Advocacy versus Empowered Ownership**

The consumer advocacy landscape in Multnomah County is very impressive. This is due to the inclusive process involvement by consumers throughout the redesign process. This is also due to the level of talent and commitment embodied in the advocacy community. It is time to take advantage of this underutilized resource. We need to provide a conducive platform that shifts the advocacy community away from a reactive mode towards more proactive involvement and ownership in making new solutions work. In this regard, consumers are most likely to become the true partners in crafting the solutions they so desperately deserve. Development of Ombudsman functions, expansion of the office for consumer affairs, and deployment of expanded peer support services will serve to enhance the continued proactive involvement in existing stakeholder forums. Additionally, inclusion as valued contributing members on contract provider Boards of Directors will serve to secure necessary governance representation as well.

Proposed Action Plan: Phase I

The Phase I plan presented below is a *90-day first step* towards resolving the acute care crisis in Multnomah County. It includes four areas of intensive activity that must be implemented immediately, including:

- A. Roll-Out of New and Reconfigured Crisis and Acute Care Alternatives**
- B. Roll-Out of the Single Point of Accountability Philosophy and Structure**
- C. Infrastructure Changes to Support the Action Plan**
- D. Funding the Reconfigured System**

These recommendations are based on a detailed financial and utilization analysis that examined all aspects of the Multnomah County Mental Health System including:

- Detailed review of outpatient **client and service delivery history** for Oregon Health Plan enrollees and indigent consumers;
- Comparisons of **how much service** was provided, in total, and per client at each outpatient provider organization
- Analysis of all Behavioral Health Division and Verity **provider contracts**;
- Examination of all federal, state and local **revenue sources** and funding restrictions;
- **Inpatient projections** based on several years of admissions, days and average length of stay data for all health plans operating in Multnomah County;
- Sophisticated **demand projections** for mobile crisis, urgent walk-in, secure evaluation facility and acute inpatient alternative services;

Because of the severity of the financial and client safety crisis facing Multnomah County and the carefully built-in interdependencies of the eighteen strategies, ***all must be implemented within the next 90 days*** if the County hopes to prevent insolvency of the mental health system.

A. Roll-Out of New and Reconfigured Crisis and Acute Care Alternatives

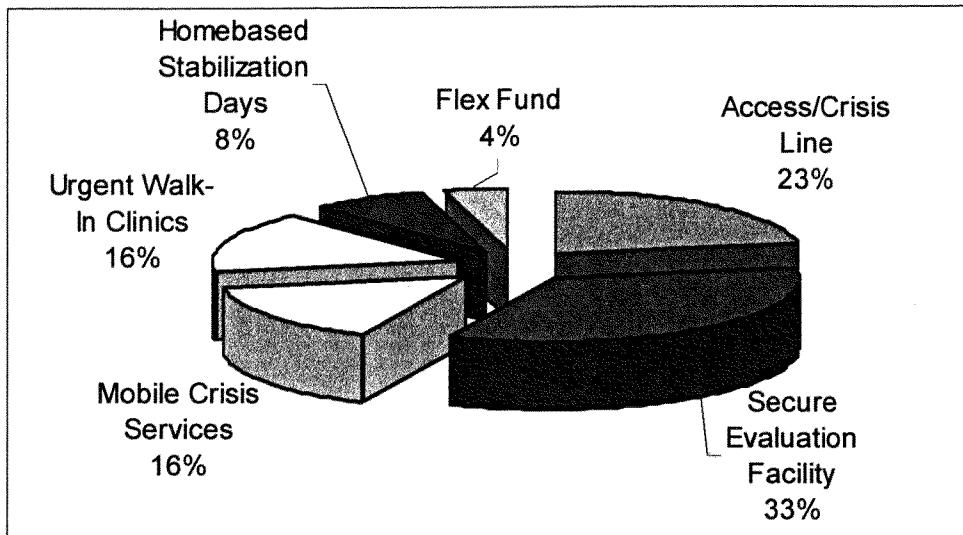
Currently there are significant gaps in the service delivery system for individuals experiencing a mental health crisis. With the closing of the Crisis Triage Center these gaps are going from problematic to critical. Work has already begun on the development and implementation of crisis and acute care alternative services. The following action-steps must be taken to support the implementation of these services.

- 1. Access/Crisis Phone Service:** Multnomah County should consider bringing the Access/Crisis Phone Service into Verity as a county-run operation. Centralizing this function can reduce duplication and, if operated effectively, improve coordination between all parts of the mental health system. Providence should continue operating this service while a feasibility analysis is completed to determine if this recommendation can be implemented on a timely basis and is cost effective. If another alternative is selected it should be based on a contract that runs no longer than through June 30, 2002. *First Year Cost: \$1,856,067.*
- 2. Urgent Walk-In Clinics:** Multnomah County should immediately contract with the identified provider organizations to operate four, regional Urgent Walk-In

Clinics, with contracts that runs through June 30, 2002. These Clinics will use a "no appointment necessary" approach and operate during the highest demand periods from 9:00 am to 5:00 pm Monday through Friday. Additionally, a centrally located walk in clinic will operate from 5:00 pm to 9:00 pm Monday through Friday and 1 to 4 pm on Saturday. This design will dramatically increase access to consumers and provide a more appropriate service delivery environment to individuals who have urgent, but not emergency needs. *First Year Cost: \$1,118,434.*

3. **Mobile Crisis Outreach Teams:** Multnomah County should immediately contract with the identified provider organization to operate Mobile Crisis Outreach Teams 24-hours per day, seven days per week, with a contract that runs through June 30, 2002. During hours of operation Mobile Outreach staff will be co-located at the four Urgent Walk-in clinical sites. During evenings and on Saturday, the Mobile Outreach Team will be co-located with the centrally located Urgent Walk-in clinic. *First Year Cost: \$939,389.*
4. **Secure Evaluation Facility:** Multnomah County should immediately contract with the designated provider organizations to provide 23-Hour observation capacity for a period of assessment for those patients deemed to have the potential to rapidly regain functioning, and to facilitate their smooth reintegration into the community through optimal discharge planning. The contract is currently being negotiated and the final length of the contract along with other contract terms should be determined as part of that process. *First Year Cost: \$2,217,712.*
5. **Acute Hospital Alternatives:** Multnomah County should immediately contract with designated provider organizations to provide additional alternatives to hospitalization capacity including Intensive Home-Based Stabilization services, Respite Beds, Sub-Acute Inpatient services, and "Flex Funds" to support other creative alternatives. The length of these contracts should be consistent with existing contracts that are in place for these types of services. *Annual Cost: \$3,148,667.*
6. **Acute Care Coordination:** Multnomah County should immediately complete the development of the Acute Care Coordination Team. Members of this team will work with referring clinicians, discussing treatment options for clients in crisis in the context of the criteria for "medical appropriateness", assisting with referral to the least restrictive and most clinically appropriate care setting. *Annual Cost: Part of Verity's Budget.*

These six changes will result in a system that has many "right doors" and capacity that has been carefully designed to meet the needs of consumers in crisis. The chart on the following page illustrates how financial resources will be allocated to the newly designed crisis system. As the system stabilizes we expect that costs for the secure evaluation facility will decrease and those savings will be redirected towards non-urgent/emergent services.



B. Roll-Out of the Single Point of Accountability Philosophy and Structure

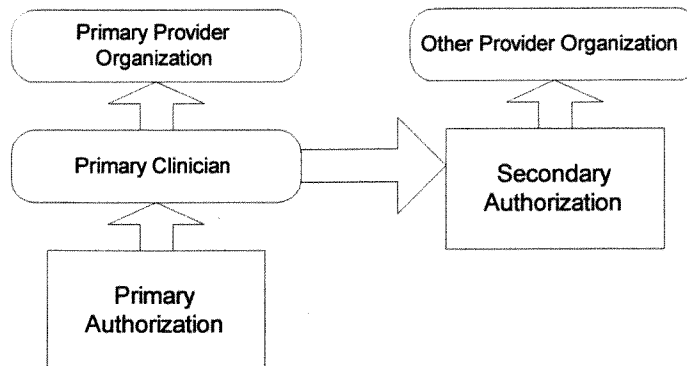
Currently, if an individual who is enrolled with a mental health provider organization has a mental health-related crisis there is no practical way to identify and contact the clinician who has the best clinical knowledge of that individual. In addition, there is no standardized process for identifying individuals who are not currently enrolled and in need of mental health service, and “hooking them up” with a “primary clinician”. These circumstances result in the inability of crisis caregivers, including the police, to determine the most appropriate treatment setting for clients in crisis and often results in hospitalization that may have been unnecessary.

These disconnects surrounding crises are just one view into a service delivery system that has not embraced a single point of accountability philosophy and structure, where each consumer of mental health services has a primary partner to assist them in meeting their service needs and aiding in their rehabilitation and recovery. This type of structure is critical to helping prevent crises before they occur. Furthermore, this model is an essential building block for implementing a recovery-oriented care delivery model.

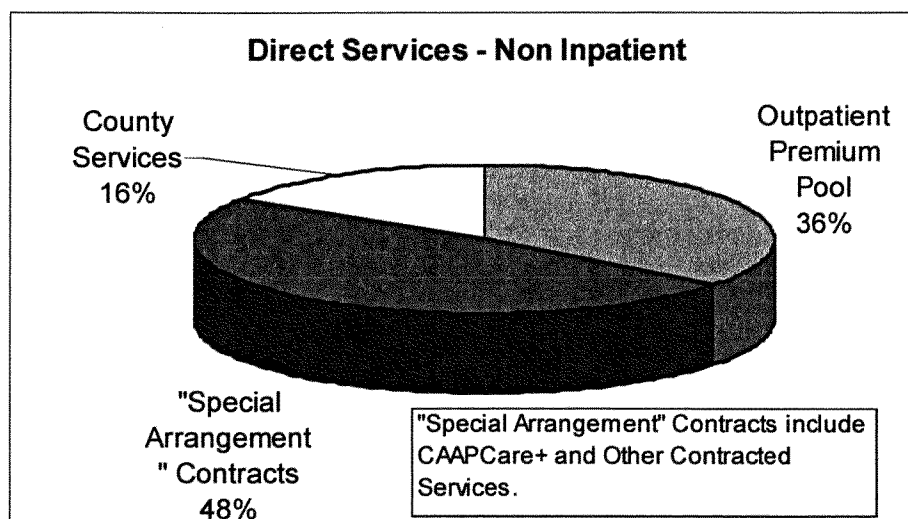
The following action-steps must be taken to support the implementation of this philosophy and structure.

7. **Single Point of Accountability Structure:** Multnomah County should revise all existing outpatient contracts to establish a Single Point of Accountability structure. Under this structure all mental health consumers whose care is financially supported by Multnomah County would be assigned to a Primary Provider Organization and a Primary Clinician through the issuance of an open-ended Primary Authorization. The Primary Clinician will be part of a Care Team (consisting of at least two individuals – the consumer and the Primary Clinician) whose jobs include treatment planning, service coordination, service delivery, and crisis planning and management. The Primary Authorization will “stay open” for as long as the client resides in Multnomah County or until/unless the consumer transfers to a different Primary Provider Organization, regardless of whether their case file is open or closed. Part of this system will include Secondary

Authorizations that support the purchase of evidence-based services or supports for special services not otherwise available from Care Team members who do not work at the Primary Provider Organization. *Annual Cost: Part of the Outpatient Contracts.*



- 8. Convert and Expand the OHP Outpatient Premium Pool to an Accountability/Incentive Pool:** The Single Point of Accountability Structure should be supported by a new payment mechanism that increases the flexibility of how monies can be used, provides financial incentives for proper management of the crisis and acute care system and holds providers accountable for poor outcomes. The mechanics of this model are described in Recommendation C10 below.



A financial model that supports the Action Plan is critical to successfully changing the behavior of the provider community. Currently only 36% of the existing funding for the Multnomah County Outpatient System is available for the Single Point of Accountability System – the funds that are in the OHP Outpatient Premium Pool. The other 64% is embedded in “Special Arrangement” Outpatient Provider Contracts (48%) and budgets for County-Staffed Services (16%). The Special Arrangement Contracts are funded through a myriad of case rates and fee

for service arrangements that use “old-style”, commercial managed care arrangements that prevent more flexible and creative use of funds and are necessarily outside the Accountability and Incentive Structure. In addition, these contracts require over 20 full time equivalents of County Care Coordinators, whose salary costs alone are over \$1.3 million per year.

Multnomah County should immediately convert the OHP Outpatient Premium and CAAPCare+ Outpatient Pools to the new Accountability/Incentive Pool. County staff should also immediately begin an Internal Audit and Performance Analysis of the Special Arrangement Outpatient Provider Contracts and County-Staffed Services to determine which services can be moved into the Accountability/Incentive Pool in Phase II. This analysis should be completed by 10/1/2001. *Annual Costs: Phase I \$19,575,316; Impact of Phase II: To be determined.*

9. **Assignment of Existing and New Consumers:** Multnomah County should immediately begin a process to identify the Primary Provider Organization and Primary Clinician for all currently enrolled consumers. This will consist of using historical data in the Verity authorization database to complete a preliminary identification of Primary Provider Organizations. Providers will then review the computer reports, make corrections as needed and identify the Primary Clinician for each consumer. This information will be returned and entered to the County Information System.

The County should also begin a process to rapidly assign all newly identified mental health consumers to a Primary Provider Organization and Primary Clinician. This will include the development of policies and procedures for all providers in the system. Crisis and Acute Care staff will be responsible for helping “hook” new consumers up with Outpatient Organizations. Outpatient Organizations will have clear guidelines for how and when to assign consumers who are new to their organizations. *Annual Cost: Part of the Existing DCFS IS Budget and Provider Outpatient Contracts.*

C. Infrastructure Changes to Support the Action Plan

There are a handful of “mission-critical” infrastructure changes that are required to support the reconfigured crisis and acute care alternatives and single point of accountability structure. The most important are listed below.

10. **Design and Implement the Business Rules and Contracts for the Accountability/Incentive Pool:** The funding design for the Accountability/Incentive Funding Pool combines the OHP Outpatient Premium and CAAPCare+ Pools to create a funding stream to be used for OHP and indigent consumers in Multnomah County. Funds will be allocated based on the number of consumers for whom each provider organization becomes the Single Point of Responsibility. If Agency X has taken responsibility for 10% of the consumers they will receive 10% of the pool each month. In return for payment, organizations will be expected to provide all medically necessary outpatient services to their clients. In

addition, use of crisis and acute care services will be carefully tracked and provider organizations will be responsible for covering a portion of those expenses, up to a limit that will be defined by a financial risk corridor. If providers are able to properly manage their caseloads and lower the utilization of crisis and acute care services, incentive payments will be made to the organizations in the form of a rebate on under-spent Crisis and Acute Care System funds. The risk corridor will be designed so that no provider organizations will be threatened with catastrophic losses.

For the first year, smaller providers, who believe that they may not be able to manage under the new funding model, can select a Hold Harmless alternative where their crisis and acute care utilization will be monitored but funding accountability and incentives will not apply.

Multnomah County Board of Commissioners are requested to immediately approve the Outpatient Accountability/Incentive Funding Model and direct staff to develop the Policies and Procedures Manual that includes the detailed business rules for this model. Provider contracts must be revised so that the system can be phased in between July and September 2001, with full implementation beginning October 1, 2001. Later approval will delay these dates with substantial financial and system problems accruing. *Annual Costs per Action Step 8 above: Phase I \$19,575,316; impact of Phase II: To be determined.*

- 11. Rapid Implementation of Raintree Systems Computer Software:** There are nine categories of County and Provider Organization staff that are necessary to support the reconfigured crisis and acute care alternatives. These include staff working with the 1) Call Center, 2) Mobile Crisis Teams, 3) Acute Care Coordination, 4) Urgent Walk-In Clinics, 5) Primary Provider Organizations, 6) Care Coordination, 7) Member Services, 8) Claims Processing, and 9) Quality Assurance. Together these groups require 34 different pieces of computer functionality to support their work. The functionality ranges from Client Lookup to Authorization Entry to Crisis Episode Tracking to Claims Processing.

A rapid but thorough evaluation was made of existing County computer systems and "off the shelf" packages, covering the areas of Functionality, Architecture, Ease of Implementation, Flexibility, Performance, Security, Reporting, Cost and Vendor Reliability. After determining that existing County systems could not adequately support the 34 functions the Joint County-Contractor IT Workgroup narrowed the field down to two finalists, PH Tech, from Salem Oregon, and Raintree Systems from San Diego California. A final vendor scoring resulted in the recommendation to purchase and implement Raintree Systems.

Because of the emergent need to implement a new solution within 90 days, Multnomah County should suspend normal contracting requirements and immediately contract with Raintree Systems and begin implementation of the new system within 14 days. The functionality of the system should be rolled out in three phases, October 1, November 1, and December 1, 2001. Five

Implementation Teams should be immediately assembled that will be made up of County and Provider Organization staff – Application Develop, Data Conversion, Infrastructure, Deployment, and Reporting. The rapid implementation project should be co-lead by a County and a Provider Organization staff person. *One Time Costs: \$196,500.*

- 12. System-Wide Performance Reporting System:** A great deal of effort went into gathering utilization and financial data from a variety of sources to support the development of the Action Plan. Unfortunately, there was a scarcity of standard reports that could be “pulled off the shelf” to support these efforts. Most available reports were ad hoc in nature, so that the system was operating in a relatively “data-free environment”. As stakeholders of the mental health system already know, the Multnomah County mental health system can no longer operate under these conditions.

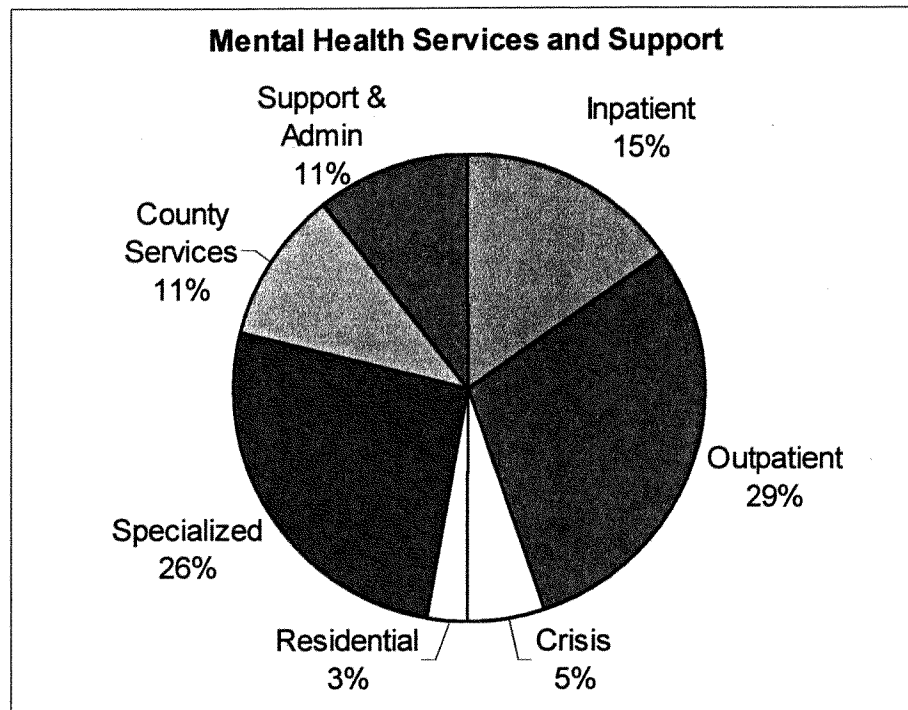
Multnomah County should immediately begin the development of a System-Wide Performance Reporting System. The design of this system should be informed by key documents including the Utilization and Financial Modeling Tools that were used to support the Action Plan; Oregon Health Plan Mental Health Organization Agreement requirements; existing ad hoc and standard reports; the March 2001 Recommended Mental Health System Performance Measures authored by Jim Carlson, Seth Lyon and Theresa Posner; the 2001 American College of Mental Health Administrators’ Proposed Consensus Set of Indicators for Behavioral Health; and the January 2001 State of Oregon Report to the Governor from the Mental Health Alignment Workgroup.

These efforts should result in a set of regularly produced reports for key managers and stakeholders from the Multnomah Board of County Commissioners to Acute Care Coordinators to Primary Clinicians and their Supervisors that are produced daily, weekly, monthly and quarterly, based on need. The data in these reports should be used to build a “culture of measurement” within the Multnomah County Mental Health System, where meetings regularly include the analysis of data and all-important decisions are informed by this analysis. *One-Time Costs: \$50,000.*

- 13. Redeployment of Key DCFS Staff:** There are a number of activities that require the involvement of several DSFS staff members. This includes Acute Care Coordination, Accountability/Incentive System Policies and Procedures Development, Provider Contracting, assistance with bringing up the new Crisis and Acute Care Alternatives, Raintree Implementation, Performance Reporting System Development, further Financial and Budget Analysis, Stakeholder Communications, and more. Many DCFS staff have already been intensively involved in the planning activities that have resulted in this report. These efforts must now be followed by the development of a detailed Implementation Workplan and redeployment of DCFS staff to assist in these implementation activities. Multnomah County leadership should direct all DCFS management and staff to actively participate in the implementation efforts, as needed. *Annual Cost: Part of the existing Verity Budget.*

D. Funding the Action Plan

The fiscal year 2002 DCFS Mental Health Budget is \$66,735,030. These funds are allocated to several areas, as illustrated in the chart below.



The costs for the Crisis and Acute Care System for the fiscal year are currently projected at \$20,429,271. This includes \$12,969,309 for Acute Inpatient and Acute Inpatient Alternative Service, which cost approximately \$9.9 million in fiscal year 2001. As funds are currently allocated, the Crisis and Acute Care System is currently underfunded by \$7,459,962. The following action steps must be taken to resolve this crisis.

- 14. Reallocation of New OHP System-Wide Funds:** Currently 16.7% of the OHP Premiums are allocated to a System-Wide Funds Pool. These monies are used to support the Crisis Triage Center and a number of Specialized Services such as Day Treatment, Dual Diagnosis Residential Support, Supported Classrooms and Fee-For-Service outpatient providers. In fiscal year 2001 just over \$4.4 million was allocated to this pool, with \$1.3 million spent on Crisis and Acute Care Alternatives and \$3.1 million spent on Specialized Services. With the addition of a full year of Regence enrolled lives this \$4.4 million has grown to \$5.5 million.

Analysis of this fund shows that children's programs could be increased to match the new Regence enrollees (approximately 20%) and, if other services in the fund were maintained at fiscal year 2001 levels, \$2.1 could be freed up to support the Crisis and Acute Care System. As the system stabilizes and inpatient costs come down, additional funds should be redirected to prioritized outpatient. *Annual Amount: \$2,181,467.*

15. Transfer of the 3% OHP Incentive Pool: Currently \$998,980, which represents 3% of the OHP revenue, is allocated to a provider incentive pool. These funds should be earmarked for covering the costs of the crisis and acute care system. These monies would then, automatically become part of the Single Point of Accountability, accountability/incentive pool. *Annual Amount: \$998,980.*

16. Inpatient Contract Negotiation: In fiscal year 2001 Multnomah County was paying an average of \$864 per day for emergency-hold inpatient beds, including professional fees. This is significantly higher than rates paid for other Multnomah County inpatient bed days or the rates paid at other Oregon MHOs. These contracts should be renegotiated immediately, combining them with the inpatient contracts for OHP covered clients, to bring the average rate down to \$700 per day. *Annual Savings: \$365,757.*

17. BHD/Verity Reorganization and Budget Adjustments: Currently 11.4% of mental health dollars are spent on county administration (\$6.8 million). At the same time the administrative functions are spread out over three reporting areas: Verity, the Behavioral Health Division, and the Department of Community and Family Services. This structure significantly impacts the ability of the 75+ full time equivalent administrative employees to effectively accomplish their work.

It is possible to reorganize these administrative functions, consolidate duplicate activities, reduce costs and better support the management and operation of the Multnomah County mental health system through the implementation of the following changes.

Admin Consolidation: Pull the system management activities including Care Coordination, Involuntary Commitment, Adult and Child Contract Management, and DCFS fiscal services out of their respective areas and into Verity. This would allow for the development of a fully functional, self-contained business enterprise with its own fiscal, contract and management capacities, all under "one roof".

8% MHO Administrative Cap: If the costs of the consolidated system management activities are measured against the total revised budget for this area, including provider contracts, the administrative percentage is 10.4%. This compares with the following:

- OMAP provides 8% to fully capitated health plans.
- CareOregon is managed within their 8% rate.
- The State MHDDSD Department provides 8% to MHOs for administration.
- Clackamas MHO administration for FFY99/00 was 6.54%.
- Mid-Valley Behavioral Care Network MHO administration for FFY99/00 was 7%.
- Accountable Behavioral Health Alliance MHO administration for FFY99/00 was 8%.

As part of this administrative consolidation, Verity should bring its administrative costs down to 8% of total contract and service expenditures. It is anticipated that this will require a reduction of approximately nine FTEs. *Annual Savings: \$700,793.*

12% Behavioral Health Administrative Cap: With the transfer of Care Coordination, Involuntary Commitment, Adult and Child Contract Management to Verity, the existing administrative costs for the Behavioral Health Division would total 20.2%. This budget should be reduced to 12%, which “better-sizes” the administrative staffing in relation to the new duties. It is anticipated that this will require a reduction of approximately four FTEs. *Annual Savings: \$408,502.*

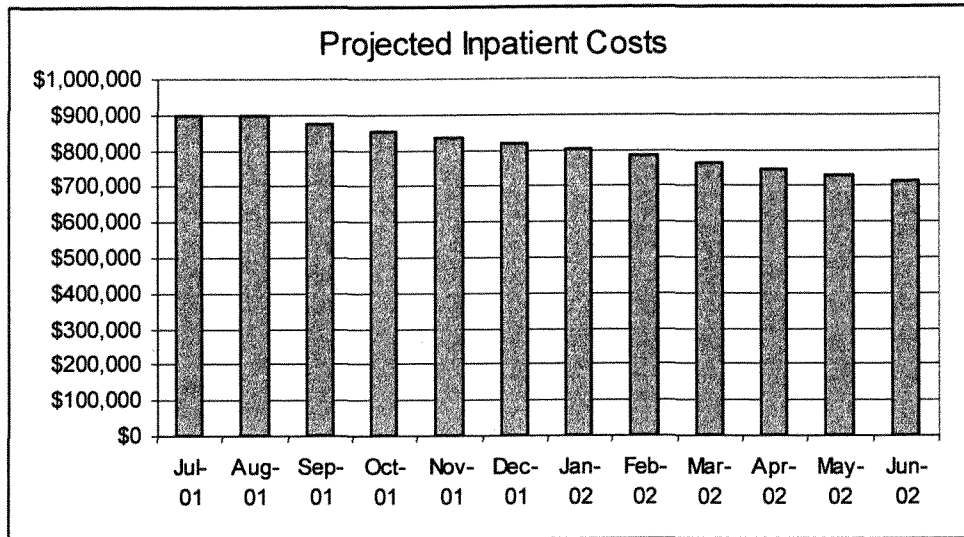
Local Administrative Dollars: Currently \$2.1 million is received from the State to administer Mental Health, Alcohol & Drug and Developmental Disabilities. \$805,640 is allocated directly to programs, of which only \$111,054 is allocated to Mental Health. At the same time \$1,310,870 is allocated to DCFS overhead departments. To support the administrative consolidation 30% of the \$1.3 million of the Local Administration should be transferred to Mental Health to free up additional OHP and State General Funds to support the Crisis/Acute Care System costs. *Total Amount: \$393,261.*

The four parts of this recommendation are interdependent in that shifting or responsibilities must be accompanied by shifting of funds and vice-a-versa. *Total Amount: \$1,502,556.*

The four strategies identified in action-steps 14 – 17 represent a \$5.74 million shift of funds to the Crisis and Acute Care System. This leaves a remaining shortfall of \$1.7 million. After an exhaustive evaluation of all funding sources and programs it is readily apparent that additional cut or funding shifts could severely threaten the already fragile mental health system.

- 18. One-Time User of Mental Health Reserves:** The main purpose of Mental Health Reserves is to cover emergencies that threaten the viability of the MHO. The current Acute Care Crisis constitutes such an emergency. Multnomah County should allocate \$1.72 million of existing reserves to fund excess inpatient costs that are projected for fiscal year 2002.

To prevent a similar shortfall in fiscal year 2003, inpatient expenditures must be reduced 21%. The funding model that was used to develop these recommendations assumes that these reductions will begin in September 2001, with the rollout of the Crisis and Acute Care Alternatives and Single Point of Accountability Structure and grow to a 21% savings by June 2002. The graph on the following page illustrates the required change in inpatient expenditures. *One-Time Costs: \$1,715,250.*



Note: It is important to underscore that the consequences of not funding the crisis and acute care services listed in this report creates significant risks for the Multnomah County mental health consumers, the County and provider organizations. If one or more financial recommendations are considered unfeasible and not implemented, the difference should be appropriated from the County General Fund Contingency Pool.

What is not included in the Action Plan – Phase I

While stabilizing the crisis and acute care system is the immediate, mission-critical intervention to keep the mental health system solvent, there are a number of equally important parts of the system that need to be protected during the process. These includes:

- **Child and Family Service Funding:** Public mental health began as a system for adults with severe and persistent mental illness. Funding for children came later and in smaller quantities. Multnomah County has made substantial effort to address shortfalls in this area and design service delivery strategies that are relevant and successful for this population. It is important during an acute care crisis, which is substantially related to the adult population, that funding for child and family mental health services are protected and, to the degree possible, strengthened. This Action Plan has been specifically drafted to prevent reduction of service dollars for child and family services during Fiscal-Year 2002.
- **Multi-Cultural and Underserved Populations Funding:** Preliminary analysis of mental health utilization data, by ethnicity, illustrates that non-majority ethnic groups are significantly underserved in Multnomah County. Substantial efforts are underway to develop and strengthen cultural competency in Multnomah County and address under-service to non-majority ethnic groups. This Action Plan has been designed to protect existing funding to organizations that specialize in serving multi-cultural and other underserved populations. The Single Point of Accountability structure is being proposed for these organizations on a “hold-harmless” basis, where multi-cultural providers will be identified as Primary Clinicians and receive continuing payments for their clients without the downside financial risk that will be embedded in the accountability/incentive structure.

- **County Mental Health Service Delivery:** Multnomah County staff in the Behavioral Health Division provide mental health services through their Child and Adolescent Treatment unit and School-Based programs. As the outpatient system begins to prepare for additional funding that will be freed up from a successful resolution to the acute crisis, these services need to be included in the analysis of what's available, what gaps exist, what changes in priorities are necessary to best meet the needs of consumers and family members. These efforts are not part of the Action Plan – Phase I.
- **Alcohol and Drug Services and Funding:** Services and funding for the county-supported alcohol and drug system are outside the scope of this Action Plan.

Important Notes about Cultural Competency and Consumer Involvement

The reader will note that there are no *specific* Acute Care Crisis action-steps addressing cultural competency and consumer involvement. Nonetheless, there are many *implicit* actions within the eighteen steps that relate to both.

It is imperative for Multnomah County to ensure that all services are designed with sensitivity and specialization for specific sub-populations including adults, children, older adults and ethnic and cultural communities. Staffing must consistently attend to cultural and special population considerations incorporating bicultural members, bilingual staff and sub-populations specialists into all staff teams. This is relevant for services that are developed during times of relative calm as well as times of crisis.

Design work has already begun towards producing data that will demonstrate how new services as well as existing ones address the needs of different populations; this is an important element of Action-Step 12, System-Wide Performance Reporting System. In addition, Appendix 3 – Detailed Acute Care Design, describes in greater detail how new services will be deployed in culturally appropriate ways.

Consumer Involvement must also be a characteristic that winds its way through all new and existing planning and service delivery activities. Development of the Single Point of Accountability Structure and Philosophy is a critical foundation step towards building a system of care that is based on placing the consumer at the center of the service delivery process.

The Clinical Design Workgroup was well represented with consumers, including a Consumer Involvement Subcommittee. This group has highlighted the need for a consumer-operated Warm Line, which is an important component of the new Access/Crisis Phone Service. Development of an Ombudsperson will occur within the existing Verity budget.

Work in moving these components of a well-functioning system forward will continue.

Implications for Phase II

When all of the eighteen Action-Steps in Phase I are implemented by September 30, 2001, the acute care crisis will have only begun to be resolved. There are numerous additional Action-Steps that should have been implemented as part of a Phase I. Because of the two-year delay in beginning detailed implementation work, this was not possible.

The 90-day Phase I must be followed immediately by Phase II that should begin at day 91. During this second phase the following major activities must occur.

- Completion of the implementation of Crisis and Acute Care Alternatives
- Significant expansion of the Single Point of Accountability Pool
- Completion of the critical Infrastructure Changes
- Continued reorganization of the Behavioral Health Division and Verity to come into alignment with the Action Plan
- Careful Monitoring and Adjustment, as needed of Utilization, Revenue and Expense

It is only after this Phase II work is completed that the mental health system will be able to regain stability and begin to move away from financial insolvency.

Date: July 17th, 2001

TO: Chair Diane Linn, Jim Gaynor and Peter Davidson

FROM: Cultural Competency Planning Committee

RE: Recommendations for establishing culturally competent Crisis Services: The Gap Plan

We are pleased to provide you with a report outlining recommendations for developing culturally competent crisis services in Multnomah County. As you know, our committee was charged with the task of creating a method of incorporating Cultural Competency Standards into all current and future contract language, including contracts related to the Gap Plan. The committee would also like to recognize that allowing sufficient time to thoroughly and thoughtfully address Cultural issues, will result in a successful Mental Health integrated system. As such, this document provides a Position Statement that has four sections:

- ★ Background
- ★ Definition of Cultural Competence
- ★ Principles
- ★ Summary Matrix: Principles, Issues, and Recommendations for Developing Culturally Competent Crisis Services: The Gap Plan

We look forward to your response and working together to identify ways in which we can be helpful in the adaptation of the plan.

Sincerely,

Linda Castillo
Rosemary Celaya-Alston
Jeanne Cohen
Marie Dahlstrom
Avel Gordly
Julie Larson
Holden Leung
Paul Leung
Robin Mack
Jackie Mercer
Corliss McKeever
Shirley Roberts
Stephaine Parrish Taylor
Vikki Vandiver

CULTURAL COMPETENCY FOR CRISIS SERVICES: POSITION STATEMENT

BACKGROUND

In the beginning the work of implementing the re-design of mental health services in Multnomah County, the issue of diversity and cultural competent services was raised by members of the Coordinating Council and the public. This process places the county in a unique position to address the gap in the culturally competent services for clients in Verity. The closing of the Crisis Triage Center (CTC) and the development of the Gap Plan provide us with the first opportunity to address the issues of diversity and culturally competent services. This challenge raises a number of complex issues that have policy, clinical and professional implications. The Cultural Competency Planning Committee has met and identified a set of Guiding Principles to be used in the development of a plan for addressing the need for culturally sensitive crisis services. Additionally, we have identified and categorized seven key issues that are present in this community. Before we can offer recommendations, we feel it is imperative to identify current as well as historical issues that impact the ability of our community to deliver quality, culturally competent crisis services. These issues reflect the observations and experiences of members of the committee and may not be relevant to other counties. Lastly, we offer recommendations for each of these issues.

For your information, this report contains the following elements:

- Definition of Cultural Competence
- Guiding Principles
- Matrix outlining Summary of Principles, Issues and Recommendations for Developing Culturally Competent Crisis Services: The Gap Plan

DEFINITION OF CULTURAL COMPETENCE

We support the definition of cultural competence as put forth in the recent Substance Abuse and Mental Health Services Administration (SAMSHA) Report entitled *Cultural Competence Standards in Managed Mental Health Care Services: Four Underserved/Underrepresented Racial/Ethnic Groups*. In this report, "Cultural Competence" refers to "....attaining the knowledge, skills, and attitudes to enable administrators and practitioners within systems of care to provide effective care for diverse populations, i.e. to work within the person's values and reality conditions. Recovery and rehabilitation are more likely to occur where managed care systems, services, and providers have and utilize knowledge and skills that are culturally compatible with the backgrounds of consumers from the four underserved/underrepresented racial/ethnic groups, their families, and communities." The racial/ethnic groups are African American, Asian Pacific Islanders, Latinos, Native Americans and Eastern European speaking languages.

PRINCIPLES

In order to begin addressing the Issues and develop Culturally Competent Crisis Services (The Gap), we wish to anchor our recommendations in a set of guiding principles considered essential for the development of culturally competent services. These principles also come from the SAMSHA report. We recommend using these principles like a checklist to assess program fidelity to the notion of culturally competent services.

I. PRINCIPLE OF CULTURAL COMPETENCE (Cultural competence acknowledges and incorporates variance in normative acceptable behaviors, beliefs, and values in: 1) determining and individual's mental wellness/illness and 2) incorporation of those variables into assessment and treatment.).

II. PRINCIPLE OF CONSUMER-DRIVEN SYSTEM OF CARE (encourage self-help and promotes consumer and family involvement)

III PRINCIPLE OF COMMUNITY-BASED SYSTEM OF CARE (continuum of care which includes valued community resources from minority culture, early intervention and preventive efforts and treatment in the least restrictive environment)

IV. PRINCIPLE OF MANAGED CARE (systems acknowledge the importance of added-value inclusion of ethnic/cultural groups as treatment partners in the delivery of effective, quality services)

V. PRINCIPLE OF NATURAL SUPPORTS (traditional healing practices are used when relevant and family is defined broadly and included in service planning)

VI. PRINCIPLE OF SOVEREIGN NATION STATUS (systems of care for Native Americans shall acknowledge the right of sovereign nations to participate in defining culturally competent managed care)

VII. PRINCIPLE OF COLLABORATION AND EMPOWERMENT (consumers/families collaborate with managed care systems and determine the course of treatment)

VIII. PRINCIPAL OF HOLISM (providers recognize and value holistic approaches)

IX. PRINCIPLE OF FEEDBACK (services are open for legitimate opportunities for feedback and exchange)

X. PRINCIPLE OF ACCESS (services are geographically, psychologically, and culturally accessible)

XI. PRINCIPLE OF UNIVERSAL COVERAGE (access to crisis care is not contingent on income)

XII. PRINCIPLE OF INTEGRATION (integration of physical and mental health services)

XIII. PRINCIPLE OF QUALITY (emphasize culturally competent quality services)

XIV. PRINCIPLE OF DATA DRIVEN SYSTEMS (decision-making is based on data - prevalence, incidence, service utilization and other measures of utilization)

XV. PRINCIPLE OF OUTCOMES (measure actual outcomes - satisfaction - for client and family)

XVI. PRINCIPLE OF PREVENTION (education programs on mental illness, risk factors, and early identification)

SUMMARY OF PRINCIPLES, ISSUES AND RECOMMENDATIONS FOR
DEVELOPING CULTURALLY COMPETENT CRISIS SERVICES: THE "GAP PLAN"

ISSUES	RECOMMENDATIONS	PERFORMANCE INDICATORS
1) <i>Philosophy</i> - current crisis system modeled on dominant majority perspective (e.g., individualistic, medication oriented, limited family involvement)	→ Create (free standing) Cultural Competence Crisis Advisory Committee consisting of representatives from ethnic service providers agencies, families, and consumers	
2) <i>Policy Making and Decision Making</i> - majority of culturally specific service providers have not been consulted or included in the implementation of the policy /program development of the new Crisis System even though decisions will directly impact communities of color. <ul style="list-style-type: none"> • results in feelings of marginalization • Results in poor integration of services with established providers, lack of trust that providers will be able to help clients appropriately. 	→ same as above → To include representatives from racial/ethnic communities in design process	
3) <i>Client Demographics</i> - 3 proposed Crisis sites are not geographically located in sites that reflect population shift for communities of color. There is lack of trust in the "3" clinic's. Can they appropriately handle linguistic and cultural differences? Are the hour's of operation realistic for communities of color to access?	→ expand 1-2 current sites to other locations in N and W Portland → support (financially) ethnic service providers in having in-house crisis services as appropriate → use specific service providers for clinical consultation, case management and when needed clinical assessments and interventions for those times when clients present at other sites	
4) <i>Personnel</i> - current job descriptions, hiring practices, training and pay do not reflect true picture of qualifications/skills needed for delivering culturally specific services – specifically with interpreter/ linguistic skills	→ encourage hiring and promotion of personnel from within specific ethnic community → mandate ongoing training for all crisis workers	
5) <i>Public Relations</i> - existing resource manuals often omit the wide list of community based ethnic/diverse service providers/agencies making it difficult for crisis workers (e.g., police) to appropriately triage or refer.	→ need to allocate resources (fund s & personnel) to create and maintain current list of ethnic specific providers; also work with media (radio, TV and newspaper) to educate public on variety of ethnic service providers/agencies	

SUMMARY OF PRINCIPLES, ISSUES AND RECOMMENDATIONS FOR
DEVELOPING CULTURALLY COMPETENT CRISIS SERVICES: THE "GAP PLAN"

Access to care involves the elimination of barriers. Barriers that are within perception of the persons we are serving. Language, cultural understanding, trust and respect. Feedback is necessary to assure quality and continuum of care.	Demonstrates the need for a culturally specific advisory board of community providers and consumers.	
6) <i>Services</i> - crisis services cannot continue to be delivered solely in traditional mainstream fashion where minimal consideration is given to gender/ethnic specific differences in crisis situations, health status, alternative expressions of care and support, extended family connections, natural support systems and efforts at prevention. Culturally impacted groups are best to identify the natural supports that would support best practices within their communities.	<ul style="list-style-type: none"> → hiring and support of local ethnic counselors → require and upgrade culturally competency training of new and continuing employees → involve community of ethnic service providers as consultants and as collaborators in service planning → implement evaluation measures of effectiveness that are monitored by Advisory Committee new and continuing employees → involve community of ethnic service providers as consultants and as collaborators in service planning → implement evaluation measures of effectiveness that are monitored by Advisory Committee 	
7) <i>Financial Resources</i> - proposed funding arrangements has potential to squeeze out the flexibility of local ethnic specific providers ability to provide tailored crisis response arrangements to their clients or new consumers; providers need to have the flexibility to coordinate crisis management services in order to keep families in their own communities.	<ul style="list-style-type: none"> → county or new contracting entity provide set aside special funds (i.e., Diversion Funds) that can be flexibly accessed by ethnic service providers to provide individualized crisis services for existing or new clients PRN → Building capacity of ethnic community providers. → Building interface between established acute care providers 	
<p>8) <i>Individuals with Disabilities</i> – Visual and Hearing impairments including blindness and deafness</p> <p>Autism, DD & Mental Retardation</p> <p>Speech and language impairment</p> <p>Illiteracy</p> <p>Physical impairment</p> <p>Medical impairment and medical disability</p>	<p>forms in Braille, assistance with documentation sign language, understanding of deaf cultural and PCP coordination.</p> <p>Understanding or social interactions and communication barriers. PCP & DD service coordination. Need family involvement</p> <p>understanding and accommodation of communication barriers, stuttering, impaired articulation. Waiting room sensitivity and accommodation</p>	