

ANNOTATED MINUTES

Thursday, January 29, 1998 - 9:30 AM
Portland Building, Second Floor Hearing Room
1120 SW Fifth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley and Commissioners Gary Hansen present, and Commission District 1 and 3 positions vacant.

CONSENT CALENDAR

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-1 ORDER Granting a Storm Drainage Reserve Easement to the City of Portland for the SW 23rd Avenue Sewer Project

ORDER 98-6.

C-2 ORDER Granting to the City of Portland a Consent to Storm Drainage Reserve Easement Over Pre-existing Multnomah County Easement for the SW 23rd Avenue Sewer Project

ORDER 98-7.

C-3 ORDER Authorizing Execution of Deed D981538 Upon Complete Performance of a Contract with Daniel J. Braxmeyer and Karin M. Braxmeyer

ORDER 98-8.

C-4 ORDER Authorizing Execution of Deed D981539 Upon Complete Performance of a Contract with Dennis T. McCormack and Carol A. McCormack

ORDER 98-9.

- C-5 Auto Wrecker License Approval for LOOP HI-WAY TOWING, 28609 SE ORIENT DRIVE, GRESHAM
- C-6 CS 7-97 Report the Hearings Officer Decision Regarding Approval, with Conditions, of a Community Service Use Permit to Establish a Permanent Location for a Mobile Pilot Water Treatment Plant Trailer on Property Located at 6704 SE COTTRELL ROAD, PORTLAND

REGULAR AGENDA

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- UC-1 RESOLUTION Honoring Officers Killed and Wounded in the Line of Duty

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF UC-1. RESOLUTION READ. RESOLUTION 98-10 UNANIMOUSLY APPROVED.

PUBLIC COMMENT

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

NO ONE WISHED TO COMMENT.

DEPARTMENT OF SUPPORT SERVICES

- R-2 Presentation of Employee Service Awards Honoring 63 Multnomah County Employees with 5 to 30 Years of Service.

WITH THE ASSISTANCE OF SHERY STUMP AND GAIL FOSTER, THE BOARD GREETED,

ACKNOWLEDGED AND PRESENTED A 10 YEAR AWARD TO TANYA COLLIER; 5 YEAR AWARDS TO: JUNE EILENSTINE AND KATHY WISEMAN OF ASD; PAMELA BALLENTINE, ANTOINETTE EDWARDS, VICTOR GRAF, GARY MAGNUSON, PEGGY JO MINTER, HEATHER NOLTE, BRIAN SMITH AND SUSAN ZIGLINSKI OF DCFS; EDMUND ABRAHAMSON, RENE GRIER AND MARJORIE HULL OF DES; STANLEY MASON, ELISE NICHOLSON AND JAMES TEMPLE OF DSS; AND OB ADDY, CONNIE EMERSON, JOHN HARLAN, DAVID NORWOOD, KAREN RHEIN, MARJORIE SELL AND JUDY McDONALD MOORE OF DJACJ; 10 YEAR AWARDS TO: CATHERINE HILGER, JEANEEN MCGAW AND GLORIA WANG OF DCFS; AMY HOLMES HEHN OF DA; WILLIE GRAHAM, ESTHER LUGALIA IMBUYE, MICHELLE LUCKEY AND SYDNEY MURR OF DES; MELISSA DAILEY, BECKY STEWARD AND SAMINA THOMAS OF DSS; WENDY RUTH JACKSON, STEFAN JONES, TELISMA NACOSTE, JR., JULIE ROGERS, JOHN TURNER AND SANDRA WYGANT OF DJACJ; DALE SMITH OF DLS; AND SANDRA DUFFY OF NOND; 15 YEAR AWARDS TO: LARRY H. SMITH OF ASD; SHARRON TAYLOR OF DCFS; LARRY NICHOLAS OF DES; AND BARBARA HARRINGTON AND CLYDE MARSHALL OF DLS; 20 YEAR AWARDS TO: TERESITA CONSUELO ANDREWS AND PEGGY SANDERS OF ASD; FLORENE MCFARLAND OF DCFS; JOLENE BROCKMUELLER, MARY PFAU AND PHYLLIS SALVADORE OF DES; RAYMOND STOUT OF DSS; AND SIDNEY DICKERSON OF DJACJ; 25 YEAR AWARDS TO: ANITA TRAVIS SMITH OF ASD; KEVIN KAUFMAN AND JOHN WILDHABER OF DES; AND COLLETTE UMBRAS AND BILL BOWSER OF DSS; 30 YEAR AWARDS TO: DORIS SUEK OF ASD; BETTY MCQUILKIN OF DA; DON ALLINSON OF DSS; AND LELAND BLOCK OF DJACJ.

SHERIFF'S OFFICE

- R-3 Multnomah County DUII Enforcement Team Presentation by Sergeant David Hadley.

DAVID HADLEY PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

DISTRICT ATTORNEY'S OFFICE

- R-4 Budget Modification DA 8 Requesting the Addition of 1 FTE Coordinator and 1 FTE Legal Assistant to Support the Community Court Project Funded by Department of Justice Weed and Seed Grant

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4. TOM SIMPSON AND JUDY PHELAN EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

- R-5 Notice of Intent to Respond to Apply for a Community-Based Family Resource and Support Grant from the State Office of Services to Children and Families, to Assist in the Development of a "Community Safety Net" to Provide Outreach Services to Families at Risk for Child Abuse and Neglect

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. DENISE CHUCKOVICH EXPLANATION. COMMISSIONER KELLEY COMMENTS IN SUPPORT. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 CS 1-97 Report the Hearings Officer Decision Regarding Approval of a Community Service Use, Subject to Conditions, to Construct a Communications Monopole and Electronics Building on Sauvie Island Property Located at 14443 NW CHARLTON ROAD,

PORTLAND; and in Response to the NOTICE OF REVIEW Filed, a Request that the Board Schedule a DE NOVO HEARING in this Matter for 10:30 AM, TUESDAY, FEBRUARY 3, 1998, with Testimony Limited to 20 Minutes Per Side

AT THE REQUEST OF CHAIR STEIN WHO ADVISED AN APPEAL WAS FILED, AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT A DE NOVO HEARING BE SCHEDULED FOR 10:30 AM, TUESDAY, FEBRUARY 3, 1998, WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE.

R-7 C 3-97 First Reading and Adoption of an ORDINANCE Amending the Conditional Use and Design Review Sections of the Zoning Code by Providing an Exemption for All Single Family Residences from the Design Review Requirements of the Zoning Code, and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF FIRST READING AND ADOPTION. PHIL BOURQUIN EXPLANATION AND RESPONSE TO BOARD COMMENTS IN SUPPORT. NO ONE WISHED TO TESTIFY. ORDINANCE 899 UNANIMOUSLY APPROVED.

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

R-8 Intergovernmental Agreement 700658 with the Oregon Youth Authority for the Development and Use of a Statewide Automated Juvenile Justice Information System

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-8. JOANNE FULLER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-9 Briefing on Multnomah County Implementation Plan to Address Violence Against Girls. Presented by Chiquita Rollins, Jimmy Brown, Mary Li and Linda Jaramillo.

CHIQUITA ROLLINS, JIMMY BROWN, MARY LI AND LINDA JARAMILLO PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. CHAIR STEIN GREETED AND ACKNOWLEDGED "SPIRIT" MEMBERS.

The meeting recessed at 11:02 a.m. and reconvened at 11:05 a.m.

NON-DEPARTMENTAL

- R-10 Presentation of Overview of the Citizen's Crime Commission/Association for Portland Progress Report on Displaced Youth in the Downtown Portland Area, and Discussion Regarding Multnomah County's Response. Presented by Paul Lorenzini, Bill Furman, Iris Bell, Mary Li and Joanne Fuller.

IRIS BELL, PAUL LORENZINI, BILL FURMAN, MARY LI AND JOANNE FULLER PRESENTATIONS. MR. LORENZINI AND MR. FURMAN RESPONSE TO BOARD QUESTIONS, DISCUSSION AND COMMENTS.

There being no further business, the meeting was adjourned at 11:55 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

DEBORAH BOGSTAD, BOARD CLERK

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

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	•248-3308
VACANT •	DISTRICT 1	•248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
VACANT •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

AGENDA

FOR THE WEEK OF

JANUARY 26, 1998 - JANUARY 30, 1998

Thursday, January 29, 1998 - 9:30 AM - Regular Meeting..... Page 2

The Thursday meeting of the Multnomah County Board of Commissioners will be *cable-cast* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

INDIVIDUALS WITH DISABILITIES MAY CALL THE BOARD CLERK AT (503) 248-3277, OR MULTNOMAH COUNTY TDD PHONE (503) 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

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1120 SW Fifth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF ENVIRONMENTAL SERVICES

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PUBLIC COMMENT

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

DEPARTMENT OF SUPPORT SERVICES

- R-2 Presentation of Employee Service Awards Honoring 63 Multnomah County Employees with 5 to 30 Years of Service. 30 MINUTES REQUESTED.

SHERIFF'S OFFICE

- R-3 Multnomah County DUII Enforcement Team Presentation by Sergeant David Hadley. 20 MINUTES REQUESTED.

DISTRICT ATTORNEY'S OFFICE

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DEPARTMENT OF HEALTH

- R-5 Notice of Intent to Respond to Apply for a Community-Based Family Resource and Support Grant from the State Office of Services to Children and Families, to Assist in the Development of a "Community Safety Net" to Provide Outreach Services to Families at Risk for Child Abuse and Neglect

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- R-6 CS 1-97 Report the Hearings Officer Decision Regarding Approval of a Community Service Use, Subject to Conditions, to Construct a Communications Monopole and Electronics Building on Sauvie Island Property Located at 14443 NW CHARLTON ROAD, PORTLAND; and in Response to the NOTICE OF REVIEW Filed, a Request that the Board Schedule a DE NOVO HEARING in this Matter for 10:30 AM, TUESDAY, FEBRUARY 3, 1998, with Testimony Limited to 20 Minutes Per Side
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DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- R-8 Intergovernmental Agreement 700658 with the Oregon Youth Authority for the Development and Use of a Statewide Automated Juvenile Justice Information System

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

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NON-DEPARTMENTAL

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UNANIMOUS CONSENT ITEM FOR 1/29/98

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER ___, SECONDED BY COMMISSIONER ___, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

UC-1 RESOLUTION Honoring Officers Killed and Wounded in the Line of Duty

COMMISSIONER ___ MOVED AND COMMISSIONER ___ SECONDED, APPROVAL OF UC-1. CHAIR STEIN EXPLANATION. BOARD COMMENTS. RESOLUTION 98-10 UNANIMOUSLY APPROVED.

MEETING DATE: JAN 29 1998
AGENDA NO: C-1
ESTIMATED START TIME 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request approval of a Sewer Easement to the City of Portland

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

The City of Portland, Office of Transportation, Right of Way needs to acquire a perpetual easement rights to the surface of said real property owned by Multnomah County for the SW 23rd Avenue Sewer Project.

Sewer Easement attached.

*2/2/98 ORIGINAL EASEMENT & COPIES OF
ALL TO TAX TITLE*

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

OR

DEPARTMENT
MANAGER: _____

K. A. Tuneberg Larry F. Nicholas

BOARD OF
COUNTY COMMISSIONERS
98 JAN 21 AM 11:19
MULTNOMAH COUNTY
OREGON

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Granting a Storm Drainage Reserve
Easement to the City of Portland
for the SW 23rd Avenue Sewer
Project

} ORDER
98- 6

WHEREAS, the City of Portland, Office of Transportation, Right of Way, has requested a Storm Drainage Reserve Easement over real property owned by Multnomah County for the SW 23rd Avenue Sewer Project; more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

WHEREAS, granting of an easement upon the parcel of land as described in the attached exhibit "A", dedicated to the public for perpetual easement rights to the surface of said parcel, will benefit the public; and

WHEREAS, consideration of \$1.00 offered by the City for the Easement is sufficient and the Board being fully advised in the matter; now therefore

IT IS HEREBY ORDERED that Multnomah County approves the attached Sewer Easement and that the County Chair be and hereby is authorized to execute the same on behalf of Multnomah County.

Dated this 29th of January, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

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

EXHIBIT 'A'

The west 30.00 feet of the following described parcel of land:

That part of Lot 4, Block A, according to the duly filed plat of Slavin's Addition Plat 2, in the City of Portland, filed July 28, 1926, in Plat Book 994, Page 99, Records of the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 4; thence north along the west line of said Lot 4, 49.15 feet to an iron rod; thence $81^{\circ}16'29''$ East along the southerly fork of Fanno Creek 101.12 feet to an iron rod in the east line of said Lot 4; thence south along the east line of said Lot 4, 25.35 feet to the southeast corner of said Lot 4; thence South $68^{\circ}36'$ West along the southerly line of said Lot 4, 107.27 feet to the Point of Beginning.

STORM DRAINAGE RESERVE EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a political subdivision of the State of Oregon, Grantor, in consideration of the sum of One (\$1.00) and no/100 Dollars, and other good and valuable consideration to it paid by the City of Portland, Grantee, a municipal corporation of the State of Oregon, does hereby grant unto the City of Portland, perpetual easement rights to the surface of the parcel of land hereinafter described for the purpose of storm water drainage, said parcel being more particularly described as follows:

R/W #5411-3

The west 30.00 feet of the following described parcel of land:

That part of Lot 4, Block A, according to the duly filed plat of Slavin's Addition Plat 2, in the City of Portland, filed July 28, 1926, in Plat Book 994, Page 99, Records of the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 4; thence north along the west line of said Lot 4, 49.15 feet to an iron rod; thence N 81°16'29" E along the southerly fork of Fanno Creek 101.12 feet to an iron rod in the east line of said Lot 4; thence south along the east line of said Lot 4, 25.35 feet to the southeast corner of said Lot 4; thence S 68°36' W along the southerly line of said Lot 4, 107.27 feet to the Point of Beginning.

THE ABOVE DESCRIBED easement area is subject to the following reservations, limitations and qualifications:

1S 1E 16 BC
Parcel R-77430-2280

After Recording Return to: _____

106/802/Phyllis I. Redman _____

Tax Statement shall be sent to: _____

No Change _____

1. No private building, fence, fill or other improvement shall be erected upon the easement area without the prior written consent of the Chief Engineer of the Bureau of Environmental Services, however, the Grantor may use the easement area for purposes which do not interfere with Grantee's uses as herein conveyed.
2. The easement area shall remain in a natural topographic condition. Grantor shall not alter the drainage reserve without the prior written consent of the Chief Engineer of the Bureau of Environmental Services.
3. Grantor shall not block, obstruct or restrict, or cause to be blocked, obstructed or restricted, any storm drainage water within, or flowing into or out of the easement area, without the prior written consent of the Chief Engineer of the Bureau of Environmental Services.

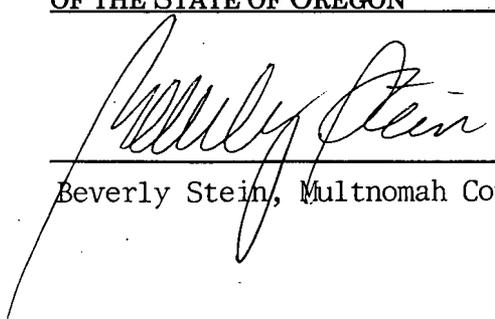
TO THE EXTENT permitted by Oregon law, and up to the limits provided by the Oregon Tort Claims Act, ORS 30.260 to 30.300, if applicable, the City agrees to indemnify and defend Multnomah County from any claims arising from the City's use of the easement area. This duty to indemnify and defend does not extend to any claims arising from conduct on the part of Multnomah County, its heirs and assigns. In the case of any claims involving both City's activities and conduct on the part of Multnomah County or its heirs or assigns, City shall indemnify and defend with respect to liabilities attributable to City's use of the easement area, but shall not be responsible for judgements or litigation costs attributable to actions by Multnomah County or its heirs and assigns.

IN WITNESS WHEREOF, Multnomah County, a political subdivision of the State of Oregon, pursuant to the lawful authority given to the undersigned by its Board of Commissioners has caused these presents to be signed by its Chair
 this 29th day of January 19 98



MULTNOMAH COUNTY, A POLITICAL SUBDIVISION
 OF THE STATE OF OREGON

By:


 Beverly Stein, Multnomah County Chair

APPROVED:

By: *Beverly Stein*
Beverly Stein, County Chair

Dated: January 29, 1998

REVIEWED:

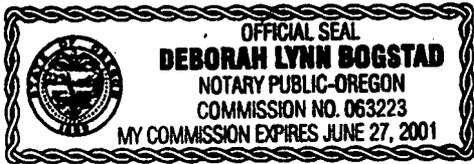
Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By: *Matthew O. Ryan*
Matthew O. Ryan, Assistant County Counsel

STATE OF OREGON

County of Multnomah

This instrument was acknowledged before me on January 29, 19 98
by Beverly Stein as Multnomah County Chair on behalf of
Multnomah County, a political subdivision of the State of Oregon.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires June 27, 2001

Approved as to form:

City Attorney

Approved:

City Engineer

\5411\3-Strm

MEETING DATE: JAN 29 1998
AGENDA NO: C-2
ESTIMATED START TIME: 9:30 AM

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: **REQUEST APPROVAL OF A CONSENT TO STORM DRAINAGE EASEMENT OVER INSPECTION AND MAINTENANCE EASEMENT.**

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

The City of Portland, Office of Transportation, Right of Way needs to acquire a Consent to Access Easement over an Inspection and Maintenance Easement held by Multnomah County for the SW 23rd Avenue Sewer Project.

Agenda, Board Order and Consent to Storm Drainage Reserve Easement over Inspection and Maintenance Easement attached.

*2/2/98 ORIGINAL EASEMENT & COPIES
OF ALL TO TAX TITLE*

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

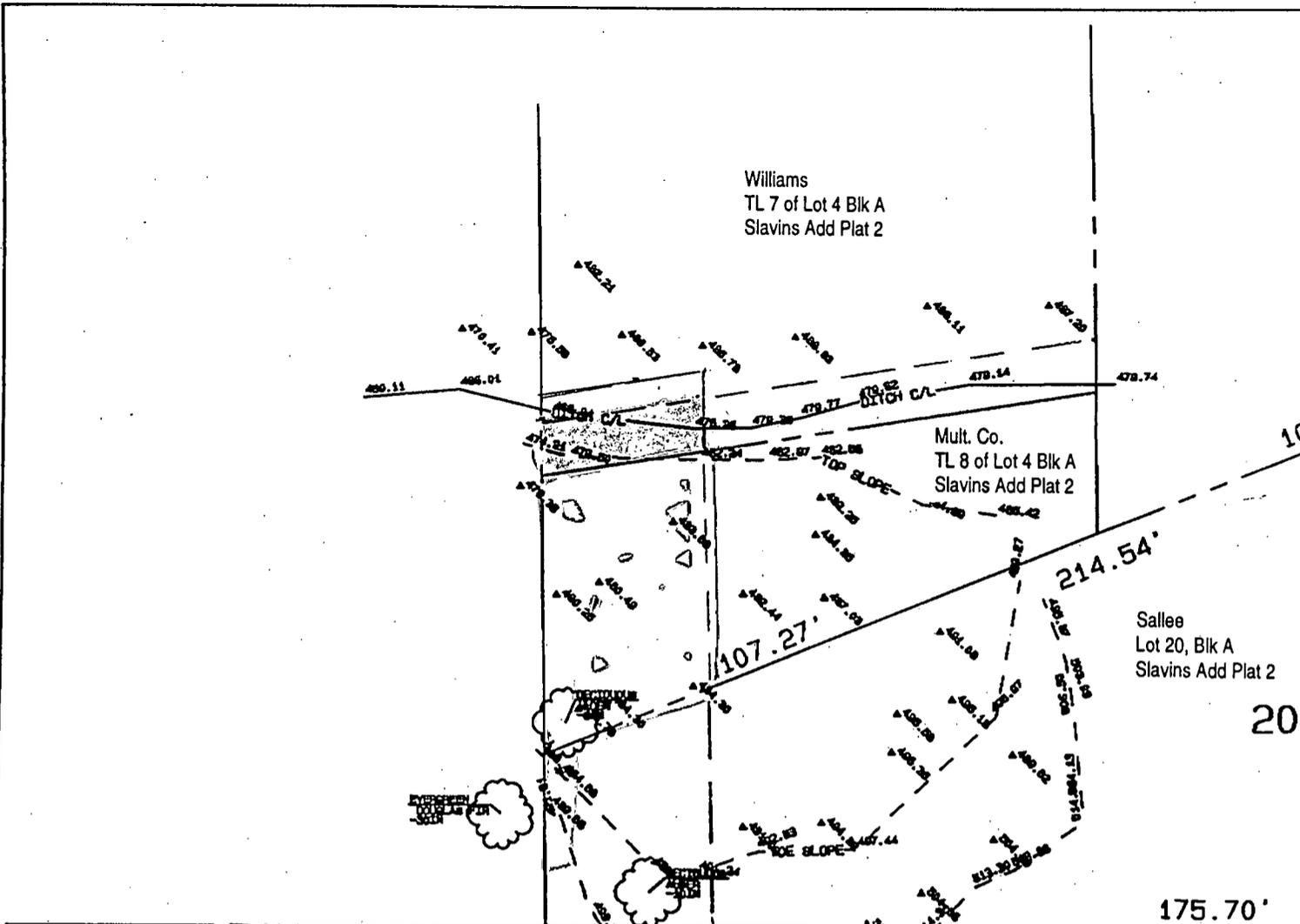
OR

DEPARTMENT
MANAGER: _____

K. A. Tuneberg *Paul E. Nicholas*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 JAN 21 AM 11:20

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



SCALE: 1" = 30'



Consent to Storm Drainage Reserve Easement
over Inspection and Maintenance Easement



Storm Drainage Reserve Easement

PROJECT SW MARTHA ST AT SW 23RD AVE

GRANTOR MULTNOMAH COUNTY

PROPERTY TAX LOT 8 OF LOT 4, BLK A SLAVINS ADD PLAT 2

SCALE 1" = 30'

1/4 SECTION 3527

FILE NO RW # 5411-3

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Granting to City of Portland a
Consent to Storm Drainage Reserve
Easement over pre-existing
Multnomah County Easement

} ORDER
98-7

WHEREAS, the City of Portland, Office of Transportation, Right of Way, has requested Multnomah County's Consent to a Storm Drainage Easement over an Inspection and Maintenance Easement, an easement held by Multnomah County, recorded on January 19, 1976 at Book 1083, Page 730, Multnomah County Deed Records, more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

WHEREAS, the above referenced Consent to Storm Drainage Easement is over an area of land fully within the County's above described Inspection and Maintenance Easement and is more particularly described as follows:

SEE ATTACHED EXHIBIT "B"

WHEREAS, the granting of the Consent to Storm Drainage Easement over the County's Inspection and Maintenance Easement, will benefit the public; and

WHEREAS, consideration of \$1.00 offered by the City for the Consent to Access is sufficient and the Board being fully advised in the matter; now therefore

IT IS HEREBY ORDERED that the Chair of the Multnomah County Board of County Commissioners approves the attached Consent to Access and that the County Chair hereby is authorized to execute the same on behalf of Multnomah County.

Dated this 29th of January, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

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

EXHIBIT "A"

The west 30.00 feet of the following described parcel of land:

That part of Lot 4, Block A, according to the duly filed plat of Slavin's Addition Plat 2, in the City of Portland, filed July 28, 1926, in Plat Book 994, Page 99, Records of the County of Multnomah and State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 4; thence north along the west line of said Lot 4, 49.15 feet to an iron rod; thence $81^{\circ}16'29''$ East along the southerly fork of Fanno Creek 101.12 feet to an iron rod in the east line of said Lot 4; thence south along the east line of said Lot 4, 25.35 feet to the southeast corner of said Lot 4; thence South $68^{\circ}36'$ West along the southerly line of said Lot 4, 107.27 feet to the Point of Beginning.

EXHIBIT "B"

The southerly 10.00 feet of the following described parcel of land:

A tract of land in Lot 4, Block A, Slavin's Addition Plat 2, in the City of Portland, Multnomah County, Oregon, described as follows:

Commencing at the southwest corner of said Lot 4; thence north along the west line of said Lot 4, 49.15 feet to an iron rod which is the southwest corner of that parcel of land described in deed to John T. Williams and Karen L. Williams, recorded August 29, 1986, in Book 1933, Page 183, Multnomah County Deed Records and the True Point of Beginning of the tract of land to be described; thence continuing north along said west line of Lot 4, to a point which measures 15.00 feet when measured at right angles to the southerly line of said Williams parcel; thence easterly along a line that is 15.00 feet northerly of and parallel with said southerly line of the Williams parcel, 30.00 feet; thence south and parallel with the west line of said Williams parcel to a point on the southerly line of said parcel; thence westerly along said southerly line 30.00 feet to the True Point of Beginning.

Consent (Access)

**CONSENT TO STORM DRAINAGE RESERVE EASEMENT
OVER INSPECTION AND MAINTENANCE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that whereas, Multnomah County, a political subdivision of the State of Oregon, the owner of a portion of Lot 4, Block A, Slavin's Addition Plat 2 as described in Deed recorded November 4, 1986, in Book 1952, Page 1705, Multnomah County Deed Records is holder of an easement for the purpose of inspecting and maintaining its property, as described in document recorded January 19, 1976, in Book 1083, Page 730, Multnomah County Deed Records, said property and easement described as follows:

That part of Lot 4, Block A, Slavin's Addition Plat 2, in the City of Portland, County of Multnomah, State of Oregon, described as follows:

Beginning at the southwest corner of said Lot 4; thence north along the west line of said Lot 4, 49.15 feet to an iron rod; thence N 81°16'29" E along the southerly fork of Fanno Creek 101.12 feet to an iron rod in the east line of said Lot 4; thence south along the east line of said Lot 4, 25.35 feet to the southeast corner of said Lot 4; thence S 68°36' W along the southerly line of said Lot 4, 107.27 feet to the Point of Beginning.

Together with an easement over the following described real property for the purpose of inspecting and maintaining grantees' adjoining property:

That part of Lot 4, Block A, Slavin's Addition Plat 2, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

1S 1E 16 BC

After Recording Return to:

106/802/Phyllis I. Redman

Tax Statement shall be sent to:

No Change

Beginning at the northwest corner of the parcel described above; thence north along the west line of Lot 4, 10.00 feet; thence N 81°16'29" E approximately 101.12 feet to the east line of said Lot 4; thence south along the east line of said Lot 4, 10.00 feet to the northeast corner of the parcel described above; thence S 81°16'29" W to the Point of Beginning.

AND WHEREAS, the City of Portland desires to acquire a Storm Drainage Reserve Easement from the owners of the property where the above-described easement is located,

AND WHEREAS, it is acceptable to Multnomah County that said storm drainage reserve be established;

NOW THEREFORE, in consideration of the sum of One (\$1.00) and no/100 Dollars, to it paid, Multnomah County does hereby consent to the City's use for storm drainage reserve purposes of a portion of its easement described as follows:

R/W #5411-3a

The southerly 10.00 feet of the following described parcel of land:

A tract of land in Lot 4, Block A, Slavin's Addition Plat 2, in the City of Portland, Multnomah County, Oregon, described as follows:

Commencing at the southwest corner of said Lot 4; thence north along the west line of said Lot 4, 49.15 feet to an iron rod which is the southwest corner of that parcel of land described in deed to John T. Williams and Karen L. Williams, recorded August 29, 1986, in Book 1933, Page 183, Multnomah County Deed Records and the True Point of Beginning of the tract of land to be described; thence continuing north along said west line of Lot 4, to a point which measures 15.00 feet when measured at right angles to the southerly line of said Williams parcel; thence easterly along a line that is 15.00 feet northerly of and parallel with said southerly line of the Williams parcel, 30.00 feet; thence south and parallel with the west line of said Williams parcel to a point on the southerly line of said parcel; thence westerly along said southerly line 30.00 feet to the True Point of Beginning.

TO THE EXTENT permitted by Oregon law, and up to the limits provided by the Oregon Tort Claims Act, ORS 30.260 to 30.300, if applicable, the City agrees to indemnify and defend Multnomah County from any claims arising from the City's use of the easement area. This duty to indemnify and defend does not extend to any claims arising from conduct on the part of Multnomah County, its heirs and assigns. In the case of any claims involving both City's activities and conduct on the part of Multnomah County or its heirs or assigns, City shall indemnify and defend with respect to liabilities attributable to City's use of the easement area, but shall not be responsible for judgements or litigation costs attributable to actions by Multnomah County or its heirs and assigns.

IN WITNESS WHEREOF, Multnomah County, a political subdivision of the State of Oregon, pursuant to the lawful authority given to the undersigned by its Board of Commissioners has caused these presents to be signed by its Chair this 29th day of January 1998



MULTNOMAH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON

By: *Beverly Stein*
Beverly Stein, Multnomah County Chair

APPROVED:

By: *Beverly Stein*
Beverly Stein, County Chair

Dated: January 29, 1998

REVIEWED:

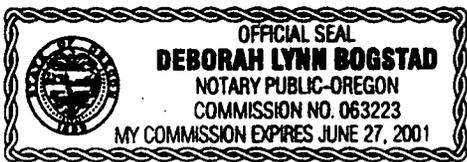
Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By: *Matthew O. Ryan*
Matthew O. Ryan, Assistant County Counsel

STATE OF OREGON

County of Multnomah

This instrument was acknowledged before me on January 29, 1998 by Beverly Stein as Multnomah County Chair on behalf of Multnomah County, a political subdivision of the State of Oregon.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires June 27, 2001

Approved as to form:

City Attorney

Approved:

City Engineer

\5411\3-CSE

MEETING DATE: JAN 29 1998

AGENDA NO: C-3

ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchasers for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of Deed to DANIEL J. BRAXMEYER & KARIN M. BRAXMEYER contract purchaser for completion of Contract #15723 (Property repurchased by former Owners).

Deed D981538 and Board Order attached.

*2/2/98 ORIGINAL Deed & copies of
All to TAX TITLE*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 JAN 15 PM 3:53

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: K. A. Tuneberg Paul Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed D981538
Upon Complete Performance of a Contract 15723
with DANIEL J. BRAXMEYER
AND KARIN M. BRAXMEYER

} ORDER
98- 8

WHEREAS, on January 28, 1993, Multnomah County entered into a contract 15723, Book 2645 Page 1646 with DANIEL J. BRAXMEYER and KARIN M. BRAXMEYER, for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers; now therefore

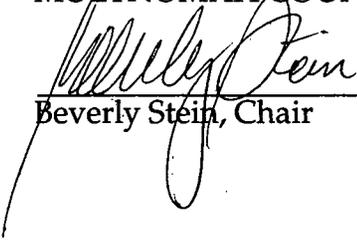
IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the County of Multnomah, State of Oregon:

LOTS 31 & 32, BLOCK 1 POINT VIEW, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Dated this 29th day of January, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Counsel

DEED D981538

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to DANIEL J. BRAXMEYER and KARIN M. BRAXMEYER, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

LOTS 31 & 32, BLOCK 1 POINT VIEW, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$12,841.97.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

DANIEL J. BRAXMEYER
KARIN M. BRAXMEYER
9463 N. RICHMOND AVE
PORTLAND OR 97203

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of January, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

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

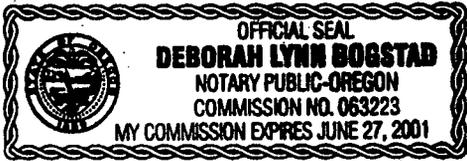
DEED APPROVED:
Kathleen A. Tuneberg, Director
Tax Collections/Records Management

By *K. A. Tuneberg*

After recording, return to Multnomah County Tax Title (166/300)

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this 29th day of January, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: June 27, 2001

MEETING DATE: JAN 29 1998
AGENDA NO: C-4
ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchasers for Completion of Contract.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of Deed to DENNIS T. MC CORMACK & CAROL A. MC CORMACK contract purchaser for completion of Contract #15618 (Property repurchased by former Owners).

Deed D981539 and Board Order attached.

*2/2/98 ORIGINAL Deed & copies of all
TO TAX TITLE*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 JAN 15 PM 3:53

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: K.A. Tuneberg Paul Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed D981539
Upon Complete Performance of a Contract 15618
with DENNIS T. MC CORMACK
AND CAROL A. MC CORMACK

)
ORDER
98- 9

WHEREAS, on December 9, 1991, Multnomah County entered into a contract 15618, Book 2491 Page 322 with DENNIS T. MC CORMACK and CAROL A. MC CORMACK, for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers; now therefore

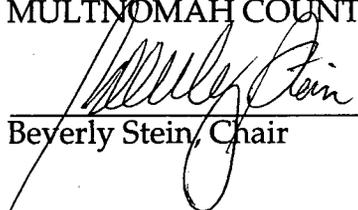
IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 14, BLOCK N N 3' OF LOT 13, BLOCK N; PORTSMOUTH VILLA EXTENDED, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

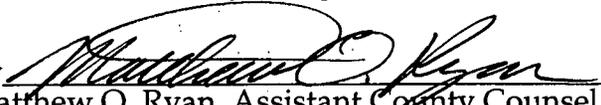
Dated this 29th day of January, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Counsel

DEED D981539

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to DENNIS T. MC CORMACK and CAROL A. MC CORMACK, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 14, BLOCK N N 3' OF LOT 13, BLOCK N; PORTSMOUTH VILLA EXTENDED, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$13,392.83.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

DENNIS T. MC CORMACK
CAROL A. MC CORMACK
8724 N PORTSMOUTH AVE
PORTLAND, OR 97203

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 29th day of January, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

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

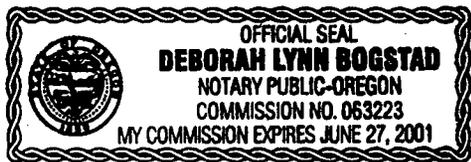
DEED APPROVED:
Kathleen A. Tuneberg, Director
Tax Collections/Records Management

By *K. A. Tuneberg*

After recording, return to Multnomah County Tax Title (166/300)

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this 29th day of January, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: June 27, 2001



CASE NAME: Approval of a Wrecker License

ADDRESS: 28609 SE Orient Drive

1. Applicant Name/Address

Harold Milne
Loop Hi-Way Towing
28609 SE Orient Drive
Gresham, OR 97080

2. Action Requested by Applicant

Applicant requests approval of a renewal of an automotive wrecker license at a site with a history of auto wrecking and towing business.

3. Planning Staff Recommendation

Staff has determined that the site meets the requirements for location under Oregon Revised Statute 822.110 and has determined that the site complies with local regulations adopted by MCC 11.15. The subject parcel is zoned Rural Center (RC). The site is non-conforming. The site was rezoned in 1977 (Ordinance 148) to RC, a district which does not allow the auto-wrecking and towing use; the site became non-conforming at that time.

4. Sheriff's Office Recommendation

The background has been checked on applicant Harold Milne and no criminal history can be found.

5. Assessment and Taxation Recommendation

No response has been received from the Assessment and Taxation Department as of the writing of this summary.

6. If recommendation and decision are different, why?

None.

6. The following issues were raised:

None.

7. Do any of these issues have policy implications? Explain: None identified at this time.

Action Requested of Board

Affirm Hearings Officer Dec.

Hearing/Rehearing

Scope of Review

De Novo

New information allowed

Affirm Admin. Decision



MULTNOMAH COUNTY

**Department of Environmental Services
Transportation and Land Use Planning Division
2115 SE Morrison Street
Portland, OR 97214 Phone: (503) 248-3043**

January 14, 1998

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

RE: Auto Wrecker's License-Renewal

Harold Milne
28609 SE Orient Drive, Portland, OR 97080

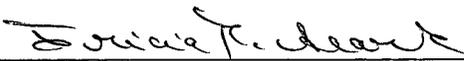
Recommend: Approval of Business Location

Dear Commissioners:

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

Sincerely,

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


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

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

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code Section 5.10.010 Wrecker certificate processing fees. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted by Harold Milne, 28609 SE Orient Drive, Portland, OR 97080.

I. Conditions of Approval:

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

II. Applicable Zoning Considerations:

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

A. Compliance with the requirements of ORS 822.110:

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

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

accordance with rules adopted by the director.

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

Finding: Conversation with Land Use Planning code enforcement staff on 12/29/97 indicated that both natural vegetation and a fence screen vehicles from adjacent roads consistent with ORS 833.110 (1)(b). The screening does not completely hide the site from this main traveled way. A code enforcement staff site visit on January 7, 1998 shows the site is in compliance with the code provision cited above. Compliance with the requirements with ORS 833.110 (2)-(5) will be ensured by obtaining a Wreckers Certificate issued by the Oregon Department of Transportation.

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

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

Finding: Staff, as per a January 7, 1998 site visit, has found no evidence or indication that the dimensions of the wrecking yard have been expanded beyond that of the existing Wreckers Certificate. Applications for future wrecker's license renewals shall include submittal of a site plan clearly identifying the dimensional boundaries of the wrecking yard (fenced and/or screened areas) in relation to property lines. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.

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

Finding: The Land Use Planning Section conducted a field inspection on 1/7/98 and completed a Field Inspection Record including photos of the site indicating the area outside the establishment is clear and clean.

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

Finding: Based on the Land Use Planning Section Field Inspection Record dated 1/7/98, no dismantling or altering of vehicles outside the fenced area of the business was evident.

C. Compliance with zoning regulations:

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

III. Notification:

Notice of this application was sent to both the Multnomah County Sheriff and the Department of Assessment and Taxation on 12/26/97. As of the writing of this report, no response indicating concern has been reported from either department.

IV. Recommendation:

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

Dated this 14th day of January, 1998,

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


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



APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER

EXPIRATION DATE

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

ORIGINAL
 RENEWAL

1 NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) <i>Loop Hi-Way Towing</i>			BUSINESS TELEPHONE <i>(503) 663-3111</i>		
2 MAIN BUSINESS LOCATION (STREET AND NUMBER) <i>28609 SE Orient Dr.</i>		CITY <i>Gresham</i>	ZIP CODE <i>97080</i>	COUNTY <i>Mult.</i>	
3 MAILING ADDRESS <i>28609 S.E. Orient Dr.</i>		CITY <i>Gresham</i>	STATE <i>OR.</i>	ZIP CODE <i>97080</i>	

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

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

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

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

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 1 1/2 acres ft.

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

12 NAME <i>Harold M. Milne</i>	TITLE <i>Partner</i>	RESIDENCE TELEPHONE <i>(503) 663-5843</i>
ADDRESS, CITY, STATE, ZIP CODE <i>28304 S.E. Orient Dr. Gresham, OR. 97080</i>		
SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER <i>x Harold m milne</i>		DATE <i>11/28/97</i>

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

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

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

▼ PLACE STAMP OR SEAL HERE ▼

16 NAME <i>Beverly Stein</i>	TITLE <i>County Chair</i>	PHONE NUMBER <i>(503) 248-3308</i>
SIGNATURE <i>x Beverly Stein</i>		DATE <i>January 29, 1998</i>

FEE: \$54.00

SURETY BOND

▼ BOND NUMBER ▼

YLI 200603

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

LET IT BE KNOWN:THAT HAROLD M. MILNE AND CARL H. MILNE
(OWNER, PARTNERS, CORPORATION NAME)DOING BUSINESS AS LOOP HI-WAY TOWING
(ASSUMED BUSINESS NAME, IF ANY)HAVING PRINCIPAL PLACE OF BUSINESS AT 28609 S.E. Orient Dr., Gresham, OR 97080
(ADDRESS, CITY, STATE, ZIP CODE)WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)_____
(ADDRESS, CITY, STATE, ZIP CODE)STATE OF OREGON, AS PRINCIPAL(S), AND OLD REPUBLIC SURETY COMPANY
(SURETY NAME)P.O. Box 4627 Portland, OR 97208 (503) 245-6242
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

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

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

THIS BOND IS EFFECTIVE January 1, 19 98 AND EXPIRES December 31, 19 98 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)**-- ANY ALTERATION VOIDS THIS BOND --**

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 3rd DAY OF December 19 97.

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER

TITLE

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

TITLE

Joan Partee,Attorney-in-Fact**SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:****PLACE SURETY SEAL BELOW**

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

NAME

TELEPHONE NUMBER

OLD REPUBLIC SURETY COMPANY(503) 245-6242

ADDRESS

Manager, Portland Office

CITY, STATE, ZIP CODE

P.O. Box 4627Portland, Oregon 97208

APPROVED BY ATTORNEY GENERAL'S OFFICE



CASE NAME: Water Treatment Plant Trailer NUMBER: CS 7-97

1. Applicant Name/Address

City of Portland Bureau of Water Works
1120 SW Fifth Avenue
Portland, OR, 97204

Property Address:
6704 SE Cottrell Road
Tax Lot 30, Section 22, T1S, R4E, W.M.
17.98 acre Lot of Record

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

2. Action Requested by Applicant

Approval of a Community Service Use to establish a permanent location for a mobile pilot water treatment plant trailer.

3. Planning Staff Recommendation

Approval, with conditions.

4. Hearings Officer Decision

Approval, with conditions.

5. If recommendation and decision are different, why?

They were the same.

6. Issues:

No issues were raised. The applicant had no objections to the Staff Report.

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

No policy implications have been identified.

MULTNOMAH COUNTY, OREGON
HEARINGS OFFICER DECISION

Case File: CS 7-97

Proposal: An application for a Community Service Permit to establish a permanent location for a mobile pilot water treatment plant trailer.

Location: 6704 SE Cottrell Road
Tax Lot 30, Section 22, T1S, R4E, W.M. (R99422-0300)

Owner/Applicant: City of Portland Bureau of Water Works
1120 SW Fifth Avenue
Portland, OR, 97204

Site Size: 17.98 acres

Comprehensive Plan: Commercial Forest Land

Present Zoning: Commercial Forest Use (CFU)
Community Service (CS)

MULTNOMAH COUNTY
PLANNING SECTION

98 JAN -5 AM 8:40

RECEIVED

HEARING OFFICER DECISION

Approve, subject to compliance with specific conditions, the proposed Community Service Permit to establish a permanent location for a mobile pilot water treatment plant trailer.

CONDITIONS

1. Obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.
2. Consistent with what is represented in this application and what is reflected on an approved design review plan, vegetation within primary and secondary fire breaks is to be removed, as necessary, to meet the clearance requirements of MCC 11.15.2074(A)(5)(C).
3. Approval of this use shall expire two years from the date a decision on this application is finalized, if substantial construction or development has not taken place pursuant to MCC 11.15.7010(C). Given the limited amount of improvements associated with this request, substantial construction shall be interpreted as being completion of all required conditions of approval.

HEARING AND TESTIMONY

- A. Hearings Officer Deniece Won conducted a duly noticed public hearing on December 17, 1997.
- B. Derek Tokos, County Planner, summarized the staff report.
- C. Becky Fowler and C. P. Hilbrick, representing the Portland Water Bureau testified in favor of the application and supporting the staff report and recommendation.

Exhibit List:

Application Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
A1	1	General Land Use Application Form
A2	8	Responses to Approval Criteria
A3	1	Assessment and taxation Information
A4	2	Property Deed
A5	1	Certification of Water Service
A6	1	Certification of Private On-Site Sewage Disposal
A7	1	Fire District Review Form
A8	1	School District Review Form
A9	1	Police Services Review Form
A10	1	Letter from Oregon Department of Transportation

- A11 1 Notarized Deed Restriction Regarding Farm and Forestry Practices
- A12 1 11" x 17" Copy of County Tax Map with Property Highlighted
- A13 1 8½" x 11" Site Plan
- A14 1 11" x 17" Supplemental Plan Including Utilities, Topography, and Vegetation
- A15 1 8½" x 11" Map Illustrating Area Zoning Designations
- A16 1 8½" x 11" Map Illustrating Structures Within Vicinity of the Site
- A17 4 Photographs of Trailer and Typical Vegetation to be Removed

Notification Information:

- B1 1 "Application Complete" Letter
- B2 16 Notice of Public Hearing
- B3 1 Affidavit of Posting

Other Information:

- C 16 Staff Report

Documents Submitted at Hearing:

- D1 17 Oversized, mounted Site Plan including primary and Secondary Fire Zones

FINDINGS AND CONCLUSIONS

The Hearings Officer adopts and incorporates herein the findings and conclusions in the Multnomah County staff report dated December 8, 1997.

Dated this 31st day of December, 1997



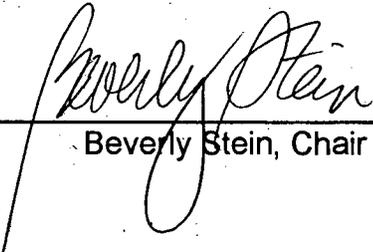
Deniece B. Won
Hearings Officer

5. The Board will provide a copy of this resolution to Mayor Vera Katz, Police Chief Charles Moose, the Portland Police Association and the families of Officers Waibel, Keist and Morrow.

Approved this 29th day of January, 1998



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

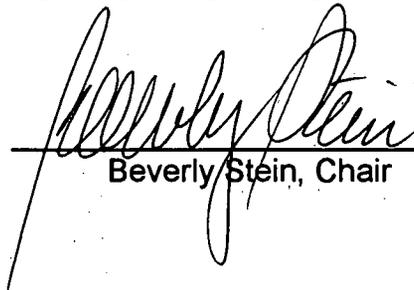
Thomas Sponsler, County Counsel

5. The Board will provide a copy of this resolution to Mayor Vera Katz, Police Chief Charles Moose, the Portland Police Association and the families of Officers Waibel, Keist and Hudson.

Approved this 5th day of February, nunc pro tunc January 29, 1998.



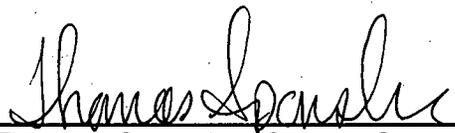
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

Thomas Sponsler, County Counsel

SERVICE AWARDS - 1997 - THIRD & FOURTH QUARTER (Jul-Dec)

Attendees - 1/29/98 - 9:30 am

ASD - Five Year

June Eilenstine
Danielle McNack
Kathy Wiseman

CFS - Five Year

Pamela Ballentine
Antoinette Edwards
Victor Graf
Gary Magnuson
Peggy Jo Minter
Heather Nolte
Brian Smith
Susan Ziglinski

DES - Five Year

Edmund Abrahamson
Rene Grier
Marjorie Hull

DSS - Five Year

Stanley A. Mason
Elise Nicholson
James Temple

JACJ - Five Year

OB Addy
Connie Emerson
Elsie Garland
David Norwood
Karen Rhein
Marjorie Sell

CFS - Ten Year

Catherine Hilger
Jeaneen Mc Gaw
Gloria Wang

DA - Ten Year

Amy Holmes Hehn

DES - Ten Year

Willie Graham
Esther Lugalia Imbuye
Sydney Murr

DSS - Ten Year

Melissa Dailey
Becky Steward
Samina Thomas

JACJ - Ten Year

Wendy Ruth Jackson
Stefan Jones
Telisma Nacoste, Jr.
Julie Rogers
John Turner
Sandra Wygant

LIB- Ten Year

Dale Smith

Non-D - Ten Year

Sandra Duffy

ASD - Fifteen Year

Larry Nicholas
Larry H. Smith

CFS - Fifteen Year

Sharron Taylor

LIB - Fifteen Year

Barbara Harrington
Clyde V. Marshall

ASD - Twenty Year

Teresita Consuelo
Andrews

CFS - Twenty Year

Florene Mc Farland

DES - Twenty Year

Jolene Brockmueller
Mary Pfau
Phyllis J. Salvadore

DSS - Twenty Year

Raymond Stout

JACJ - Twenty Year

Sidney Dickerson

ASD - Twenty-Five Year

Anita Travis Smith

DES - Twenty-Five Year

Kevin Kaufman
John Wildhaber

DSS - Twenty-Five Year

Collette Umbras

ASD - Thirty Year

Doris Suck

DA - Thirty Year

Betty McQuilkin

DSS - Thirty Year

Don Allinson
Shirlee Robertson

JACJ - Thirty Year

Leland Block

SERVICE AWARDS - 1997 - THIRD & FOURTH QUARTER (Jul-Dec)

01/27/97

Attendees - 1/29/98 - 9:30 am

ASD - Five Year

June Eilenstine
Kathy Wiseman

CFS - Five Year

Pamela Ballentine
Antoinette Edwards
Victor Graf
Gary Magnuson
Peggy Jo Minter
Heather Nolte
Brian Smith
Susan Ziglinski

DES - Five Year

Edmund Abrahamson
Rene Grier
Marjorie Hull

DSS - Five Year

Stanley A. Mason
Elise Nicholson
James Temple

JACJ - Five Year

OB Addy
Connie Emerson
John Harlan
David Norwood
Karen Rhein
Marjorie Sell
JUDY McDONALD MOORE

CFS - Ten Year

Catherine Hilger
Jeanen Mc Gaw
Gloria Wang

DA - Ten Year

Amy Holmes Hehn

DES - Ten Year

Willie Graham
Esther Lugalía Imbuye
Michelle Luckey
Sydney Murr

DSS - Ten Year

Melissa Dailey
Becky Steward
Samina Thomas

JACJ - Ten Year

Wendy Ruth Jackson
Stefan Jones
Telisma Nacoste, Jr.
Julie Rogers
John Turner
Sandra Wygant

LIB- Ten Year

Dale Smith

Non-D - Ten Year

Sandra Duffy
TANYA COLLEER

ASD - Fifteen Year

Larry H. Smith

CFS - Fifteen Year

Sharron Taylor

DES - Fifteen Year

Larry Nicholas

LIB - Fifteen Year

Barbara Harrington
Clyde V. Marshall

ASD - Twenty Year

Teresita Consuelo
Andrews
PEGGY SANDERS

CFS - Twenty Year

Florene Mc Farland

DES - Twenty Year

Jolene Brockmueller
Mary Pfau
Phyllis J. Salvadore

DSS - Twenty Year

Raymond Stout

JACJ - Twenty Year

Sidney Dickerson

ASD - Twenty-Five Year

Anita Travis Smith

DES - Twenty-Five Year

Kevin Kaufman
John Wildhaber

DSS - Twenty-Five Year

Collette Umbras
BILL BOWSER

ASD - Thirty Year

Doris Suek

DA - Thirty Year

Betty McQuilkin

DSS - Thirty Year

Don Allinson

JACJ - Thirty Year

Leland Block

MEETING DATE: JAN 29 1998

AGENDA NO.: R-3

ESTIMATED START TIME: 10:00am

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT:

BOARD BRIEFING:

DATE REQUESTED: 1-29-98

REQUESTED BY: MEL HEDGPETH

AMOUNT OF TIME NEEDED: 20 MIN

REGULAR MEETING:

DATE REQUESTED:

AMOUNT OF TIME NEEDED:

DEPARTMENT:

DIVISION:

CONTACT:

TELEPHONE #: CMR MEL HEDGPETH
BLDG/ROOM #: 313

PERSON(S) MAKING PRESENTATION:

SGT DAVID MADLEY

ACTION REQUESTED:

INFORMATION ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE

MULTNOMAH COUNTY DUII ENFORCEMENT TEAM

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Dan Noelle
(OR)

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

98 JAN 22 AM 10:36
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



Multnomah County Sheriff's Office

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

DAN NOELLE
SHERIFF

(503) 255-3600

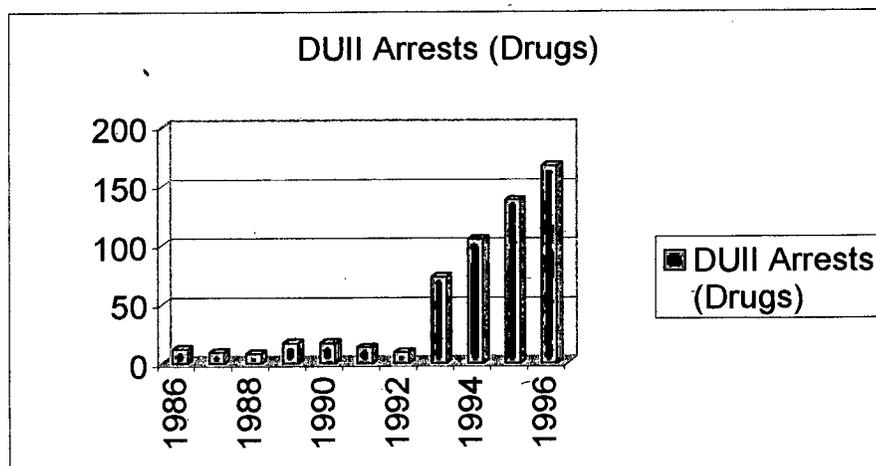
DUII Enforcement Team

Dedicated to Mother's Against Drunk Driving

The Multnomah County Sheriff's Office DUII Enforcement Team is presently staffed by three FTE's, a Sergeant and two Deputies, whose primary responsibility is the detection and arrest of intoxicated drivers on roadways within Multnomah County.

Each member of the team has extensive experience and training in DUII enforcement. This includes training in Standardized Field Sobriety Testing (24 hours), and DRE (Drug Recognition Expert) (80 hours) which are certified by the International Chiefs of Police and the National Highway Transportation Safety Administration (NHTSA). Deputy Matsushima, a team member, is a certified DRE Instructor involved in the training of other Police Officers in the State of Oregon.

Intoxicated drivers include those impaired by *alcohol, controlled substances*, or a combination of both. The arrest of drivers impaired by drugs other than alcohol continues on a radically upward spiral as more law enforcement officers in Multnomah County are trained to recognize this dangerous type of driver.



Each member of the team is assigned a patrol vehicle, which is uniquely equipped for the detection and apprehension of impaired drivers. Each vehicle is equipped with a Mobil Data Terminal (MDT) for quick access to DMV records. Each vehicle is also equipped with video cameras provided by Mothers Against Drunk Drivers for the recording of vehicles operated by DUII drivers and the actions of those drivers during roadside Field Sobriety Testing.

Each vehicle is also equipped with a LIDAR (laser) speed-measuring device. The LIDAR equipment, which was purchased with grant funds provided by the Oregon Department of Transportation, has been particularly effective along Interstate 84 in the Gresham, Troutdale, areas where continuing highway construction has made driving particularly hazardous. A related element of the speed enforcement has been the detection of DUII drivers travelling at excessive speeds in the highway work zones.

Additional equipment includes complete First Responder medical equipment and Laerdal defibrillators.

The DUII Team members were active participants in an enhanced enforcement contract between the Multnomah County Sheriff's Office and the Oregon Department of Transportation from August 1996 through June 1997. This contract provided additional enforcement in the Highway Work Zone between N.E. 181st on I-84 and N.E. 238th in the city of Wood Village. During this period, over 1500 citations and 1500 written and verbal warnings were issued for violations in the Highway Work Zone.

As supervisor of the DUII Enforcement Team, I am also the Project Director for two Grants funded by the Transportation Safety Section of the Oregon Department of Transportation. The first of these grants provides funds to hire additional officers from five other agencies on an overtime basis to patrol the Portland Metropolitan area for the detection and arrest of impaired drivers. The agencies in this partnership include the Oregon State Police, Portland Police Bureau, Gresham, Troutdale, and the Fairview Police Departments.

Other components of this grant include driver's education for High School students in east Multnomah County, Driver's Education for Hispanic migrant workers, and education for Convenience Store owners and employees regarding the sale of alcoholic beverages to minors.

One of the primary objectives of this grant is the detection and removal of impaired drivers from the roadways of Multnomah County. During the first grant year from February 1st to September 30, 1996, the goal of one hundred twenty arrests was surpassed with a total of two hundred eighty-nine (289) drivers arrested.

During the second year, October 1, 1996 to September 30, 1997, the goal of one hundred twenty DUI drivers was surpassed with a total of three hundred eleven (311) impaired drivers arrested.

In order to provide better service to the Spanish speaking community, a second ODOT grant is providing funds to allow selected officers from the partnership agencies to attend four weeks of Spanish Language Immersion Training in San Jose, Costa Rica. Three officers recently returned from Costa Rica, bringing to a total of six officers who have undergone this training. Officers from the Sheriff's Office, Oregon State Police, Gresham Police Department, and the Portland Police Bureau have so far participated in this training.

One of the participants in this program during 1996, Sergeant Wendy DeMarre, began a partnership with El Programa Hispano in east Multnomah County to provide driver's education for Hispanic residents of the community. She assisted in the design of a sixteen-hour course of instruction geared to prepare students for the written Oregon Driver's Examination. Two hundred and thirty-four members of the Hispanic community were provided with driver's education through this program during 1997.

The DUII Team is assigned to the Multnomah County Incident Reconstruction Team (MCIRT). This multi-agency partnership also includes officers from the Oregon State Police and Gresham Police Department. The team responds to major crime scenes and fatal/serious injury collisions occurring in unincorporated Multnomah County, the city of Gresham, and State highways outside the city limits of Portland for investigation of major crimes, including Manslaughter and Criminally Negligent Homicide.

Drivers arrested for DUII in Multnomah County continue in ever-greater numbers to ignore sanctions imposed by the Courts. Accordingly, large numbers of arrest warrants are presently outstanding. To date there are over 1,300 outstanding arrest warrants for DUII on drivers in Multnomah County. Drivers that continue to ignore Court orders for treatment programs and for whom arrest warrants have been issued will continue to drive intoxicated, jeopardizing the lives of citizens in this county

A continuing effort must be made by the entire justice system to insure that these individuals are actively identified, pursued, arrested and held responsible for compliance with Court orders.

One possible solution, which we are now exploring, is the use of electronic monitoring to insure compliance with court ordered probation. Hardware is presently available which requires that the individual provide a breath sample through a device connected by telephone lines to a central computer. For example, individuals ordered by the court not to consume alcohol could be electronically

monitored to insure compliance. The individuals can be required to pay all or a portion of the cost of this program.

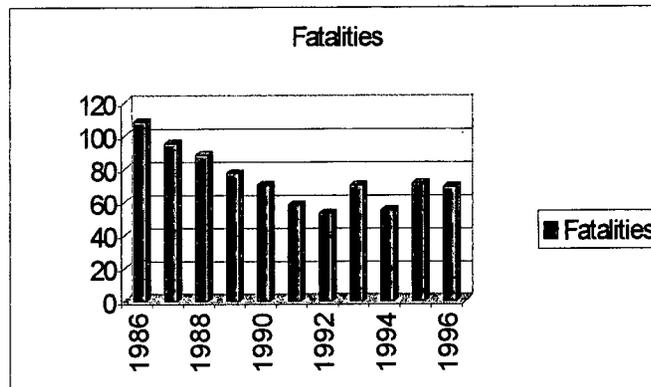
Recently reported recommendations by the Governors Task Force on DUII Driving will not, in my opinion, alleviate or otherwise change attitudes regarding impaired driving. The recommended lowering of the legal BAC limit to .04% is unrealistic given the effectiveness of the Beverage Industry lobby. The recommendation to make the multiple DUII offender a felon is likewise unrealistic.

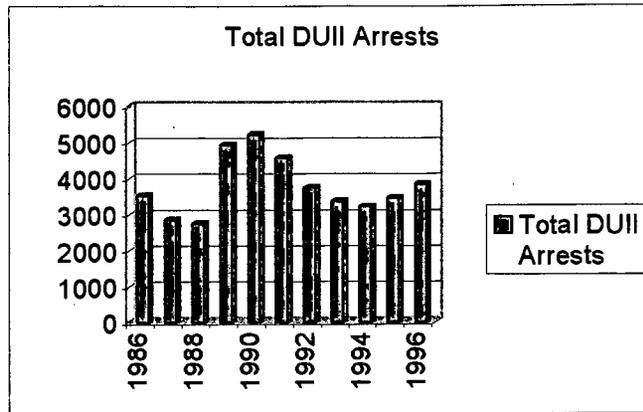
This person does not need to be a felon. This person needs severe swift and sure sanctions combined with mandatory immediate treatment to alter an attitude and the course of a disease. Swift and severe sanctions should include the immediate seizure of any vehicle operated by a multiple offender DUI driver to include placement of a wheel-lock device on the vehicle for a minimum period of thirty days. Mandatory seizure and forfeiture of any vehicle, knowingly provided to and operated by an individual with three or more DUII convictions, regardless of the State in which they were convicted.

Felony Driving while Revoked, given the present jail overcrowding in Multnomah County, is presently prosecuted as a Traffic Infraction. Making the multi-DUII offender a felon will not provide the resources for treatment or incarceration.

A law is also needed requiring that any vehicle sold in the state of Oregon may only be sold to an individual possessing a valid operator's license and liability insurance.

Impaired drivers continue to be a threat to the safety and welfare of the motoring public in Multnomah County. During the ten-year period from 1986 through 1996, 814 citizens of Multnomah County lost their lives to motor vehicle collisions, with 50% (409) related to alcohol.





In a preliminary report from the Oregon Department of Transportation, traffic fatalities in Multnomah County from January through June, 1998, reveals there were twenty-five fatalities, with twelve of those involving intoxicants (alcohol and/or drugs) (48%). One in five (20%), were directly related to drugs and eleven of the twenty-five were directly related to alcohol (44%).

The DUI Team presently provides coverage Wednesday through Sunday from 2300 (11pm) to 0100 (1am). Present staffing shortages at the start of 1998 required that the DUI Team be transferred to routine patrol duties. Additionally, I, as the DUI Team supervisor am also assigned as a Shift Supervisor and only available for DUI enforcement duties on Wednesdays when supervisor's shift assignments overlap.

As deputies become trained and available to assume patrol duties, the DUI deputies will return to their normal assignment. As you can see from above charts, when DUI arrests are up, traffic fatalities decline. Accordingly, I am requesting your support for additional deputies to be assigned to the DUI team to provide seven-day life-saving coverage on the streets and roadways in Multnomah County.

BUDGET MODIFICATION NO:

DA # 8

(For Clerk's Use) Meeting Date:

JAN 29 1998

Agenda No:

R-4

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR January 29, 1998

DEPARTMENT District Attorney DIVISION District Court
 CONTACT Thomas Simpson TELEPHONE 248-3863
 NAME(S) OF PERSON MAKING PRESENTATION TO THE BOARD Mike Schruk

SUGGESTED AGENDA TITLE

Budget Modification #8 requesting the addition of 1.00 Coordinator and 1.00 Legal Assistant to support the Community Court Project funded by Department of Justice Weed and Seed Grant

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

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

3. REVENUE IMPACT

\$200,000.00 Grant

4. CONTINGENCY STATUS

Originated By: <i>Fred M. Davis, Jr</i> Fred M. Davis, Jr	Date January 20, 1998	Department Director <i>Thomas Simpson</i> Thomas Simpson	Date January 20, 1998
Plan/Budget Analyst <i>J. Mark Campbell</i>	Date 1-21-98	Employee Services <i>C. Chambers</i>	Date 1/21/98
Board Approval <i>Deborah C. Coates</i>	Date 1/29/98		

BOARD OF
 COUNTY ADMINISTRATORS
 98 JAN 21 AM 9:29
 MULTNOMAH COUNTY
 OREGON

PERSONNEL DETAIL FOR BUDGET MODIFICATION

ANNUALIZED PERSONNEL CHANGES

FTE Increase (Decrease)	POSITION TITLE	ANNUALIZED			TOTAL Increase (Decrease)
		BASE PAY Increase (Decrease)	Fringe	Insur.	
1.00	Coordinator	40,730	7,315	5,155	53,200
1.00	Legal Assistant	36,201	6,502	4,922	47,625
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
2.00	Total Annualized Change	76,931	13,817	10,078	100,825

CURRENT YEAR PERSONNEL CHANGES

FTE Increase (Decrease)	Explanation of Change	CURRENT FY			TOTAL Increase (Decrease)
		BASE PAY Increase (Decrease)	Fringe	Insur.	
0.42	Coordinator	17,106	3,072	2,165	22,344
0.42	Legal Assistant	15,204	2,731	2,067	20,003
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
0.84	Total Current Year Changes	32,311	5,803	4,233	42,347

EXPENDITURE TRANSACTION

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	OBJECT	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2457			5100			32,311		Base Pay
156	023	2457			5500			5,803		Fringe
156	023	2457			5550			4,233		Insurance
400	70	7522			6580			4,233		Insurance fund transfer
156	023	2457			6060			57,054		Contracts
156	023	2457			6110			15,920		Professional Services
156	023	2457			6120			5,189		Printing and postage
156	023	2457			6170			900		Phone lines for courtroom
156	023	2457			6330			806		Local Mileage for Staff
156	023	2457			7400			8,250		Renovation of facility
156	023	2457			7100			11,056		Indirect
100	075	9120			7700			11,056		Indirect fund transfer
TOTAL EXPENDITURE CHANGE								156,811	-	

REVENUE TRANSACTION

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	REVENUE CODE	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2457			2190			141,522		
400	070	7522			6602			4,233		Insurance fund transfer
100	070	9120			7700			11,056		Indirect fund transfer
TOTAL REVENUE CHANGE								156,811	-	

MICHAEL D. SCHRUNK

District Attorney

Office Memorandum

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: January 20, 1998

REQUESTED PLACEMENT DATE:

RE: Budget Modification #8 adding 1.00 Coordinator and 1.00 Legal Assistant

- I. Recommendation/Action Requested: Approval of the Budget Modification
- II. Background/Analysis: Adds a Coordinator and Legal Assistant through September, 1998 to the Community Court program. See attached project description.
- III. Financial Impact: This is a \$200,000.00 grant.
- IV. Legal Issues: N/A
- V. Controversial Issues: N/A
- VI. Link to Current County Policies: N/A
- VII. Other Government Participation:
 - Metropolitan Public Defender
 - Portland Police Bureau
 - Urban League
 - Northeast Neighborhood Coalition
 - Weed and Seed Steering Committee
 - Citizens Crime Commission

COMMUNITY JUSTICE PROJECT WEED AND SEED PROGRAM

PROPOSAL for a project promoting community justice through the establishment of a Community Court serving the Weed and Seed area of Portland, Oregon.

GOAL

To strengthen the linkage between our criminal courts and the communities they serve through the collaborative planning, implementation, and operation of a community court.

OBJECTIVES

- Empower neighborhoods by enhancing their participation in the justice system.
- Restore the victim and community to their pre-offense condition.
- Increase the public's trust in their justice system by focusing on visible, community level outcomes for the prosecution and resolution of criminal behavior.

COMMUNITY COURT

- The Court will hear arraignments, pleas, and sentencings for offenders charged with misdemeanors and low level felony crimes committed in the Weed and Seed area.
- The Court will provide a victim/community focused response to adult and juvenile crime.
- The Court will provide opportunities for citizens to play active roles in their justice system.
- Community-based organizations in the Weed and Seed area will appoint a Community Justice Board to assist in the development and oversight of the Court, establish guidelines for the Court, monitor compliance with Court dispositions, and identify possible community service projects.
- The Board will serve as the project's advisory committee, reporting to the Weed and Seed Steering Committee and the Public Safety Coordinating Council.
- The Community Justice Board will participate in training provided by justice agencies and Federal technical assistance.

- The resolution of a case referred to Community Court will be a sentence conditional upon compliance with a “restorative agreement” that could include restitution, fines or other financial penalty, community service *targeting the impacted neighborhood* (i.e., graffiti clean-up, landscaping, etc.), and mediation, as well as interventions targeting specific needs of offenders.
- Elements of community justice are already incorporated into local sentencing (mediation in juvenile offenses, restitution, community service). The Community Court will add more restorative sentencing options and sharpen the focus of all parties (judge, prosecution, defense, offender, victim, families, and community) on outcomes consistent with community justice.
- The community court will provide timely information on the status of each case to the victim, the community, and interested law enforcement personnel. Examples of feedback include the resolution reached in community court, the progress made by the offender toward satisfaction of the resolution agreement, and notice of offender non-compliance.

PARTNER ORGANIZATIONS

The following organizations will provide staff, material, or technical assistance, guidance and advocacy for the Community Court:

- ◆ Multnomah County District/Circuit Court
- ◆ Multnomah County District Attorney
- ◆ Multnomah County Department of Juvenile and Adult Community Justice
- ◆ Metropolitan Public Defender
- ◆ Portland Police Bureau
- ◆ Urban League
- ◆ Northeast Neighborhood Coalition
- ◆ Hope and Hard Work Committee
- ◆ Citizens Crime Commission
- ◆ Weed and Seed Steering Committee
- ◆ Public Safety Coordinating Council
- ◆ U.S. Attorney’s Office

Additional community-based organizations are expected to work with the Court as the project develops.

TARGET POPULATION

Community and justice agencies will reach agreement on target cases. Factors to be considered include:

- Suitability for restorative dispositions (property or quality of life impacted more than personal safety).
- Avoid targeting the same cases as existing diversion and deferred sentencing programs.

Generally, Community Court might be appropriate when the crime does not call for the full machinery of the state's justice system (detention, jail, probation supervision). The impact of the crime should be localized to the Weed and Seed area. It would be cumbersome to use the model when one or more of the victims live elsewhere, or when multiple victims indicate a degree of criminality best handled by the formal justice system.

Preliminary discussions have focused on targeting juvenile and adult misdemeanors, low level property felonies, and behavioral/quality of life crimes. Vandalism, Criminal Mischief, Trespass, Theft II/III, and Prostitution are examples of misdemeanors with a clear neighborhood and/or victim impact. These cases would be ideal for Community Court resolution. Appropriate felonies might be identified from their location on the Oregon Sentencing Guidelines Grid. The Grid establishes presumptive sentences for felony crimes. The bottom two rows of the Grid include property crimes with a loss of under \$1,000. These crimes could be considered for Community Court jurisdiction. Crimes of violence, drug crimes, and traffic crimes will be referred to Community Court.

TECHNOLOGICAL SUPPORT

The Court will have access to automated criminal history, prosecution, and court information systems to facilitate case screening, case tracking, and program evaluation. A local bond measure approved in 1996 provides funds for criminal justice technology initiatives. A proposal to use a portion of those funds in support of the Community Court is pending before the Public Safety Coordinating Council.

ADDITIONAL SERVICES

The Court will serve its community as a clearinghouse for resources and information available to help resolve personal, family, and neighborhood issues. It will be possible to automate this function because Multnomah County's Public Safety Coordinating Council is arranging for a resource database to be available through a web site. Crime victims will be provided with information and assistance regarding restitution, court procedure, and a wide range of local, state, and Federal resources.

MEETING DATE: JAN 29 1998
AGENDA NO.: R-5
ESTIMATED START TIME: 10:25 am

(Above space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: NOI - Community-Based Family Resource and Support Grant

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

REGULAR MEETING: DATE REQUESTED: JANUARY 29, 1998
AMOUNT OF TIME NEEDED: N/A 5mins

DEPARTMENT: HEALTH DIVISION: Planning and Development

CONTACT: Denise Chuckovich TELEPHONE#: x24367
BLDG/ROOM#: 160/8

PERSON(S) MAKING PRESENTATION: CONSENT CALENDAR Denise Chuckovich

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Notice of Intent to apply for grant funds to assist in the development of a "Community Safety Net" to provide outreach services to families at risk for child abuse and neglect.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Bill Odegaard pmf.

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
98 JAN 21 AM 11:58
MULTNOMAH COUNTY
OREGON



HEALTH DEPARTMENT

MULTNOMAH COUNTY OREGON



FIELD SERVICES PROGRAM MANAGEMENT
426 SW STARK ST., 9TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3406
FAX (503) 248-3818

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

MEMORANDUM

TO: Beverly Stein, Chair

FROM: Jan Sinclair, Manager Neighborhood Health Services Division

THROUGH: Billi Odegaard, Director *Billi Tomf.*

SUBJECT: Notice of Intent to Respond to the Community-Based Family Resource and Support Grant

DATE: January 16, 1998

REQUESTED PLACEMENT DATE: January 29, 1998

I. Recommendation/Action Requested

The Multnomah County Health Department is requesting approval to respond to a request for applications from the State Office of Services to Children and Families to assist counties in establishing Community Safety Nets to provide outreach services to families at high risk for child abuse and neglect.

II. Background/Analysis

Oregon has been awarded funds through Title II of the Child Abuse Prevention and Treatment Act entitled Community-Based Family Resource and Support (CBFRS). These funds will be used in Oregon to link existing systems and develop local Community Safety Nets to respond to children and families who are at high risk for child abuse and neglect, who do not cross the legal threshold for intervention by either law enforcement or child protective services but may not be connected to the broad based prevention programs available in communities.

The Health Department is in the "pilot phase" of a new program, called the Family Advocate Program, designed to keep families who are at risk of child abuse or neglect healthy and intact by linking them with appropriate supportive services to the maximum extent possible. This program implements the plan developed by the Child Welfare Planning Group which was convened by the Commission on Children and Families and the State Office for Services to Children and Families (SOSCF).

III. Financial Impact

Maximum grant award of \$10,000 will be made for one year. Grant guidelines require that funds may not be used to pay for administration expenses or other fees of the fiscal agent. Funds are expected to "pass through" the County and be contracted out. Grant funds will supplement Family Preservation and Support and County General Funds dedicated to the program.

Although the County will not be able to recover any indirect cost we are still recommending Board of County Commissioners approval because the services provided through the grant are in line with our program mission and the amount of the grant is small.

IV. Legal Issues

None

V. Controversial Issues

None

VI. Link to Current County Policies

This proposal aims to impact the benchmark of reducing child abuse and neglect.

VII. Citizen Participation

The development of the Family Advocate Program was initiated at the recommendation, and continues to be guided by, a community-planning group consisting of the Multnomah Commission on Children and Families, service providers, and consumer parents.

VIII. Other Government Participation

Other governmental agencies involved in the development of the Family Advocate Program include the Multnomah County Department of Community and Family Services, the State Office for Services to Children and Families, Adult and Family Services, Portland Public Schools and Portland State University.



CASE NAME Community Service Request

NUMBER

CS 1-97

1. Applicant Name/Address

AT&T Wireless Service
PO Box 1119
Portland 97207

2. Action Requested by Applicant

Approval to construct a self supporting 150 foot tall cellular telephone communications monopole, with associated, and to erect an electronics building on the subject property. The antennas are proposed to be mounted to the pole and to a triangular platform atop the pole. The proposed total height, including antenna, is 160 feet.

3. Planning Staff Recommendation

Denial

4. Hearings Officer Decision:

Approval with conditions

5. If recommendation and decision are different, why?

Evidence submitted at the hearing, not available at the time of the writing of the staff recommendation, that demonstrated compliance with approval criteria.

6. The following issues were raised at the hearing (*who raised them?*)

- a. Visual impact. (opposing neighbors).
- b. Need for additional cellular service on Sauvie Island (Sauvie Island residents in support and opposition).
- c. Safety and noise problems (adjacent neighbor).

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

No, all concern compliance with applicable approval criteria of the Zoning Code.

ACTION REQUESTED OF BOARD	
<input checked="" type="checkbox"/>	Affirm Plan.Com./Hearing Officer
<input type="checkbox"/>	Hearing/Rehearing
<input type="checkbox"/>	Scope of Review
<input type="checkbox"/>	On the record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New Information allowed

**BEFORE THE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON
FINAL ORDER**

This Decision consists of Conditions, Findings of Fact and Conclusions.

December 31, 1997

CS 1-97

Conditional Use Request for Cellular Radio Communication
Facility

Applicant seeks approval of a Conditional Use (CS) to construct a self supporting 150 foot tall cellular telephone communications monopole, with associated antennas, and to erect an electronics equipment building on the subject property.

The antennas are proposed to be mounted to the pole and to a triangular platform mounted atop the pole. The proposed total height, including the antenna, is 160 feet.

Location: 14443 N.W. Charlton Road

Description of Property: Tax Lot 7, Section 16, T2N R1W

Parcel Size: 3.54 acres

Site Size Requested: 50' x 50'

Property Owner: Sauvie Island Grange No. 840
18143 NW Reeder Road
Portland, Oregon 97231

Applicant: AT&T Wireless Services
Attn: Real Estate Mgr.
PO Box 1119
Portland, Oregon 97207

Comprehensive Plan: Multiple Use Agriculture

Present Zoning: MUA-20

HEARINGS OFFICER DECISION
December 31, 1997

CS 1-97
Page 1

RECEIVED
PLANNING SECTION
93 JAN -5 AM 8:33

PROCEDURAL ISSUES

1. Impartiality of the Hearings Officer

- A. No ex parte contacts. I did not have any ex parte contacts prior to the hearing of this matter. I did not make a site visit.
- B. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

2. Jurisdiction

At the commencement of the hearing I asked the participants to indicate if they had any objections to jurisdiction. The participants did not allege any jurisdictional or procedural violations regarding the conduct of the hearing. The applicant did however contend that the Federal Telecommunications Act limited the County's ability to regulate cell towers. The effect of the Federal Telecommunications Act will be discussed in the following section, of this order.

3. Federal Communications Act

The applicant has raised questions regarding Multnomah County's ability to regulate cell towers because of the Federal Telecommunications Act of 1996. Mr. Hammond, an attorney for AT&T Wireless Services, has submitted a memorandum of points and authorities in regards to the Telecommunications Act. Mr. Kleinman, an attorney for opponents, Citizens United for Sauvie Island Planning, has submitted a post-hearing memorandum that also discusses some issues raised by the Telecommunications Act of 1996 (the Act).

The Act did place some limitations on local regulation of cell towers. However, the Act did not pre-empt local zoning authority in regards to regulations of cell towers.

The Act contains four broad categories of standards in regards to local regulation of the placement of cellular phone towers and related equipment. The first set of provisions prohibits local authorities from using the zoning process to unreasonably discriminate against competing service providers. The Act also tries to stop local authorities from keeping wireless providers tied up in the hearing process.

The Act requires local authorities to support their decisions with substantial evidence and written findings, and the Act also contains provisions directed at the health concerns associated with the radio emissions from wireless transmitters. The Act prohibits a local authority from considering possible effects of these emissions in its decision making. As long as the proposed facility meets Federal

Communications Commission Standards, the local authority may not consider any claim that an authorized wireless communications facility might cause local health problems. Westel-Milwaukee vs. Walworth County, 556 NW 2d 107 (1996).

As to the subject application, the Federal Telecommunications Act does not prevent the County from reviewing this application or asserting its local zoning authority.

The Act does specifically prohibit the County from considering possible effects of the emissions, provided that the facility meets the Federal Communications Commission Standards. Since the evidence clearly indicated that the facility met both the County and Federal emission standards, this may be a moot point. However, to the extent the opponents presented testimony on the issues concerning harmful emissions, that portion of the testimony will be disregarded.

There is "substantial evidence" in this matter. The Final Order and Findings of Fact document will provide specific written findings which will comply with the Federal standards set forth in the Act.

Another provision of the Act requires that local authorities make a decision on the application within a reasonable period of time. The applicant in this matter originally submitted an application in December of 1996. The following section of this opinion discusses the applicable time limitations. It is clear from the record, however, that the County has not "tied the applicant up in the hearings process". The delays have occurred as a result of the applicant revising the application twice. The applicant has also on the record, requesting continuances and stipulated to waivers of the applicable time limitations. Accordingly, I find that the County has acted within a reasonable period of time. I also find that the County's action in this matter does not in any way discriminate against competing service providers.

4. Application Timeline

This application has a fairly involved procedural history in terms of its various incarnations and submittals. Originally, an application was submitted in December of 1996. A revised application was submitted as Case No. CS 1-97 on March 13, 1997. Originally the Planning Department determined that application was complete on April 11, 1997. A hearing was originally scheduled for May 21, 1997. However, on May 13, 1997 the applicant's representative, Spencer Vale, Planning Consultant, contacted the Multnomah County Planning Department and asked the County to reschedule the public hearing on this conditional use application until the June public hearing date. Mr. Vale specifically agreed to stay the running of the 120-day time period. Although Mr. Vale, in his letter which is referenced in the file as Exhibit "A-9", did not quote the applicable ORS statute, I find that the

applicant did knowingly and intentionally agree to extend the 120-day timeline as provided in ORS 215.428. The stated reason for requesting the continuance was so that the applicant could have additional time to try and resolve many of the concerns raised in the staff report.

The hearing was rescheduled for June 18, 1997. On June 12, 1997, the applicant's representative, Spencer Vale, submitted a revised site plan to the County. A second revised application was also submitted. The revision completely relocated the proposed cell site. Planning Staff did not have sufficient time to prepare a new staff report or review the revision prior to the scheduled hearing date of June 18, 1997. On June 18, 1997, the public hearing was opened. The applicant was given the opportunity to withdraw the application submitted March 13, 1997 and proceed with a new application, or proceed with the application as submitted on March 13, 1997, or ask for a continuance and amend the application to reflect the new proposed site. The applicant chose to amend the application and stipulated during the course of the hearing that the 120-day period of time would be stayed until a hearing could be reset.

Since a substantial number of interested parties had signed up to testify at the hearing, those individuals were given the opportunity to testify or wait until they had an opportunity to review the amended application. Individuals who had signed the sign-up sheet chose to reserve their testimony until the matter could be rescheduled.

The applicant stipulated that the 120-day "clock" would not run during the period of the continuance. The matter was rescheduled for August 20, 1997.

On July 15, 1997, the County Planning Department received a revised application narrative relating to the relocated cell site.

Although the County originally determined that the application was complete as of April 11, 1997, I find that the change in the application on July 15, 1997 was so substantial that the determination previously made that the application was complete as of April 11, 1997 must be withdrawn. I find that the application was not complete until July 15, 1997. On June 18, 1997 the running of the clock was again stayed until the next hearing could be scheduled, which hearing was scheduled and held on August 20, 1997. Accordingly, as of July 15, 1997, when the application became complete, a stay of the 120-day clock was already in place. At the hearing on August 20, 1997, both the applicant's attorneys and the attorneys for the opponents, Citizens United for Sauvie Island Planning, stipulated that the 120-day period was again stayed and extended while the attorneys prepared post-hearing memorandums and submittals. The applicant's reply memorandum was received at 3:20 p.m. on October 17, 1997. Accordingly, I find that as of that time the 120-day clock started to run. As of this point in time, the

clock has 14 days in October, 30 days in November, and 31 days in December on it. As of this date, the clock has 75 days on it.

BURDEN OF PROOF

In this proceeding, the burden of proof is upon the applicant.

FACTS

1. Applicant's Proposal

The applicant seeks approval to site a 150 foot tall cellular telephone communications monopole with associated antennas, direct an electronic equipment building on the subject property in the MUA-20 zone. A cellular telephone tower is a community service use, pursuant to Section 11.15.7020(A)(15)(a) of the Multnomah County Zoning Ordinance. Pursuant to Section 11.15.2132 of the Multnomah County Zoning Ordinance relating to the MUA-20 zone, community service uses can be cited or sited as a conditional use pursuant to the provisions of MCC .7005 through .7041.

The proposal involves the construction of a monopole with a triangular platform mounted atop the pole. Antennas will be attached to the triangular platform. The total height, including antennas, is 160 feet. The antenna associated with the facility are as follows:

- (1) There will be three groups of four directional antenna. these antenna measure about 18" by 48" and are affixed to the triangular platform atop the pole.
- (2) There will be 3 whip antenna. This type of antenna is approximately 2.6" in diameter and 10' in length.

The area being leased by the applicant for the proposed cell site is a 50' x 50' space approximately 225 feet west of NW Charlton Road and 80 feet from the north lot line. It is situated within a stand of trees.

The electronics equipment building, which is a 12' by 28' single story concrete aggregate (10' tall) structure, is placed approximately 100 feet from and parallel to the northerly lot line. The monopole is situated at the northerly end of the equipment shelter and is approximately 90 feet from the north lot line.

Access to the cell site will be via an existing driveway servicing the fire station. The roadway, with turn around, will extend to the cell site. Two code required off-street spaces are provided in this existing parking area. These spaces will be for

the use of the company vehicle providing periodic maintenance. After the cell site is on line, this maintenance, based on a system wide average, will occur about twice a month.

No one is at the site on a daily basis as the equipment is operated by remote control from the applicant's main offices in downtown Portland.

The site plan submitted depicts the monopole and equipment building on this site as well as other features. The site plan is attached hereto as Exhibit "A" and is incorporated by this reference herein.

2 . Site and Vicinity Information

The site is a 50' x 50' portion of a parcel 3.54 acres in size located at 14443 NW Charlton Road on Sauvie Island. The comprehensive plan designation for the subject parcel is Multiple Use Agriculture. The present zoning is MUA-20.

To the south and on the same parcel is a fire station. To the south of that is Sauvie Island School.

To the north and east also within the MUA-20 zone area are residential uses. The nearest dwelling is about 275 feet to the north. To the west is a church and residential use.

This small MUA-20 zoned area is surrounded by a large EFU zoned area dedicated to a variety of agricultural activities.

3 . Testimony and Evidence Presented

A. The exhibits listed in Exhibit List CU 1-97, which is attached hereto as Exhibit "B" were reviewed by the Hearings Officer and received in reference to this application. Exhibit "B" contains materials submitted up to and including the date of the hearing. Subsequently, within the initial seven day period following the hearing, while the record was still open, four letters were received from opponents. Those letters are listed as exhibits on the attached Exhibit "C".

In addition, the attorneys for the applicant and the opponents submitted post-hearing memorandum, which are also listed as exhibits on the attached Exhibit "C".

At the August 20, 1997 hearing, Bob Hall testified for the County, summarized the history of the application and his staff report, and described the site and surrounding property.

- B. The applicant was represented by Frank Hammond, a partner in O'Donnell, Ramis, Crew, Corrigan and Bachrach, LLP, attorneys for the applicant. Mr. Hammond discussed some of the legal issues relating to the Federal Telecommunications Act and applicable legal precedents in regards to the imposition of conditions in land use actions.
- C. Spencer Vail, Planning Consultant, addressed the applicable ordinance criteria on behalf of applicant.
- D. Lynn Trupp, the Master of the Sauvie Island Grange, spoke in support of the application. The applicant proposes to site the cell tower on property it is leasing from the Sauvie Island Grange.
- E. Betty Franklin, another member of the Grange, also spoke in support of the application.
- F. Jean Fears spoke in support of the application, indicating that the proposed cellular tower provided a needed community service.
- G. Yvonne Cieloha also spoke in support of the application, indicating that the availability of cellular service provides a needed service when the Sauvie Island is isolated by flood or emergency.
- H. Shirley Larson suggested that the cellular tower was needed as a matter of public safety.
- I. Mary Anne Wolfe appeared and submitted written materials indicating that cellular towers were safe and are needed in case of emergency to provide cellular phone service.
- J. Jeffrey Kleinman, attorney, appeared in opposition to the application, on behalf of Citizens United for Sauvie Island Planning. Mr. Kleinman addressed evidentiary and factual issues and the applicable criteria in the matter.
- K. Donna Matrazzo testified in opposition to the application, indicating that the island's rural character should be protected and the application denied.
- L. Bill Reid spoke in opposition to the application and submitted a letter and photographs.
- M. Adrienne Keith, whose property is in close proximity to the proposed tower site, spoke in opposition to the application. Ms. Keith indicated that there

were more appropriate locations for a cellular tower site and that there are currently no problems with AT&T reception on the island.

- N. Ursula Davis owns property to the west of the cellular tower site. She spoke in opposition to the property cellular tower, indicating that it did not meet safety, noise and visual impact standards.
- O. Greg Sprando appeared in opposition to the proposed site and raised questions regarding potential soil liquefaction during an earthquake and questioned the safety of the tower siting. Mr. Sprando also raised a number of other questions and concerns.
- P. Craig Hull also spoke in opposition to the application reaffirming points raised by earlier opponents.
- Q. Tom Givens also spoke in regards to the application and suggested that AT&T could more appropriately piggy back its cellular antennas with other sited cellular towers in other locations.
- R. Cherie Sprando also spoke in opposition to the application and inquired as to why AT&T was proposing to incur the expense of siting a cellular tower with the proposed location when there were only approximately 800 homes on Sauvie Island. She also indicated that the current cellular service received from AT&T on Sauvie Island is adequate.
- S. Jeff Hook also spoke in opposition to the application.
- T. On September 10, 1997, the applicant submitted the first supplemental submittal.
- U. On October 1, 1997, Jeff Kleinman submitted a post-hearing memorandum on behalf of Citizens United for Sauvie Island Planning.
- V. On October 17, 1997, Frank Hammond of attorney for applicant AT&T Wireless Services, submitted the applicant's reply memorandum.
- W. In addition to the testimony presented at the hearing, significant amounts of written and photographic evidence was also submitted.

STANDARDS AND CRITERIA, ANALYSIS AND FINDINGS OF FACT

A. Community Service Approval Criteria:

The following approval criteria of MCC 11.15.7035(C) apply to applications for radio and transmission towers in districts other than urban residential districts (Transmission towers are exempted from the general approval criteria of MCC 11.15.7015):

- (1) The site is of a size and shape sufficient to provide the following setbacks:**
 - (a) For a tower located on a lot abutting an urban residential district or a public property or street, except a building-mounted tower, the site size standards of MCC .7035(B)(4) and (5) are met as to those portions of the property abutting the residential or public uses.**

ANALYSIS:

The area leased for the Cell Site itself does not abut a public street. The parent parcel, however, does abut NW Charlton, a public street. The parcel does not abut an urban residential district. Therefore the code provisions of (B)(4) and (5) are deemed to apply:

- (4) Site Size and Tower Setbacks.**
 - (a) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting an urban residential district, public property or public street. Such setback shall be sufficient to:**
 - (i) Provide for an adequate vegetative, topographic or other buffer as provided for in MCC.7035(B)(7) and (11).**
- (7) Visual impact - The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. Towers clustered at the same site shall be of similar height and design, whenever possible. Towers shall be painted and lighted as follows:**
 - (a) Towers 200 feet or less in height shall have a galvanized finish or be painted silver. If there is heavy vegetation in the immediate area, such towers shall be painted green from base to treeline, with the remainder painted silver or given a galvanized finish.**
 - (b) [Note: This standard applies only to towers over 200 feet in height].**

- (c) Towers shall be illuminated as required by the Oregon State Aeronautics Division. However, no lighting shall be incorporated if not required by the Aeronautics Division or other responsible agency.
- (d) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

ANALYSIS:

Prior to discussing the specific requirements set forth above, it would be appropriate to review the organization of the Multnomah County Code in relation to the regulation of cell towers. Section 11.15.7035(B) sets forth the standards for the siting of new cellular transmission towers in urban residential districts. The Code is designed to discourage siting towers in urban residential districts. Section 11.15.7035 (C) sets forth the regulations and approval criteria for new transmission towers in districts other than urban residential districts. Where a transmission tower is sited in a district that is adjacent to an urban residential district or public property, or a street, some provisions of the urban residential district approval criteria become applicable. For example, .7035(C)(1)(a) utilizes provisions in the urban residential district standards as approval criteria where a tower in a district other than an urban residential district abuts an urban residential district or public property or street.

It is important to note that the standard set forth in MCC .7035(B)(4)(a) as incorporated by .7035(C)(1)(a) specifically provides that the reference point for the setback is the property line abutting an urban residential district, public property or public street. The proposed site and parcel in question do not abut an urban residential district. One of the property lines of the parent parcel abuts a public street. Accordingly, the standards in paragraph .7035(A)(i) through (iv) are only applicable to the property line that abuts the public street. There are no property lines that abut an urban residential district.

In construing Section MCC .7035(B)(7), which is made applicable by MCC .7035(B)(4)(a) (i), it is necessary to review the visual impact from the property line in question, which is the Charlton Road property line. Four subcriteria under Section MCC .7035(B)(7) all contain lighting or illumination standards that affect the possible visual impact of the tower. The least visual impact standard is a qualified one. The Code provision reviews visual impact subject to technical, engineering, economic and other pertinent factors.

The opponents submitted a great deal of testimony about the location of the parcel for the proposed site, arguing that more suitable locations existed. The standard in question speaks to tower design and location on applicant's parcel. It does not call for a comparison of alternative sites. Such a requirement can not be imposed by a hearings officer. In choosing an MUA site over an urban residential district, the applicant has

already given deference to the Code preference for locating towers outside of urban residential districts.

The applicant has already agreed to relocate the tower on the parcel in order to place it in close proximity to a grove of trees, thereby minimizing the visual impact. The applicant has also presented technical evidence indicating the need for a tower of the proposed height.

The tower will improve cellular service on the island. Cellular service involves a line of sight technology. The tower must be high enough to "see other towers". By placing the tower on higher ground, as AT&T Wireless Services proposes, it avoids having to request approval for an even taller pole. The proposed location also places the base ground equipment on high ground, above potential flood waters.

In viewing this site from the applicable property line, the one on Charlton, a finding can be made that the applicant has demonstrated that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. The applicant has also indicated an ability to comply with the standards for painting and lighting of the tower. For towers of less than 200 feet the Code requires the tower be painted green from the base to the tree line. The applicant has indicated a willingness to paint the tower any color the County desires.

In other similarly situated facilities, i.e., within a stand of trees, brown rather than green is a color that blends well with the trees. The applicant will work with the County during Design Review to select the most appropriate paint for the facility as both the pole and antenna can be painted any color without affecting the operation of the facility.

Staff has suggested that the tower should be disguised to appear as a natural tree. However, the Code requires that a portion of the tower be painted silver or be given a galvanized finish. It is questionable whether a "galvanized" artificial tree is going to look more realistic than the proposed design for the cellular tower.

Compliance with the colors set forth in the Code, green within the tree line and silver above, will be adhered to by the applicant, unless alternative colors are approved in design review.

The letter from the Oregon Aeronautics Division (OAB), states that the monopole "should" have a steady burning red light. This is a comment only and is not based on a regulation requiring such lighting. It is not mandatory that the suggested lighting be made a condition of approval. The Code language clearly states that no lighting shall be incorporated if not required by the OAB.

The FAA indicates that no lighting or hazard markings are required and that the proposal meets all regulations imposed by that agency.

A steady red burning light could be intrusive to the surrounding area. Accordingly, no condition requiring such lighting will be attached to the approval.

The applicant has presented significant evidence indicating that the cellular tower is needed to provide service to the area and to rectify service problems. Several of the opponents testified that there were no problems with service in the area. Testimony was also submitted indicating that the enhanced service would be of benefit to the emergency service providers in the area, such as the fire department. Although there was significant testimony on each side, I do find that the applicant submitted substantial evidence that the monopole is the minimum height necessary to provide service to the area, and the applicant further complies with the standard that the tower be freestanding. Accordingly, a finding can be made that the applicant has met the approval criteria set forth in Section MCC .7035(B)(7).

MCC.7035(B)(11) Landscaping - Landscaping at the perimeter of the property which abuts streets, residences, public parks or areas with access to the general public other than the owner of such adjoining property shall be required, as follows:

- (a) For towers 200 feet tall or less, a buffer area no less than 25 feet wide shall commence at the property line. At least one row of evergreen shrubs shall be spaced not more than five feet apart. Materials should be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of evergreen trees or shrubs, not less than four feet height at the time of planting, and spaced not more than 15 feet apart, also shall be provided. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.**
- (b) For towers more than 200 feet tall, a buffer area not less than 40 feet wide shall be provided at the property line with at least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height within two years of planting; one row of deciduous trees, not less than 1 1/2 inch caliper measured three feet from the ground at the time of planting, and spaced not more than 20 feet apart; and at least one row of evergreen trees, not less than four feet at the time of planting, and spaced not more than 15 feet apart. Trees and shrubs in the vicinity of guy wires**

shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

- (c) In lieu of these standards, the approval authority may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved in (a) and (b) above, except as lesser requirements are desirable for adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.

ANALYSIS:

Code Section MCC 7035(B)(11) relating to landscaping is applicable only to that portion of the "property" which abuts streets. Subparagraph (a) relating to landscaping appears to contemplate a relatively small site in that it discusses trees and shrubs in the vicinity of guy wires. However, the criteria itself refers to the "property line", not the boundaries of the "site". Accordingly, this criteria will be viewed as being applicable to the parent parcel.

Subparagraph (b), by its terms, is not applicable to the subject application since (b) is only applicable to towers more than 200 feet tall.

Subparagraph (c) is an alternative standard, in lieu of (a) or (b). The applicant would have the option of providing a detailed landscaping plan that could be approved, provided that the plan accomplished the same degree of screening achieved in subparagraph (a).

Originally the applicant proposed to address criteria (c) and to propose a buffer area only upon the subject site.

The amount of native vegetation on the site and adjacent parcels plus the height of the trees near the monopole site provide a buffer for the proposed use. The applicant submitted enhanced photos showing how the monopole would utilize these existing features to mask the visual impact of the monopole.

The applicant contended that there does not appear to be a benefit in planting a 25' wide buffer strip along Charlton as required by the Code. The site is over 225' from the public roadway and is already screened by existing vegetation. Staff did discuss the benefit of such a planting.

MCC 11.15.7035(B)(11)(a) would require a 25 foot wide area of vegetation capable of achieving a height of five feet within two years of planting along the entire Charlton Road frontage of the parcel. The applicant has indicated that in fact the Sauvie Island Grange is an "applicant", as the Multnomah County Code defines the term. It is clear that the Grange has consented to and does approve of the application. Furthermore, the applicant AT&T Wireless Services has submitted evidence indicating that the Grange has agreed to the provision of buffer landscaping and retention of trees in the grove and the stipulation to a 32 foot setback between the tower and any future structures. Accordingly, conditions will be imposed requiring landscaping in accordance with subparagraph (a) of Section MCC .7035(B)(11). Accordingly, a finding can be made that the applicant has met this approval criteria, and it is unnecessary to discuss alternative proposals under MCC .7035(B)(11)(c).

(ii) Preserve the privacy of adjoining residential property.

ANALYSIS:

The second subcriteria under Section MCC .7035(B)(4)(a) is designed to preserve the privacy of adjoining residential property in urban residential districts. Again, it is important to note that the standard of paragraph 4(a) specifically refers to urban residential districts. The proposed site and parcel in question do not abut an urban residential district. The residences in the area are located in the MUA zone, not in an urban residential district. It is questionable whether this criteria applies at all to residences in an MUA zone. The MUA zone allows residential uses, but it is not an urban residential district. The intent of Section 4(a) is to protect residences in an urban residential district.

The evidence indicates that the existing trees and additional landscaping to be installed on the cell site will preserve the privacy of the nearby residences. In addition, this will be an unmanned facility. Maintenance personnel will only visit the site about twice a month. The landscaping, secluded location of the site, and lack of personnel will protect the privacy of residential property to the extent required by the Code.

(iii) Protect adjoining property from the potential impact of tower failure and ice falling by being large enough to accommodate such failure and ice on the site, based on the engineer's analysis required by MCC.7035(D)(3)(d) and (e).

MCC.7035(D)(3)(d) and (e) read as follows:

- (d) Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.**
- (e) Ice hazards and mitigation measures which have been employed, including increased setbacks and/or deicing equipment.**

ANALYSIS:

The applicant has submitted substantial credible evidence from professional engineers, using conservative standards, indicating that the likelihood of a structural failure is highly improbable. The design of the structure is such that if there is a structural failure, the tower will fold and buckle, rather than topple over.

The engineering design information also indicates that ice fall will be confined to a 20 foot radius around the base of the monopole. The amount of falling ice would be no more than experienced on power poles and telephone lines. The applicant has further provided evidence that there is no evidence or history of monopole failure from natural causes.

Staff contended that residential property, consisting of the parent parcel, must also be protected from potential monopole failure. However, I do not agree. The standard applies to adjoining property, not the subject property. The applicant is AT&T Wireless Services, and has made application with the consent and agreement of the Sauvie Island Grange No. 840. The subject parcel size is 3.54 acres.

The MUA property adjoining the subject parcel is adequately protected. The applicant has thoroughly addressed these approval criteria and a finding can be made that adjoining property is protected from the potential impact of tower failure and ice falling.

(iv) Protect the public from NIER in excess of the standards of MCC.7035 (F)(1)

ANALYSIS:

Multnomah County adopted what is considered by many to be a model ordinance dealing with radio and television towers and antennas. The ordinance lists the emission levels for the various uses and lists levels of concern of known health hazards.

These emissions are calculated in microwatts per centimeter squared (mW/cm²). Readings are taken at the lot line and at the closest residential use to determine compliance.

Exhibit 16 shows the calculations prepared and certified by the applicant's RF engineers which establish the measurement at the nearest lot line, 90 feet to the north, to be 0.151 mW/cm². The reading at the closest dwelling, 275 feet to the north, is 0.063 mW/cm².

These readings are well below any levels of health concern as determined by the Code.

In addition, the Federal Telecommunications Act of 1996, amongst other things, required the FCC to adopt standards for radio frequency emissions from wireless communication facilities. In a rule making procedure, the FCC adopted standards effective August 1,

1996. These standards are virtually the same as those reflected in the County Code. This indicates the proposed use is also in compliance with the new Federal standards.

There is no interference with household electronic equipment caused by proximity to cellular towers. The applicant has been providing cellular service in the Portland area for over 10 years.

Carol A. Friz, a licensed professional engineer in electrical engineering, has certified Exhibit 16 to be true. That exhibit indicates the measured levels to be 0.151 mW/cm² at the nearest property line and 0.063 mW/cm² at the closest dwelling. Both of those measurements are below the 0.50 mW/cm² and 0.5867 mW/cm² maximums allowed by Table 1 in MCC .7035 (F). Therefore, the proposal would satisfy the NIER standards of MCC .7035(F)(1).

There is evidence in the file indicating that some of the citizens opposed the cellular tower because of health concerns relating to electromagnetic emissions. However, the Telecommunications Act of 1996 specifically prohibits the County from considering possible effects of the emissions provided that the facility meets the Federal Communication Commission Standards. Since the evidence clearly indicates that the facility meets both the County and Federal emissions standards, this may be a moot point. However, the testimony submitted in opposition to the tower based on emissions standards will be disregarded.

A finding can be made that the applicant has met the standards of MCC 11.15.7035(B)(4)(iv).

(b) MCC .7035(B)(4)(b) Site Size and Tower Setbacks: A site is presumed to be of sufficient size when it:

(i) Meets the requirements of (a) (iii) and (iv) above,

ANALYSIS:

As indicated above, I have found that the proposed tower complies with the criteria of (a)(iii) and (iv) above.

(ii) Provides a setback equal to 20 percent of the height of the tower to any property line abutting an urban residential district, public property, or public street, and

ANALYSIS:

The Cell Site does not abut an urban residential district. The access drive does abut a public street, NW Charlton, some 225 feet to the southeast.

The proposed monopole is 150 feet in height; 160 feet if the antennas are included. 20% of the maximum height is 32'. This minimum setback requirement has been met.

- (iii) **Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in an urban residential district nor a public property or a public street.**

ANALYSIS:

The adjoining property is not in an urban residential district.

MCC .7025(A) establishes the minimum yards for Conditional Uses. The applicable yards for the proposed use are:

1. Front 30 feet
2. Side 20 feet
3. Rear as required in the district;

in the MUA-20 zone the rear yard is 30 feet

In reviewing the standards of this criteria, I find that the setbacks must be measured from the property line. The reference to adjoining property is to surrounding property, not to the parent parcel. The "site" is not being partitioned off from the parent parcel, it remains an integral part of the larger property. These approval criteria are clearly designed to protect adjacent properties, not the parent parcel. It is clear that the proposed location of the tower meets the required setback standards.

- (c) **Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site described in MCC .7035(D)(3)(d) will not lead to multiple failures in the event that one fails.**

ANALYSIS:

This subsection is not applicable to this request.

- (d) **Structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in MCC .7025.**

ANALYSIS:

The electronics equipment building is situated outside of the required yards which are set forth above. This criteria is met.

(5) MCC .7035(B)(5) Guy Setback

ANALYSIS:

There are no guys associated with this proposal. The applicant's tower is a self-supporting monopole.

(2) The required setbacks shall be improved to meet the landscaping standard of MCC .7035(B)(11) to the extent possible within the area provided.

ANALYSIS:

The applicant has indicated that it can provide the required landscaping. Conditions will be attached to the approval to ensure that it does so.

(3) The visual impact standard of MCC .7035(B)(7) is met.

ANALYSIS:

A finding has been made earlier that the applicant meets this standard, and that discussion is incorporated by this reference herein.

(4) The parking requirement of MCC .7035(B)(9) is met, provided additional parking may be required in accordance with MCC .6100 to .6148 if the site serves multiple purposes.

ANALYSIS:

MCC .7035(B)(9) requires a minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at the facilities which require on-site personnel.

The applicant has an agreement with the Grange for two parking spaces adjacent to the Cell Site and to continue to provide such space if and when the Grange site is developed.

Historically, only one van is used by the maintenance technician during the periodic maintenance. The parking standard is met.

(5) The applicable policies of the Comprehensive Plan are met.

Comprehensive Plan Policies:

The following policies, which were discussed in the Staff Report, will be reviewed in this Opinion. Comprehensive Plan Policies 10, 13, 14, and 16 were briefly reviewed in the

Staff Report and found inapplicable, not relevant at this stage of the process, or not review criteria. I concur.

"POLICY NO. 19: COMMUNITY DESIGN

THE COUNTY'S POLICY IS TO MAINTAIN A COMMUNITY DESIGN PROCESS WHICH:

- A. EVALUATES AND LOCATES DEVELOPMENT PROPOSALS IN TERMS OF SCALE AND RELATED COMMUNITY IMPACTS WITH THE OVERALL PURPOSE BEING A COMPLEMENTARY LAND USE PATTERN.**
- B. EVALUATES INDIVIDUAL PUBLIC AND PRIVATE DEVELOPMENTS FROM A FUNCTIONAL DESIGN PERSPECTIVE, CONSIDERING SUCH FACTORS AS PRIVACY, NOISE, LIGHTS, SIGNING, ACCESS, CIRCULATION, PARKING, PROVISIONS FOR THE HANDICAPPED AND CRIME PREVENTION TECHNIQUES.**
- C. MAINTAINS A DESIGN REVIEW PROCESS AS AN ADMINISTRATIVE PROCEDURE WITH AN APPEAL PROCESS, AND BASED ON PUBLISHED CRITERIA AND GUIDELINES. CRITERIA AND GUIDELINES SHALL BE DEVELOPED SPECIFICALLY FOR COMMERCIAL, INDUSTRIAL AND RESIDENTIAL DEVELOPMENTS.**
- D. ESTABLISHES CRITERIA AND STANDARDS FOR PRE-EXISTING USES, COMMENSURATE WITH THE SCALE OF THE NEW DEVELOPMENT PROPOSED.**
- E. EVALUATES INDIVIDUAL PUBLIC AND PRIVATE DEVELOPMENT ACCORDING TO DESIGN GUIDELINES IN THE APPLICABLE ADOPTED COMMUNITY PLAN."**

ANALYSIS:

Policy 19 is a general County Comprehensive Plan policy which has previously been implemented through the use of a design review process. The policy is written strictly in terms of "process" that requires the County to develop a community design standard, evaluate it, and establish standards and criteria. Compliance with the standards and criteria adopted by the County in accordance with the requirements of Policy 19 will constitute compliance with this Comprehensive Plan provision by the applicant.

"POLICY NO. 20: ARRANGEMENT OF LAND USES

THE COUNTY'S POLICY IS TO SUPPORT HIGHER DENSITIES AND MIXED LAND USES WITHIN THE FRAMEWORK OF SCALE, LOCATION AND DESIGN STANDARDS WHICH:

- A. ASSURE A COMPLEMENTARY BLEND OF USES;**
- B. REINFORCE COMMUNITY IDENTITY;**
- C. CREATE A SENSE OF PRIDE AND BELONGING; AND**
- D. MAINTAIN OR CREATE NEIGHBORHOOD LONG TERM STABILITY."**

ANALYSIS:

Multnomah County Comprehensive Plan Policy No. 20 is a general plan policy which utilizes policy as opposed to approval criteria wording. The policy specifically requires the County to support higher densities and mixed land uses. The County has done so by allowing community service uses such as the cellular tower, in the MUA zone. Compliance by the applicant with the Multnomah County Zoning Ordinance provisions will constitute compliance with this plan policy.

Plan policies which are approval criteria are clearly worded as such. For example, the following policy, number 22, specifically indicates that "The County shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered: . . .". Such wording is consistently used in the Multnomah County Comprehensive Plan to distinguish policies which are to be considered as approval criteria and those policies which are to be considered general principles utilized to guide implementing land use regulations such as the Multnomah County Zoning Ordinance. I find that Policy No. 20 is not an approval criteria.

"POLICY NO. 22, ENERGY CONSERVATION.

THE COUNTY'S POLICY IS TO PROMOTE THE CONSERVATION OF ENERGY AND TO USE ENERGY RESOURCES IN A MORE EFFICIENT MANNER. IN ADDITION, IT IS THE POLICY OF MULTNOMAH COUNTY TO REDUCE DEPENDENCY ON NON-RENEWABLE ENERGY RESOURCES. THE COUNTY SHALL REQUIRE A FINDING PRIOR TO THE APPROVAL OF LEGISLATIVE OR QUASIJUDICIAL ACTION THAT THE FOLLOWING FACTORS HAVE BEEN CONSIDERED:

- A. THE DEVELOPMENT OF ENERGY-EFFICIENT LAND USES AND PRACTICES;**
- B. INCREASED DENSITY AND INTENSITY OF DEVELOPMENT IN URBAN AREAS, ESPECIALLY IN PROXIMITY TO TRANSIT CORRIDORS AND EMPLOYMENT, COMMERCIAL AND RECREATIONAL CENTERS;**
- C. AN ENERGY-EFFICIENT TRANSPORTATION SYSTEM LINKED WITH INCREASED MASS TRANSIT, PEDESTRIAN AND BICYCLE FACILITIES;**
- D. STREET LAYOUTS, LOTTING PATTERNS AND DESIGNS THAT UTILIZE NATURAL ENVIRONMENTAL AND CLIMACTIC CONDITIONS TO ADVANTAGE.**
- E. FINALLY, THE COUNTY WILL ALLOW GREATER FLEXIBILITY IN THE DEVELOPMENT AND USE OF RENEWABLE ENERGY RESOURCES."**

ANALYSIS:

The proposed facility is an unmanned facility. There will be no water or sanitary sewer requirements. Electric and telephone services are already available at the site. No extension of service is required. Energy consumption will be minimal. The typical cell site uses about 1500 kw per month, which is similar to that used by a single family home.

The proposed use will not be a traffic generator. After the initial construction period, only periodic checks by a technician will be required, approximately once or twice a month.

A finding can be made that the applicant's proposal is energy efficient. Subparagraphs B, C and D of the approval criteria set forth above are not applicable to this community service use in that the use does not impose traffic or development impacts, create streets, and is not in an urban area. A finding can be made that the factors set forth in Policy No. 22 have been given the appropriate consideration, given the nature of the proposed use.

"POLICY NO. 31: COMMUNITY FACILITIES AND USES

THE COUNTY'S POLICY IS TO:

- A. SUPPORT THE SITING AND DEVELOPMENT OF A FULL RANGE OF COMMUNITY FACILITIES AND SERVICES BY SUPPORTING THE LOCATION AND SCALING OF COMMUNITY FACILITIES AND USES MEETING THE NEEDS OF THE COMMUNITY AND REINFORCING COMMUNITY IDENTITY.**
- B. ENCOURAGE COMMUNITY FACILITIES SITING AND EXPANSION AT LOCATIONS REINFORCING ORDERLY AND TIMELY DEVELOPMENT AND EFFICIENT PROVISION OF ALL PUBLIC SERVICES AND FACILITIES.**
- C. ENCOURAGE LAND USE DEVELOPMENT WHICH SUPPORT THE EFFICIENT USE OF EXISTING AND PLANNED COMMUNITY FACILITIES.**
- D. SUPPORT THE DEVELOPMENT OF A UNIFIED APPROACH TO LONG RANGE COMMUNITY FACILITIES PLANNING AND CAPITAL INVESTMENT PROGRAMMING IN MULTNOMAH COUNTY.**
- E. CLASSIFY COMMUNITY FACILITIES ACCORDING TO THEIR FUNCTION AND SCALE OF OPERATIONS.**

SCALE

MAJOR REGIONAL

TYPE OF FACILITIES

**COMMUNITY COLLEGE
PRIVATE COLLEGE
UNIVERSITY
LIVE-IN TRAINING FACILITIES
AIRPORT
GOVERNMENT SERVICES
ADMINISTRATIVE
HUMAN
JUSTICE
HOSPITAL**

MINOR REGIONAL

**CEMETERIES
REGIONAL PARKS
BOAT LAUNCHES
MARINAS
RECYCLING CENTER**

SCALE

TYPE OF FACILITIES

**HALF-WAY HOUSES
GENERAL AVIATION AIRPORTS**

MAJOR COMMUNITY

**FIRE STATION
PRECINCT STATIONS
LODGES
AMBULANCE SERVICES
HIGH SCHOOL
MUSEUM
TRANSIT STATIONS
GOVERNMENT SERVICES
 ADMINISTRATIVE
 HUMAN
 JUSTICE
COMMUNITY RECREATION CENTER
RECREATION CENTER**

MINOR COMMUNITY

**LIBRARY
GRADE SCHOOL
MIDDLE SCHOOL
PARKS
NEIGHBORHOOD MEETING ROOMS
RESIDENTIAL CARE FACILITY
CLINICS
CONVALESCENT HOMES
CHURCHES
NEIGHBORHOOD RECREATION CENTER**

**COMMUNITY SERVICE
FOUNDATIONS**

**ELECTRICAL GENERATION, DISTRIBUTION AND
TRANSMISSION
NATURAL GAS STORAGE
SEWAGE TREATMENT PLANTS
TELEPHONE, COMMUNICATION STATION
AND SWITCHING
WATER STORAGE
RADION & TELEVISION TRANSMITTERS"**

SOLID WASTE MANAGEMENT

Solid waste is a regional concern requiring regional solutions. Multnomah County recognizes METRO's responsibility and authority to prepare and implement a solid waste management plan and the METRO's procedures for siting a Sanitary Landfill and will participate in the procedures as appropriate.

The County recognizes that METRO may find a public need for a Regional Sanitary Landfill and that such a Landfill, wherever located, will entail some adverse impacts. The County further recognizes that environmental impacts are also within the review authority of other agencies, such as the Department of Environmental Quality.

The County shall provide for approval Criteria which emphasize site suitability, protection through mitigation of impacts, and reclamation. The Zoning Code shall contain appropriate and detailed implementing language for this Policy. This Policy and all applicable Plan Policies are implemented through Section 11.15.7045 to .7070 of the Zoning Code.

F. LOCATE COMMUNITY FACILITIES ON SITES WITH AVERAGE SITE GRADES CONSISTENT WITH A PROJECT'S SCALE AND IMPACTS. SIT SLOPE REQUIREMENTS BY SCALE ARE:

<u>SCALE</u>	<u>AVERAGE SITE SLOPE STANDARD</u>
MAJOR REGIONAL	6%
MINOR REGIONAL	6%
MAJOR COMMUNITY	10%
MINOR COMMUNITY	10%
COMMUNITY SERVICE FOUNDATION	20%

FOR SITES WITH AVERAGE SLOPES STEEPER THAN THE STANDARD THE DEVELOPER MUST BE ABLE TO DEMONSTRATE THAT THROUGH ENGINEERING TECHNIQUES ALL LIMITATIONS TO DEVELOPMENT AND THE PROVISION OF SERVICES CAN BE MITIGATED.

G. SUPPORT THE LOCATION OF COMMUNITY FACILITIES ON EXISTING TRANSPORTATION SYSTEMS WITH VOLUME CAPACITIES AND MODAL MIX SPLITS AVAILABLE AND APPROPRIATE TO SERVE PRESENT AND FUTURE SCALES OF OPERATION. VEHICULAR ACCESS REQUIREMENTS BY SCALE OF FACILITY ARE:

<u>SCALE</u>	<u>VEHICULAR ACCESS STANDARDS</u>
MAJOR REGIONAL	ACCESS TO A FREEWAY INTERCHANGE DIRECT ACCESS TO A COUNTY MAJOR ARTERIAL. PUBLIC TRANSIT AVAILABLE WITHIN 1/4 MILE.
MINOR REGIONAL	DIRECT ACCESS TO A COLLECTOR STREET AND NO ROUTING OF TRAFFIC THROUGH LOCAL NEIGHBORHOOD STREETS PUBLIC TRANSIT AVAILABLE WITHIN 1/4 MILE

SCALE
MAJOR COMMUNITY

VEHICULAR ACCESS STANDARDS
DIRECT ACCESS TO A COLLECTOR STREET AND
NO ROUTING OF TRAFFIC THROUGH LOCAL
NEIGHBORHOOD STREETS

PUBLIC TRANSIT AVAILABLE WITHIN 1/4 MILE

MINOR COMMUNITY

DIRECT ACCESS TO A COLLECTOR STREET AND
NO ROUTING THROUGH LOCAL NEIGHBORHOOD
STREETS

PUBLIC TRANSIT AVAILABLE WITHIN 1/4 MILE

COMMUNITY SERVICE
FOUNDATIONS

TRUCK TRAFFIC WILL NOT BE ROUTED THROUGH
LOCAL NEIGHBORHOOD STREETS

- H. RESTRICT THE SITING OF COMMUNITY FACILITIES IN LOCATIONS WHERE SITE ACCESS WOULD CAUSE DANGEROUS INTERSECTIONS OR TRAFFIC CONGESTION CONSIDERING THE FOLLOWING:**
- 1. ROADWAY CAPACITIES.**
 - 2. EXISTING AND PROJECTED TRAFFIC COUNTS.**
 - 3. SPEED LIMITS.**
 - 4. NUMBER OF TURNING POINTS.**
- I. SUPPORT COMMUNITY FACILITIES SITING AND DEVELOPMENT AT SITES OF A SIZE WHICH CAN ACCOMMODATE THE PRESENT AND FUTURE USES AND IS OF A SHAPE WHICH ALLOWS FOR A SITE LAYOUT IN A MANNER WHICH MAXIMIZES USER CONVENIENCE, ENERGY CONSERVATION, AND PEDESTRIAN AND BICYCLE ACCESS TO AND WITHIN THE SITE.**
- J. PROMOTE COMPATIBLE DEVELOPMENT AND MINIMIZE ADVERSE IMPACTS OF SITE DEVELOPMENT ON ADJACENT PROPERTIES AND THE COMMUNITY THROUGH THE APPLICATION OF DESIGN REVIEW STANDARDS CODIFIED IN MCC 11.05.7805-11.05.7865.**
- K. PROVIDE FOR THE SITING AND EXPANSION OF COMMUNITY FACILITIES IN A MANNER WHICH ACCORDS WITH THE OTHER APPLICABLE POLICIES OF THIS PLAN."**

ANALYSIS:

- A. The proposed cell site will provide for enhanced cellular telephone service in the area. It will allow the location of a community service use on Sauvie Island.**

The opponents to the proposed use contend that the proposed structure will not reinforce "community identity". However, a significant portion of the opponents' testimony dealt with aesthetic issues. One component of the Sauvie Island identity is the fact that it is an island. Testimony was submitted by proponents of the application that during a flood or other emergency, residents of Sauvie Island rely on cellular communications. Enhanced emergency services and safety issues seem to be factors that would support such a community service use as consistent with community identity.

Paragraph A of Comprehensive Policy No. 31 is a general policy statement. It does not state that the County will prohibit uses that are not needed by the community and do not reinforce community identity. Rather, the policy is a simple statement in support of community facilities meeting the needs of the community and reinforcing community identity. Accordingly, a finding can be made that the applicant's proposal adequately addresses and is consistent with Paragraph A of the Multnomah County Comprehensive Plan Policy No. 31.

- B. The applicant points out that all public services and facilities necessary for the operation of the proposed cell site are already available at the site. Accordingly, this community facility is proposed to be sited at a location which reinforces the orderly and timely development and efficient provision of public services and facilities.
- C. This facility does not require water or sewer services and is not a traffic generator. Accordingly, a finding can be made that the proposed application supports the efficient use of existing and planned community facilities.
- D. No expenditure of County funds is proposed for the subject application. Approval of the application would allow AT&T Wireless Services to implement its long range plans for the provision of cellular service to Sauvie Island.
- E. This paragraph requires the County to classify community facilities according to their function and scale of operations and the scale and list of facilities is actually included within Paragraph E of this plan policy. A cellular tower would fall within the classification of Community Service Foundations.
- F. The proposed site does not exceed the maximum slope allowed of 20%.
- G. The location of community facilities and appropriate vehicular traffic access standards that for Community Service Foundations, truck traffic will not be routed through local neighborhood streets. The proposal is consistent with the at requirement.

- H. The traffic impact of the proposed development is so minor as to create no impact. Access will be taken from an existing driveway. The site access will not cause a dangerous intersection. Accordingly, a finding can be made that the applicant meets this criteria.
- I. The facility is sited on the parent parcel in a manner that will not curtail future development of the site or of the balance of the parent parcel. There will be no need for pedestrian or bicycle access to the facility, since it is in fact an unmanned facility.
- J. This subsection of the Comprehensive Plan Policy No. 31 is met through the implementation of the design review process.
- K. The proposed cell site has been sited in a manner that complies with other applicable policies of the Comprehensive Plan. It makes appropriate use of the existing terrain and physical characteristics of the site. It incorporates buffers and screening, utilizing landscaping and tree cover.

A finding can be made that the Comprehensive Plan Policy 31 has been met by the proposed application.

**"POLICY 34: TRAFFICWAYS
INTRODUCTION**

Trafficways are a major part of the transportation system, and include seven general types of streets (local, collector transit corridor streets, scenic routes, arterial streets, freeways and transitways) which serve the land uses in the County and function to move people and goods. The traffic volumes given below serve as guidelines for the functional classification. Traffic volumes are one aspect, but not the only aspect, of classification - other facts include the character of the area, future land use, possible or existing traffic intrusion on neighborhoods, circulation patterns, and topographic constraints. . . ."

ANALYSIS:

This Comprehensive Plan policy deals primarily with the County's need to develop an efficient trafficway system, and strategies for system design. This section does not provide approval criteria for the subject application.

"POLICY NO. 36, TRANSPORTATION DEVELOPMENT REQUIREMENTS.

THE COUNTY'S POLICY IS TO INCREASE THE EFFICIENCY AND AESTHETIC QUALITY OF THE TRAFFICWAYS AND PUBLIC TRANSPORTATION BY REQUIRING:

- A. THE DEDICATION OF ADDITIONAL RIGHT-OF-WAY APPROPRIATE TO THE FUNCTIONAL CLASSIFICATION OF THE STREET GIVEN IN POLICY 34 AND CHAPTER 11.60.**

- B. THE NUMBER OF INGRESS AND EGRESS POINTS BE CONSOLIDATED THROUGH JOINT USE AGREEMENTS,
- C. VEHICULAR AND TRUCK OFF-STREET PARKING AND LOADING AREAS,
- D. OFF-STREET BUS LOADING AREAS AND SHELTERS FOR RIDERS,
- E. STREET TREES TO BE PLANTED,
- F. A PEDESTRIAN CIRCULATION SYSTEM AS GIVEN IN THE SIDEWALK PROVISIONS, CHAPTER 11.60,
- G. IMPLEMENTATION OF THE BICYCLE CORRIDOR CAPITAL IMPROVEMENTS PROGRAM,
- H. BICYCLE PARKING FACILITIES AT BICYCLE AND PUBLIC TRANSPORTATION SECTIONS IN NEW COMMERCIAL, INDUSTRIAL AND BUSINESS DEVELOPMENT, AND
- I. NEW STREETS IMPROVED TO COUNTY STANDARDS IN UNINCORPORATED COUNTY MAY BE DESIGNATED PUBLIC ACCESS ROADS AND MAINTAINED BY THE COUNTY UNTIL ANNEXED INTO A CITY, AS STATED IN ORDINANCE 313."

ANALYSIS:

Staff has indicated that engineering services would require a five-foot dedication along the entire frontage of the parent parcel with Charlton Road. Pursuant to Policy No. 36(B), the County has a policy of requiring dedication of additional right of way appropriate to the functional classification of the street given in Policy 34 and Chapter 11.60. The staff report does not indicate the functional classification of Charlton Road. However, given the very limited extent of traffic to be generated by the proposed use, I do not find that the County has demonstrated that the impact of the proposed use would be proportionate to the exaction requested. Accordingly, I would find that any dedication of right of way along Charlton Road could be deferred to such time as the balance of the parent parcel develops.

"POLICY NO. 37, UTILITIES.

THE COUNTY'S POLICY IS TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

WATER AND DISPOSAL SYSTEM

- A. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC SEWER AND WATER SYSTEM, BOTH OF WHICH HAVE ADEQUATE CAPACITY; OR
- B. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE SITE; OR
- C. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM; OR

- D. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND A PUBLIC SEWER WITH ADEQUATE CAPACITY.

DRAINAGE

- E. THERE IS ADEQUATE CAPACITY IN THE STORM WATER SYSTEM TO HANDLE THE RUN-OFF; OR
F. THE WATER RUN-OFF CAN BE HANDLED ON THE SITE OR ADEQUATE PROVISIONS CAN BE MADE; AND
G. THE RUN-OFF FROM THE SITE WILL NOT ADVERSELY AFFECT THE WATER QUALITY IN ADJACENT STREAMS, PONDS, LAKES OR ALTER THE DRAINAGE ON ADJOINING LANDS.

ENERGY AND COMMUNICATIONS

- H. THERE IS AN ADEQUATE ENERGY SUPPLY TO HANDLE THE NEEDS OF THE PROPOSAL AND THE DEVELOPMENT LEVEL PROJECTED BY THE PLAN; AND
I. COMMUNICATIONS FACILITIES ARE AVAILABLE.

ANALYSIS:

The facility will not require water or sewer connections. It is an unmanned facility, containing electronic equipment. Appropriate service providers have indicated the availability of service. Accordingly, a finding can be made that the applicant meets the criteria set forth in Utilities Policy No. 37.

"POLICY NO. 38, FACILITIES.

THE COUNTY'S POLICY IS TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

SCHOOL

- A. THE APPROPRIATE SCHOOL DISTRICT HAS HAD AN OPPORTUNITY TO REVIEW AND COMMENT ON THE PROPOSAL.

FIRE PROTECTION

- B. THERE IS ADEQUATE WATER PRESSURE AND FLOW FOR FIRE FIGHTING PURPOSES; AND
C. THE APPROPRIATE FIRE DISTRICT HAS HAD AN OPPORTUNITY TO REVIEW AND COMMENT ON THE PROPOSAL.

POLICE PROTECTION

- D. THE PROPOSAL CAN RECEIVE ADEQUATE LOCAL POLICE PROTECTION IN ACCORDANCE WITH THE STANDARDS OF THE JURISDICTION PROVIDING POLICE PROTECTION.

ANALYSIS:

A finding can be made that the appropriate school district has had an opportunity to review and comment on the proposal. The Sauvie Island Fire District has adequate pressure and flow for fire fighting purposes, and the subject parcel can receive adequate police protection from the Multnomah County Sheriff. Accordingly, the applicant has met this criteria.

"POLICY NO. 40, DEVELOPMENT REQUIREMENTS.

THE COUNTY'S POLICY IS TO ENCOURAGE A CONNECTED PARK AND RECREATION SYSTEM AND TO PROVIDE FOR SMALL PRIVATE RECREATION AREAS BY REQUIRING A FINDING PRIOR TO APPROVAL OF LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

- A. PEDESTRIAN AND BICYCLE PATH CONNECTIONS TO PARKS, RECREATION AREAS AND COMMUNITY FACILITIES WILL BE DEDICATED WHERE APPROPRIATE AND WHERE DESIGNATED IN THE BICYCLE CORRIDOR CAPITAL IMPROVEMENTS PROGRAM AND MAP.**
- B. LANDSCAPED AREAS WITH BENCHES WILL BE PROVIDED IN COMMERCIAL, INDUSTRIAL AND MULTIPLE FAMILY DEVELOPMENTS, WHERE APPROPRIATE.**
- C. AREAS FOR BICYCLE PARKING FACILITIES WILL BE REQUIRED IN DEVELOPMENT PROPOSALS, WHERE APPROPRIATE."**

ANALYSIS:

As set forth in the approval criteria, there are no pedestrian or bicycle paths that would require dedication of property for connection purposes, no bicycle parking is provided or needed, since the only visitors to the site will be the technicians in a small van or service truck. Accordingly, a finding can be made that the appropriate level of consideration has been given to Multnomah County Comprehensive Plan Policy No. 40 and that no pedestrian or bike paths, benches or bicycle parking facilities would be appropriate.

- (6) The NIER standards of (F) are met.**

ANALYSIS:

As indicated earlier in this Opinion, the NIER standards are met. Accordingly, a finding can be made that this approval criteria has been complied with.

- (7) The agency coordination standards of MCC .7035(B)(14) are met.**

- (a) A statement from the FAA that the application has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulation or a statement that no compliance is required.**

ANALYSIS:

Attached to the staff report on file in this matter is the FAA form 7450, stating that no lighting or hazard markings are required.

- (b) A statement from the Oregon State Aeronautics Division that the application has been found to be in compliance with the applicable regulations of the Division, or a statement that no such compliance is required.**

ANALYSIS:

Attached to the staff report on file in this matter is a copy of the Oregon State Aeronautics Division response recommending that a steady red light be attached to the top of the tower.

- (c) **A statement from the FCC that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.**

ANALYSIS:

Attached to the staff report on file in this matter is a copy of a portion of the applicant's FCC license which authorizes the applicant to provide cellular telephone services in the Portland-Vancouver area.

- (8) **Accessory uses - For a proposed tower in the EFU, MUF, CFU, MUA, and UF districts, the restrictions on accessory uses in MCC .7035(B)(12) shall be met.**

MCC .7035(B)(12) stipulates: **Accessory uses shall include only such buildings and facilities necessary for transmission function and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, nor other similar uses not necessary for the transmission function.**

Accessory uses may include studio facilities for emergency broadcast purposes or for other special, limited purposes found by the approval authority not to create significant additional impacts nor to require construction of additional buildings or facilities exceeding 25 percent of the floor area of other permitted buildings.

ANALYSIS:

The applicant's proposal includes only the monopole and a building to house the electronic equipment. No other uses of concern in this section will be involved at this site.

Hearings Officer Decision:

Based on the findings stated above, and the substantial evidence presented, the request by Applicant to site a cellular radio communication facility as a Community Service Conditional Use in the MUA-20 zone is hereby approved subject to the following conditions:

Conditions of Approval:

1. Pursuant to MCC 11.15.7035(B)(11)(a), prior to obtaining a building permit, the applicant shall provide a 25-foot wide area of evergreen vegetation capable of achieving a height of five feet within two years of planting along the entire Charlton Road frontage of the parcel.
2. No buildings or structures shall be placed within 32 feet of the tower, other than an electronics equipment building to be located within the area currently leased from the Sauvie Island Grange.
3. The applicant shall retain all healthy Douglas fir trees within 32 feet of the tower, other than those trees marked for removal in Exhibit 2 of the application. This condition does require the applicant to replace any trees which fall, and allows the applicant to remove any trees reasonably determined by an arborist to present a health or safety risk, provided that such trees are replaced with healthy trees. Prior to removal of trees, other than those marked for removal in the application, the applicant will submit an arborist's report to the County Planning Department for review and approval.
4. Applicant shall comply with all applicable Oregon Department of Environmental Quality noise standards in the operation of any emergency electrical generating equipment or other equipment at the tower site.
5. The height of the tower with antenna, shall not exceed 160 feet.
6. No approved or required landscaping shall be removed in order to locate the accessory building or equipment or at any time the cellular tower is being utilized pursuant to this conditional use approval other than that allowed in condition 3. If any such landscaping is removed, the applicant shall be required to replace it with an equal quantity and type of landscaping on the site in a manner to achieve the original intent or to achieve sufficient screening of the facilities.
7. In the event that the use of the wireless communication facility is discontinued for a period of six (6) consecutive months or longer, it will be deemed abandoned. The applicant or property owner is hereby required to remove all abandoned facilities within ninety (90) days from the date of the abandonment. In addition to any remedies available under the Multnomah County Zoning Ordinance for violating a condition of a Conditional Use approval, the failure to remove an abandoned facility will be deemed a public nuisance subject to the applicable penalties therefor.

8. The approval of this Community Service Use shall expire two years from the date of the issuance of the Board Order in the matter, or two years from the date of the final resolution of subsequent appeals, whichever date is later, unless the project is completed as approved or the Planning Director determines that substantial construction or development has taken place.
9. This approval shall be for the specific use or uses approved, together with the limitations and conditions set forth herein. Any change of use or modification shall be subject to approval at a public hearing.
10. The applicant shall be required to provide two parking spaces on the site.
11. The applicant shall be required to comply with the design review approval process or such other process that Multnomah County may utilize in lieu of design review.
12. The applicant shall hold harmless and indemnify Multnomah County, its Board of Commissioners, its other officers and employees, from claims of any nature arising or resulting from any claims for damage or injury to property or persons arising by reason of work on the subject property, or operation of the cellular communications tower, or any work done pursuant to this order.
13. The maintenance of the landscaping and screening trees is a continuing requirement of this order. If the trees required on the parent parcel or site which have been planted or currently exist as landscaping or screening are removed in violation of the provisions of this order, it will be grounds for rescission of this Community Service Conditional Use approval.
14. The applicant will comply with the standards of MCC .7035(B)(7)(a) regarding painting of the tower.

CONCLUSION

Based on the findings and the substantial evidence cited or referenced herein, I conclude that the application for the Community Service Use to site a cellular tower satisfies all applicable approval criteria provided that the Conditions of Approval are complied with. Accordingly, Community Service Use approval is hereby granted to the area designated on the site plan which is attached hereto as Exhibit "A", subject to the Conditions of Approval contained herein.

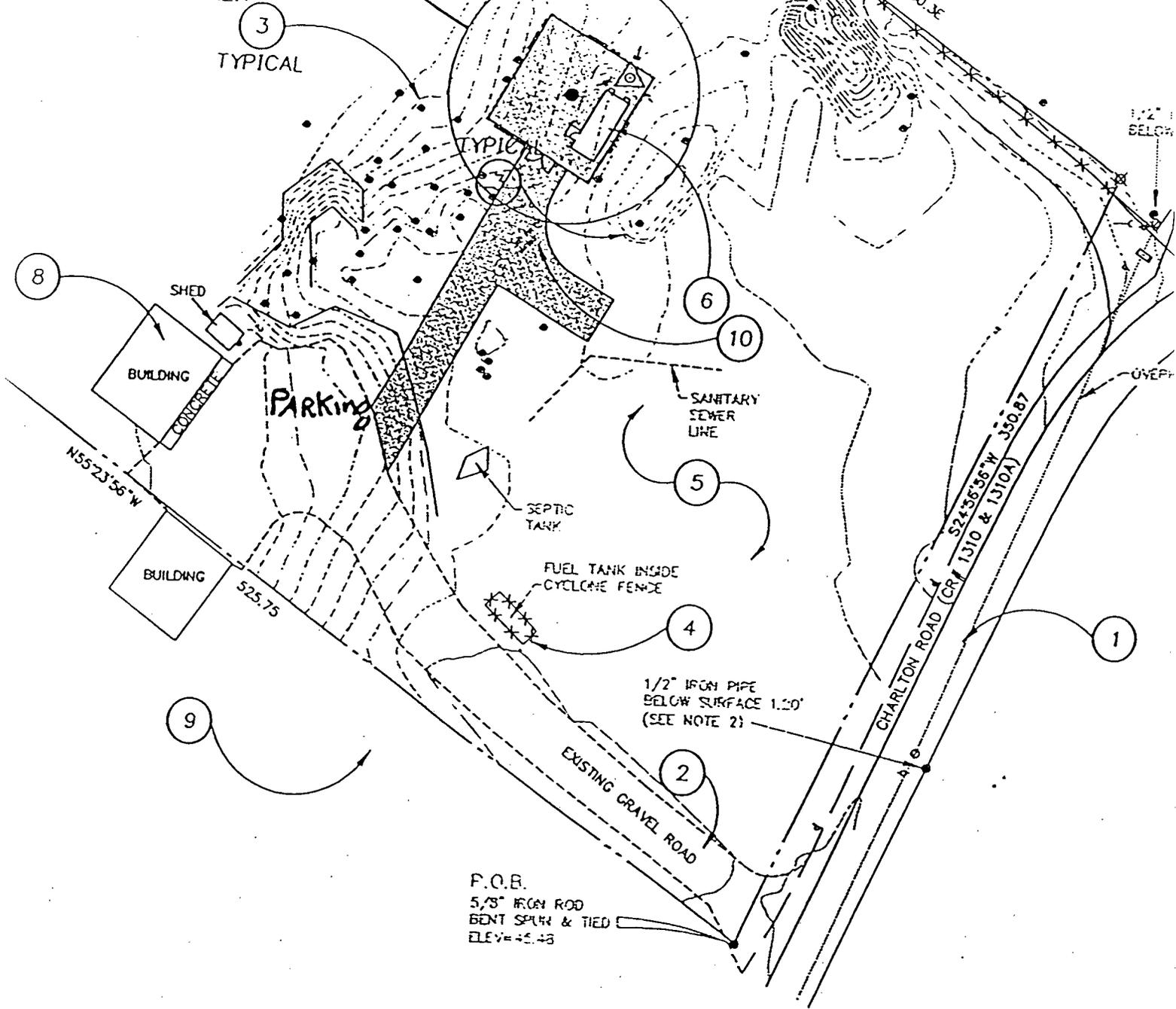
IT IS SO ORDERED, this 31st day of December, 1997.



JOAN M. CHAMBERS, Hearings Officer

Area of Work

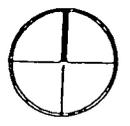
SEE SHEET A2.1



Area Plan

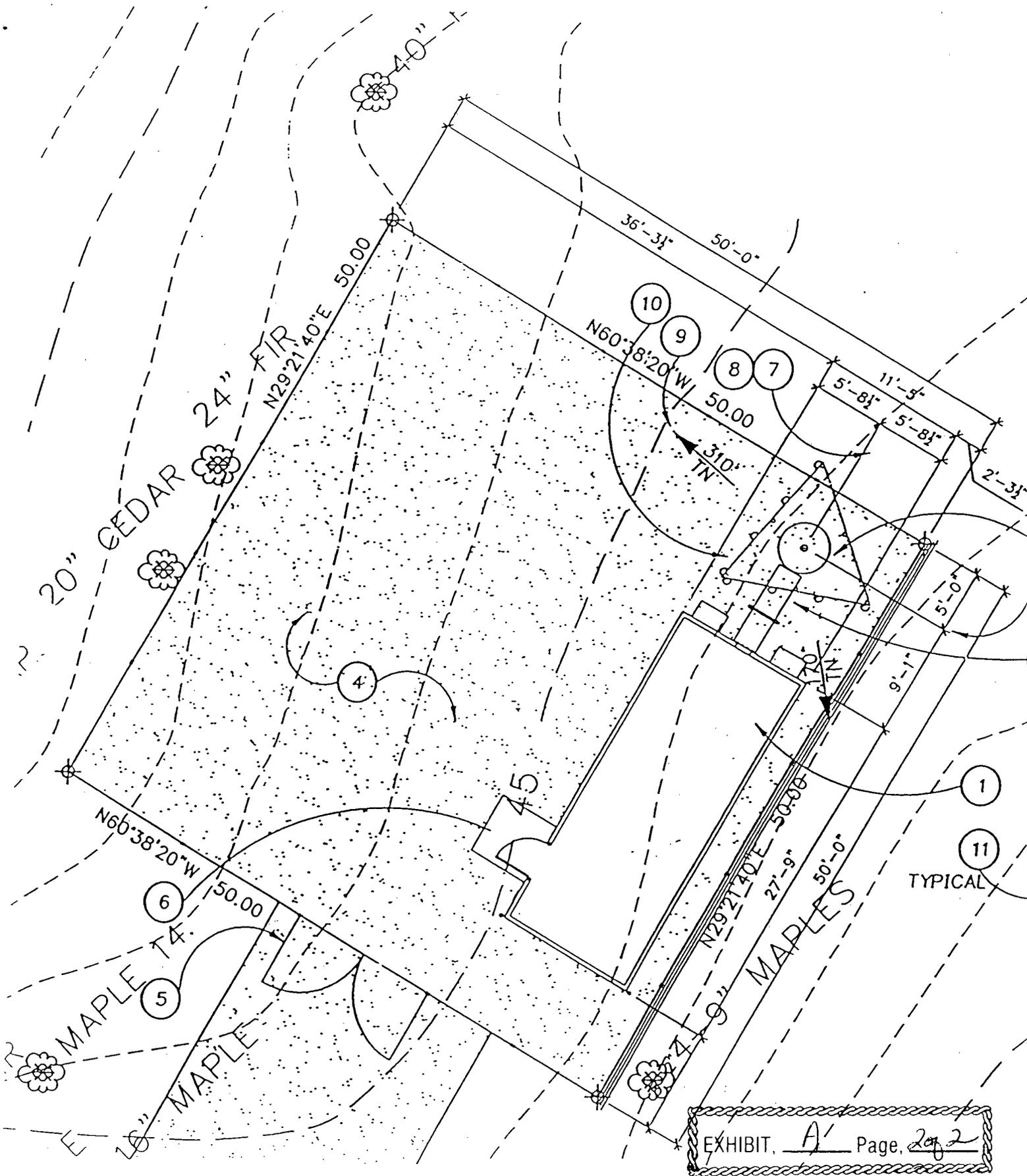
1"=60.0'

EXHIBIT A Page 1 of 2



AT&T Wi

Project: Sauvie Island Cell Site Site II	Sheet Title: Area Plan and Site Plan	Revisions:	Date: Drawn by: _____ Checked: _____
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EXHIBIT, A' Page, 2 of 2

AT&T Wireless S

Project:
Sauvie Island Cell Site
Site II

Sheet Title:
Site and
Shelter Plan

Revisions

Date:
Drawn by:
T W

Checked by:
M E M

S J

List of Exhibits
CU 1-97

"A" Applicant's Submittals

- A1 General Application form and service provider forms (2 pages)
- A2 Applicant's 11/22/96 narrative
- A3 A & T printout and ownership map
- A4 Lease agreement between AT&T and Sauvie Island Grange No. 840
- A5 Site and vicinity plans
- A6 Aerial photograph and overlay
- A7 Revised application and general application form (39 pages)
- A8 Revised site plans (4 pages)
- A9 Letter from Spencer Vail requesting rescheduled hearing
- A10 Affidavit of Posting
- A11 Letter from Spencer Vail revising tower location and responses to selected Code criteria (5 pages, one aerial photograph, plus 4 maps)
- A12 Second revised application
- A13 Revised site plans

"B" Notification Information

- B1 Pre-Application Notice (3 pages)
- B2 Notice of Public Hearing (4 pages)
- B3 Notice of rescheduled hearing
- B4 Notice of second rescheduled hearing

"C" Multnomah County Items

- C1 Pre-Application meeting notes
- C2 Memo from John Dorst regarding dedication requirements (4 pages)
- C3 Staff Report
- C4 Larson Utility brochure

"D" Public Comment

- D1 Letter from Molly Hill
- D2 Letter from Cherie Sprando
- D3 Letter from Thomas E. Ruhl (2 pages)
- D4 Letter from Carolyn Rubenstein
- D5 Letter from Lori & Jason Sawyer
- D6 Letter from Jean Fears
- D7 Letter from Stuart Sandler
- D8 Letter from Ursula R. Davis
- D9 22 postcards from Island residents
- D10 Letter from Sauvie Island School Board (2 pages)
- D11 Letter from Jeanne Charlton O'Mara
- D12 Letter from David Ruud, MD (2 pages)

- D13 Letter from Bill Reid (12 pages)
- D14 Letter from Craig Hill (2 pages)
- D15 Letter from Jim Charlton
- D16 Letter from Tom Gibbons (2 pages)
- D17 Letter from Cherie Sprando (6 pages)
- D18 Letter from Arlene Dick (11 pages)
- D19 Letter from Ursula Davis (9 pages)
- D20 Letter from Dave Sprando (5 pages)
- D21 Letter from Adrienne Keith (7 pages)
- D22 Letter from Peter Davis DVM
- D23 Letter from Mary Hollabaugh
- D24 Letter from Mary Anne Wolfe (2 attachments)
- D25 Fax from Sheilah Toomey
- D26 Letter from Lori Sawyer

"E" Documents Submitted at 8/20/97 Public Hearing

~~E-1 ^{letter} memo from Hammond~~

~~E-2~~

E-3 Property value vs cell tower report.

E-4 Aerial of Island

E-5 Map of Sawin Is.

E-6 letter from Jean Fears.

E-7 Klemmer memo

E-8 Letter from Ruhl of SI school.

E-9 SI Conspiracy letter

E-10 " " Aerial photo with tower impact

E-11 & 12 Bill Reid photos

F-1, 2... Letters submitted by Klemmer

G-1, 2... Book of photos.

E-13 Arlene Keith photo

E-14 Greg Sprando photo

E-15 Hull presentation of letter (Tom)

~~E-16~~ ~~Atta~~ Charlton photo

EXHIBIT "C"

1. Letter of August 26, 1997 from Jeffrey L. Kleinman, enclosing:
2. Letter of Jim Charlton bearing a fax transmittal date of August 25, 1997
3. Letter of Adrienne Keith dated August 23, 1997;
4. Letter of Ursula R. Davis dated August 22, 1997; and
5. Letter of Cherie Sprando dated August 25, 1997;
6. Applicant's First Supplemental Submittal;
7. Post-Hearing Memorandum of Citizens United for Sauvie Island Planning dated October 1, 1997;
8. Applicant's Reply dated October 17, 1997.



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

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NOTICE OF REVIEW

DAVIS

URSULA

1. Name: and CITIZENS UNITED FOR SAUVIE ISLAND PLANNING
2. Address: 14213 NW Charlton Rd., Portland, OR 97231 (and additional appellants on attached list)
Last Middle First
Street or Box City State and Zip Code
3. Telephone: (503) 621 - 3883

4. If serving as a representative of other persons, list their names and addresses:

See attached list.

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Hearings officer's decision in CS 1-97,
approving Conditional Use (CS) for Cellular Radio Communication
Facility on Sauvie Island

6. The decision was announced by the Hearing Officer on January 7, 1998

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

All the appellants were entitled to notice and made an appearance
of record before the approval authority, both individually and
through counsel.

8. Grounds for Reversal of Decision (use additional sheets if necessary):
See attached Grounds for Reversal of Decision.

9. Scope of Review (Check One):

- (a) On the Record
- (b) On the Record plus Additional Testimony and Evidence
- (c) De Novo (i.e., Full Rehearing)

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

Signed: Annika R. Davis Date: 1-20-98
Jeffrey L. Kleiman, a/k/a propellants 1-20-98 1207 SW Si
248-0880

For Staff Use Only

Fee:
Notice of Review = \$500.00

\$530.00 EK # 2892

Received by: SF Date: 1/20/98 Case No. CS 1-77

ADDITIONAL APPELLANTS

Donna Matrazzo - Sauvie Island Conservancy - 19300 NW Sauvie Island Rd., Pfd. 97231

Jim & Eleanor Charlton - 13825 NW Charlton Rd., Pfd. 97231

Bill Reid - Project Agape Institute - 27400 Ladd Hill, Sherwood, Oregon 97140

Craig & Molly Hull - 14115 NW Charlton Rd., Pfd. 97231

Dave & Teri Sprando - 13847 NW Charlton Rd., Pfd. 97231

Betsy Charlton Powell - 1621 Main St., Forest Grove, Oregon 97116

Adrienne Keith & David Ruud - 14139 NW Charlton Rd., Pfd. 97231

Jeanne O'Mara - 13829 NW Charlton Rd., Pfd. 97231

Tom Gibbons - 14312 NW Charlton Rd., Pfd. 97231

Peter Davis, D.V.M. - 4818 N. Lombard, Portland, Oregon 97203

Greg & Cherie Sprando - 14025 NW Charlton Rd., Pfd. 97231

GROUNDS FOR REVERSAL OF DECISION

I. Introduction

This notice of review is submitted on behalf of Citizens United for Sauvie Island Planning and the listed, individual appellants. Appellants opposed the within application to site a 160-foot structure consisting of a cellular telephone communications monopole and antennas, in the MUA-20 zone on Sauvie Island. The antennas, looming between 150 and 160 feet over the surrounding residential community and visible from large parts of Sauvie Island, include three groups of four directional antennas, each 18 inches by 48 inches, and three 10-foot whip antennas.

The applicant submitted an initial application and a revised application. Staff recommended denial in both instances. Nonetheless, in a decision dated December 31, 1997, the hearings officer approved the applicant's proposal.

As a preliminary matter, we would like to address the hearings officer's discussion of the "120-day clock" at pages 4-5 of the decision. Our recollection of the applicant's waiver is that it was more open-ended than the hearings officer states, and ran to the date of the decision and not just to the date of filing of the last memorandum by counsel.

The hearings officer indicates that she took 75 days from the latter date to issue the decision. The decision was not mailed until one week later. We believe that under House Bill 2006, adopted by the legislature as chapter 414 Oregon Laws 1997, the correct "clock" for a final decision by a county on an

application for a site outside the urban growth boundary is 150 days; this was a procedural change in the law, and is effective as to this application.

The grounds for reversal by the Board are discussed in detail below. However, we would like to make a few general points about the impact and importance of the decision before you, if it is allowed to stand:

1. The hearings officer gave the narrowest possible reading to the code and comprehensive plan provisions in question, to favor the "needs" of the applicant over the interests of neighbors and the Sauvie Island community protected by the code and plan.

2. The decision establishes a binding precedent for siting any and all requested cellular communications towers in the MUA zone on Sauvie Island, so long as the applicant states: "Our company doesn't have a tower on the island yet. We need one." The result would be to turn the Island into the county's antenna farm. This is not the crop contemplated by Multiple Use Agriculture zoning.

3. Where a tower is proposed to be sited on a leased portion of a much larger property, the decision establishes a binding precedent for disregarding safety and other impacts upon the balance of the "parent" property.

Sauvie Island has long been recognized as a unique resource for all the citizens of Multnomah County. It is characterized by the utter absence of tall structures, and retains a pastoral

environment within its surrounding levees. The character and identity of the affected rural residential community are especially clear from the photographic evidence in the record as Exhibits G (compiled notebook of photographs), E-10 through E-14, and E-16. This proposal adversely affects one of the largest concentrations of private homes on the Island.

For all the reasons we set out in the record, the proposed 16-story tower will completely change the character of its surroundings, and damage the plans and policies through which the county and its Board of Commissioners have consistently acted to preserve the Island's unique identity.

The hearings officer specifically erred as to the following applicable criteria.

II. Comprehensive Plan Policies

MCC 11.15.7035 sets out the community service criteria for siting radio and television transmission towers. Section .7035(C)(5) requires that the "applicable policies of the Comprehensive Plan are met." The applicant did not meet its burden of proof to show compliance with the applicable plan policies discussed below. The hearings officer generally accepted the interpretation proposed by the applicant, that these provisions do not apply in this case. This was error on the part of the hearings officer, and sets a dangerous precedent for future cases.

///

Policies 18 and 19

Comprehensive Plan Policy 18, "Community Identity," states that the county's policy "is to create, maintain or enhance community identity." (Emphasis added.) The applicant did not demonstrate in any way that its structure will maintain or enhance the identity of this rural community. The evidence shows that, instead, it will irrevocably alter and diminish it. Although we raised this issue orally and in writing before the hearings officer, she did not address it in her decision.

Policy 19, "Community Design," provides in material part as follows:

"The County's Policy is to maintain a community design process which:

"A. Evaluates and locates development proposals in terms of scale and related community impacts with the overall purpose being a complementary land use pattern.
* * *" (Emphasis added.)

The hearings officer disregarded the criteria of Policy 19, stating that this is a general policy previously implemented through the design review process. However, the first paragraph of the policy refers to "maintaining" a community design process, not establishing one. Based upon the evidence in the record, it is applicable here. The evidence conclusively shows that this proposal is out of scale with the surrounding community in this portion of the Island; has an extremely adverse impact upon the community; and is disruptive of, not complementary to, the land use pattern which the county and its citizens have worked so hard to preserve.

Policy 20

Policy 20, "Arrangement of Land Uses," provides as follows:

"The county's policy is to support higher densities and mixed land uses within the framework of scale, location and design standards which:

- "A. Assure a complementary blend of uses;
- "B. Reinforce community identity;
- "C. Create a sense of pride and belonging; and
- "D. Maintain or create neighborhood long term stability."

Policy 20 applies directly here. As it governs the "arrangement of land uses" in the county, it is critically important in a case in which the applicant proposes to introduce a 16-story structure into a long-established rural residential community.

The hearings officer stated that this is merely a general plan policy, and at the same time "specifically requires the County to support higher densities and mixed land uses" as achieved through the community service citing ordinance.

(Decision, p. 20) The hearings officer overlooked three key points:

1. The applicable community service siting criteria require compliance with the policies of the comprehensive plan. MCC 11.15.7035(C)(5).

2. There is nothing in the language of Policy 20 which confines its application to the development of legislation.

3. Policy 20 supports the development of higher densities and mixed land uses only "within the framework of scale, location and design standards which * * * assure a complementary blend of

uses; * * * reinforce community identity; * * * create a sense of pride and belonging; and * * * maintain or create neighborhood long term stability." The record shows that the scale and location of the proposed tower will be destructive of each of these characteristics.

If the county deems Policy 20 irrelevant in this case, it will lose for all time the benefits of a key component of its comprehensive plan.

///

Policy 31

Policy 31, "Community Facilities and Uses," provides in part:

"The county's policy is to:

"A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity." (Emphasis added.)

The applicant conceded that Policy 31 applies specifically to quasi-judicial decisions. Hence, the applicant conceded that "reinforcing community identity" is an approval standard with which the applicant must demonstrate compliance herein. For all the many reasons set out by opponents in the record, the proposed structure will not reinforce, but will harshly impact, the long-established identity of this community, recognized by the county in the comprehensive plan and in the consistent history of county land use decisions with respect to Sauvie Island.

The hearings officer again sought harbor in the notion that Policy 31A is only a general policy statement, not to be applied here. Again, the hearings officer's proposed interpretation would serve to render the Multnomah County Comprehensive Plan a nullity.

Policy 31A also requires the proposal to meet the "needs of the community." The hearings officer found compliance with this supposedly inapplicable requirement. However, the persuasive evidence in the record is that Sauvie Island has adequate cellular service already. The applicant's own advertising

materials, which we introduced into the record, show full-service coverage of the Island. Moreover, the memorandum from Carol Friz placed in the record by the applicant as Exhibit 1 to its Supplemental Submittal demonstrates the insufficiency of the applicant's analysis of alternative sites. Ms. Friz states:

"Other sites near the Sauvie Island bridge were considered but rejected as this area already receives coverage from a site further to the south."

The fact that said alternative sites already have coverage does not preclude their usefulness in providing coverage to the balance of Sauvie Island. Hence, the applicant appears to concede that alternative sites are available to satisfy the purported need.

Witnesses testified that they use cellular telephones on the Island without any problem; this includes phones with AT&T service. Greg Sprando, a Portland firefighter, member of the Sauvie Island Fire Department Board of Directors, and former chief of that department, wrote as follows:

"Our fire, police and emergency medical services do not rely on cellular telephone communication for any emergency service on Sauvie Island. Our emergency communications take place over a countywide 800 MHz radio system. To the best of my knowledge, the communication system has never failed, as long as I have been involved with the fire department. Proof that this tower is not necessary for primary communication services is the fact that the Island went through the flood of 1996 and 1997 without communication breakdown. Another example that cell phones are not relied on for emergency purposes is the fact that they have been removed from the majority of the Portland Police vehicles."

Again, it is important to note that the proposed tower would serve only AT&T customers. It would set a precedent for any number of additional towers on Sauvie Island based upon the

service provider's mere statement that their service on the Island is inadequate.

Finally, Policy 31K requires the county to

"Provide for the Siting and Expansion of Community Facilities in a Manner Which Accords with the Other Applicable Policies of this Plan."

For all the reasons set forth above, the decision before you does not comply with those "applicable policies."

III. Community Service Criteria under MCC 11.15.7035

A. Visual Impact upon the Environment

Section .7035(C)(3) requires compliance with the visual impact standard of .7035(B)(7), which provides in material part as follows:

"(7) Visual impact - The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. * * *" (Emphasis added.)

The applicant simply failed to meet its burden of proof to demonstrate that the 160-foot tower in question would have the "least visual impact on the environment." In particular, it failed to submit adequate evidence concerning the visual impact which would occur at acceptable alternate sites.

The applicant conceded that other portions of the island are in the MUA zone, as well, and, like the proposed site, do not present the bar to tower location to which EFU lands are subject. The applicant stated that it "looked to sites zoned MUA," and [t]o limit the visual impact, AWS focused its efforts on sites which had tree cover sufficient to buffer the visual impact of

the tower." The applicant did not specifically identify or discuss the other MUA sites in terms of whether they also provide ostensible tree cover.

More importantly, the applicant failed to compare the proposed site to the other MUA sites on Sauvie Island vis-a-vis several other key characteristics. This issue is discussed in letters from Donna Matrazzo, Cherie Sprando, and Adrienne Keith, listed in Exhibit C to the appeal.

Ms. Matrazzo wrote on behalf of the Sauvie Island Conservancy. She emphasized that the selected site is the highest point on the island, maximizing its negative visual impact. The tower's visual impact is further compounded by the fact that it is located within the most densely populated MUA site on Sauvie Island.

Ms. Sprando is a realtor and island resident, residing on Charlton Road. She also pointed out that the Charlton Road MUA site is the most densely populated on the island. She stated that the Sauvie Island school and a church are also within this densely populated area. She observed that the trees above which the tower and antennas will protrude are visible from distant locations, including the Multnomah Channel, Portland's West Hills, and vehicles crossing the Sauvie Island Bridge.

Ms. Keith pointed out that there are 15 residences on Charlton Road, alone, around this site, and several more homes on gravel roads nearby. She emphasized the fact that there will be a significant visual impact upon those visiting the island on

both of its major roadways, Sauvie Island Road and Reeder Road. There will also be an impact upon those using the Multnomah Channel, or visiting the Sauvie Island Market or Bybee Howell Territorial Park. These facilities, together with the school and church, are frequently used for many community events on the island.

It is also critically important to realize that, as Ms. Keith pointed out, that the crowning glory of the applicant's proposal is the 10-foot antenna structure which will bloom out in all directions from the top of the applicant's monopole, above the tops of all of the trees on the site.

In light of the above evidence, it appears that the applicant elected in effect to maximize the visual impact of this supposedly necessary project, to accommodate the fact that it has found a willing lessor in the form of the Sauvie Island Grange, which apparently needs the agreed rent for the construction of a new grange hall. This may produce a new grange hall, but it also maximizes visual impact on the environment in contravention of Section .7035(B)(7).

In reviewing the code requirement discussed above, the hearings officer again suggests the narrowest possible reading of the code. In this instance, there is no support whatsoever in the code language for the hearings officer's determination that visual impact is only to be assessed on the side of the site adjoining the public street. Moreover, the record shows that two homes face the tower site, directly across Charlton Road.

The hearings officer refused to consider any of the above-described evidence we entered into the record, on the grounds that it is supposedly irrelevant to the provisions of Section .7035(B)(7). The hearings officer simply failed to recognize that the required analysis of "least visual impact on the environment" under this section is also to take into account "other pertinent factors." The hearings officer closed her eyes to the most pertinent of those factors. For the sake of the public interests which this code provision is intended to protect, this Board should not limit itself in the same manner.

Finally, the hearings officer's finding of compliance depends in large part upon the retention by the applicant and the property owner of several "healthy" fir trees sheltering portions of the site. The applicant will decide which trees are healthy and which are unhealthy, and may remove the latter in its sole discretion. (The record shows that many of the trees on the property are already flagged for removal by the owner.) This is the equivalent of no protection, or assurance of compliance, whatsoever.

B. Privacy, Setback and Parcel Size Requirements

1. The Proposed Site will not Preserve the Privacy of Adjoining Residences on Charlton Road.

Section .7035(C)(1) regulates siting of towers in districts other than urban residential districts. It requires the proposed tower to comply with the standards of Sections .7035(B)(4) and (5), with respect to abutting residential or public uses,

including streets. Section .7035(B)(4)(a)(ii) requires an adequate setback to:

"(ii) Preserve the privacy of adjoining residential property."

The hearings officer erred in finding compliance with this requirement. The revised site plan approved by the hearings officer benefits one neighbor, Ursula Davis, by moving the tower further from her property; the hearings officer implied that this property is not protected by this code provision because it is not within an urban residential district and is not public property or a public street. However, the applicant moved the tower closer to two neighbors protected by this provision, Gibbons and Martins, who reside on Charlton Road facing the site. Neighbors presented detailed evidence to the hearings officer concerning the extraordinarily adverse impact the proposed tower would have upon these and other nearby properties.

2. The Proposed Site is Inadequate to Contain a Tower Failure or Ice Fall.

Section .7035(B)(4)(a)(iii) requires siting which will:

"(iii) Protect adjoining property from the potential impact of tower failure and ice falling from the tower by being large enough to accommodate such failure and ice on the site, based on the engineer's analysis required in MCC .7035 (D)(3)(d) and (e) * * *."

Sections .7035(D)(3)(d) and (e) require the following:

"(d) Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.

"(e) Ice hazards and mitigation measures which have been employed, including increased setbacks and/or deicing equipment."

Please note that the site the applicant will lease from the grange for its 160-foot structure is only a 50 foot x 50 foot portion of a much larger parcel, located in a residential district. The greatest source of danger here would not be the monopole itself, but the antenna-bearing structure spreading out at the top, which will be ten feet high and of unknown circumference. Ice falling from or blowing off the antennas, and windblown antenna components, pose a significant danger to the remainder of the grange property and adjoining residential properties.

Nonetheless, the hearings officer interpreted these provisions as requiring no protection of the remainder of the grange property, but only of the small leased site! This interpretation is clearly wrong, and violates public policy as to the safety of residential properties. Further, the applicant's evidence that even windblown ice from the antenna structure will be contained within the leased 2500 square feet is neither credible nor persuasive.

C. Landscape Standards

Section .7035(B)(11)(a) sets out the landscaping requirements applicable to this proposal, including 25-foot wide buffers with evergreen plantings along the property boundaries adjoining streets and residences. In finding compliance, the hearings officer erred in two particulars:

1. In interpreting this section to apply only to residences in an urban residential district. There is no such language in

this provision. At the very least, a planted buffer must be established along Ms. Davis's property line.

2. As previously discussed, in allowing the applicant to determine in its sole discretion whether existing fir trees are "unhealthy" and can be removed. This provides no assurance of compliance, and promotes the opposite result.

IV. Conclusion

For the reasons set forth above, the hearings officer erred in reaching the appealed decision; the applicant did not meet its burden of proof as to the applicable criteria; and the application should be denied.

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

To: Board of County Commissioners

From: Planning Staff

Today's Date: November 17, 1997

Requested

Placement Date: January 29, 1998

RE: Public hearing on an ordinance amending the Conditional Use and Design Review sections of the zoning code by providing an exemption for single family residences from Design Review. (Planning File C 3-97)

I. Recommendation/ Action Requested:

Recommend adoption of an ordinance that will amend the Conditional Use and Design Review sections of the zoning code by providing an exemption for single family residences from the Design Review process. [see also, Planning Commission Resolution C 3-97, ATTACHMENT "A"]

II. Background/ Analysis:

Another fifteen page staff report is also included in the materials accompanying the proposed ordinance as ATTACHMENT "B".

Single family residences were not anticipated or intended as uses subject to Design Review (DR), when the DR section of code was adopted or when single family dwellings were initially listed as conditional uses.

DR is currently only applicable to those single family residences subject to a Conditional Use permit. Single family residences were not listed as a conditional use in the zoning code when Ordinance 151, adopting the Design Review Section of the zoning code was adopted in 1977, and thus not required.

Single family dwellings first became listed as a conditional use in 1980, through Ordinance 236 in both the Exclusive Farm Use and Multiple Use Forest zone in response to the Land Conservation and Development Commissions declaration that the Multnomah County Comprehensive Plan was not in compliance with Statewide Planning Goals. The Statewide Planning Goals did not and do not mandate design review of single family residences, and no discussion or contemplation of implementing DR on single family residences took place prior to the adoption of Ordinance 236.

The unintended consequence of Ordinance 236 resulted in the DR process being applied to single family residences, thus lengthening an already time consuming process for both the public and County by imposing duplicative review criteria provided elsewhere in the code.

III. Financial Impact:

No fiscal impact to the County has been identified. Approval of the Ordinance will save individual applicants over \$1,500 in fees and time, while allowing County resources to be utilized more efficiently and effectively in matters of higher priority.

IV. Legal Issues: No legal issues have been identified. DR is not necessary to fulfill compliance with any known County Planning Policy or to satisfy a Statewide Planning Goal, statute, or rule.

V. Controversial Issues: Why declare the amendment an emergency? The Planning Commission found that design review was never intended to apply to single family dwellings. Several applicants for conditional use permits are holding submittal of applications because they don't want to be subject to a lengthy and expensive Design Review process that was never intended to be applicable to begin with. Staff resources are better utilized on matters of greater concern.

VI. Link to Current County Policies:

The Multnomah County Comprehensive Framework Plan includes no policy to support the requirements of DR on single family residence.

The Land Use Planning Section is actively participating in the County wide quality improvement program RESULTS (Reaching Excellent Service Using Leadership and Team Strategies). The program is a response to the need for better, more cost-effective service. The goal is to provide our customers with excellent service based on the limited resources available. For the Land Use Planning Section, this includes evaluating and amending the zoning code to streamline and/or eliminate unnecessary or ineffective processes that do not directly serve a land use purpose.

VII. Citizen Participation:

Notice of the Planning Commission hearing on the proposed ordinance was published in the *Oregonian* newspaper. At the Planning Commission hearing no person testified in opposition to the proposed code changes.

VIII. Other Government Participation:

None.

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 899
4

5 An Ordinance amending the Conditional Use and Design Review sections of the
6 zoning code by providing an exemption for all single family residences from the Design
7 Review requirements of the zoning code, and declaring an emergency.

8 (Underlined sections are new replacements; [bracketed] sections are deleted.)
9

10 Multnomah County Ordains as follows:
11

12 Section I. Findings.

13 (A) Single family residences were not anticipated or intended as uses subject to Design
14 Review, hereafter referred to as DR, when the DR section of code was adopted or when single
15 family dwellings were initially listed as conditional uses.

16 (B) DR is currently only applicable to those single family residences subject to a
17 Conditional Use permit. Single family residences were not listed as a conditional use in the
18 zoning code when Ordinance 151, adopting the Design Review Section of the zoning code
19 was adopted in 1977, and thus not required.

20 (C) Single family dwellings first became listed as a conditional use in 1980, through
21 Ordinance 236 in both the Exclusive Farm Use and Multiple Use Forest zone in response to
22 the Land Conservation and Development Commissions declaration that the Multnomah
23 County Comprehensive Plan was not in compliance with Statewide Planning Goals. The
24 Statewide Planning Goals did not and do not mandate design review of single family
25 residences, and no discussion or contemplation of implementing DR on single family
26 residences took place prior to the adoption of Ordinance 236.

27 (D) The unintended consequence of Ordinance 236 resulted in the DR process being
28 applied to single family residences, thus lengthening an already time consuming process for
29 both the public and County by imposing duplicative review criteria provided elsewhere in the
30 code.

1 (E) The result of the proposed ordinance amendment is that no single family residence
2 will be subject to DR, thereby allowing County resources to be utilized more efficiently and
3 effectively in matters of higher priority.

4 (F) On October 6, 1997 the Planning Commission held a public hearing and
5 recommended approval of the proposed ordinance amendment through Planning Commission
6 Resolution C3-97. All interested persons were given an opportunity to be heard at the
7 hearing.

8
9
10 **Section II. Amendment of the Design Review Section of Code.**

11 Multnomah County Code Chapter 11.15 is amended to read as follows:

12
13 **Design Review**

14 **11.15.7817 Exceptions**

15 **The provisions of MCC .7805 through .7865 shall not be applied to the following uses:**

16 **(A) Single family residences:**

17 * * *

18 **11.15.7820 Application of Regulations**

19 The provisions of MCC .7805 through .7865 shall apply to all conditional and community
20 service uses, except a single family residence, in any district and to the following:

21 (A) A multiplex, garden apartment or apartment dwelling or structure;

22 (B) A boarding, lodging or rooming house;

23 (C) A hotel or motel;

24 (D) A business or professional office or clinic;

25 (E) A use listed in the BPO District;

26 (F) A use listed in any commercial district; and

27 (G) A use listed in any manufacturing district.

1 Section III. Amendment of the Conditional Use Section of Code.

2 **Conditional Use 11.15.7110 General Provisions**

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

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

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

10 (1) The project is completed as approved, or

11 (2) The Approval Authority establishes an expiration date in excess of the two year
12 period, or

13 (3) The Planning Director determines that substantial construction or development has
14 taken place. That determination shall be processed as follows:

15 (a) Application shall be made on appropriate forms and filed with the Director at least
16 30 days prior to the expiration date.

17 (b) The Director shall issue a written decision on the application within 20 days of
18 filing. That decision shall be based on the finding that:

19 (i) Final Design Review approval, if required, has been granted under MCC .7845
20 on the total project; and

21 (ii) At least ten percent of the dollar cost of the total project value has been
22 expended for construction or development authorized under a sanitation,
23 building or other development permit. Project value shall be as determined by
24 MCC .9025(A) or .9027(A).

25 * * *

26 **11.15.7125 Design Review**

27 Uses authorized under this section shall be subject to design review approval under MCC
28 .7805 through .7865.

1 **11.15.7127 Design Review Exemption**

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

3 **(A) Single family residences:**

4
5
6 **Section IV. Adoption.**

7 This ordinance, being necessary for the health, safety, and general welfare of the
8 people of Multnomah County, an emergency is declared and the ordinance shall take effect
9 upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah
10 County.

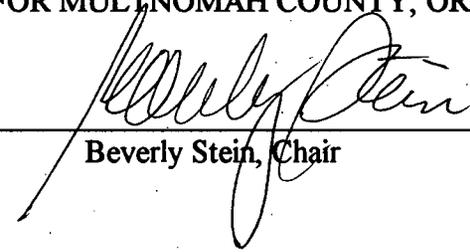
11
12 ADOPTED this 29th day of January, 1998, being the date of its first
13 reading before the Board of County Commissioners of Multnomah County.



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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

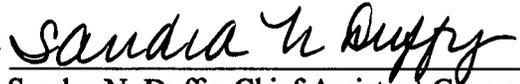
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Beverly Stein, Chair

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REVIEWED.

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Chief Assistant Counsel

**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of amending the Multnomah County)
Zoning Ordinance Design Review (DR) and)
Conditional Use (CU) sections of the Multnomah)
County Zoning Ordinance to exempt single family)
residences from the DR process.)

**RESOLUTION
C 3-97**

WHEREAS, Amendments of the text of the Zoning Code may be initiated by request of the Planning Director (MCC 11.15.8405); and

WHEREAS, A public hearing shall be held by a majority of the entire Planning Commission on the proposed amendments to the Code; and

WHEREAS, The current Code requires DR approval of all uses approved through the CU permit process; and

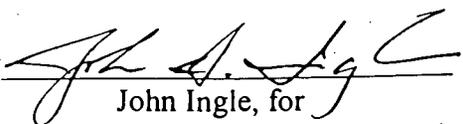
WHEREAS, It is the conclusion of the Planning Commission that single family residences were not anticipated or intended as uses subject to DR when the criteria were adopted or when single family residences were initially listed as conditional uses in the Commercial Forest Use and Exclusive Farm Use zone. DR is intended to apply to large scale projects including multi-family, commercial and industrial uses; and

WHEREAS, Design Review of single family residences unnecessarily lengthens an already time consuming process for both the public and County by imposing duplicative review criteria provided elsewhere in the code. Exempting single family residences DR would allow County resources to be utilized more efficiently and effectively in matters of higher priority; and

WHEREAS, The Planning Commission conducted a public hearing on October 6, 1997, to accept public testimony on the proposed amendments to the zoning code text; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that the Board of County Commissioners amend the zoning code as indicated in the staff report.

Approved this 6th day of October, 1997

By 
John Ingle, for
Multnomah County Planning Commission



MULTNOMAH COUNTY

Department of Environmental Services
Transportation and Land Use Planning Division
2115 SE Morrison Street
Portland, OR 97214 Phone: (503) 248-3043

**C 3-97
Exhibit A**

**FINDINGS ASSOCIATED WITH AMENDING THE
DESIGN REVIEW AND CONDITIONAL USE SECTIONS
OF THE ZONING CODE TO EXEMPT SINGLE FAMILY
RESIDENCES FROM THE DESIGN REVIEW PROCESS**

**Staff Report to the Planning Commission
Hearing Date of October 6, 1997**

I. INTRODUCTION

On July 1, 1996, Staff initially approached the Planning Commission with the issue of Design Review (DR) and its applicability to single family dwellings together with other proposed code revisions. At that time, the Planning Commission directed Staff to revise the proposal and come back with additional information.

On March 3, 1997, Staff again addressed the Planning Commission, this time specifically about the issue of DR and single family residences. The purpose of the March 3, 1997 meeting was to request that the Planning Commission direct Staff to prepare code revisions which include language to delete single family residences from the Design Review requirements now in the code. The Planning Commission requested Staff come up with a draft for review and expressed interest in how other sections of the code (eg. SEC and GEC) may provide duplicative criteria. This Staff Report is a response to that request.

II. BACKGROUND.

- A. Design Review was established in 1977 through Ordinance 151. With the exception of one revision to the original code in 1984¹, the DR section has not been modified since inception. When created, the DR section provided a list of uses subject to the DR criteria (MCC .7820). The list included a multi-family dwelling or structure, boarding/lodging or rooming house, hotel or motel, business or professional office,

¹ Ordinance 441 adopted in 1984, added MCC 11.15.7870, an Expiration on Approval of 18 months.

uses in the BPO District, any use listed in any commercial district, any use listed in any manufacturing district, and all conditional or community service uses. The list did not include single family dwellings.

- B. Design Review currently is applicable to only those single family residences subject to a CU permit. The CU process is only applied to new single family residences in the CFU zone and some, but not all, new single family residences in the EFU zone. A single family residence was not listed as a CU in any zone before August, 1980, when it was listed in the EFU zone. Staff has found no record of consideration given to the application of DR to a single family residence, prior to ordinances adopting a single family residence as a CU in either the EFU or CFU district.

Design Review was not drafted or intended to apply to single family residences.

III. ISSUE AND RECOMMENDATION

- A. **Effectiveness Issue:** The Land Use Planning Section is actively participating in the County wide quality improvement program RESULTS (Reaching Excellent Service Using Leadership and Team Strategies). The program is a response to the need for better, more cost-effective service. The goal is to provide our customers with excellent service based on the limited resources available. For the Land Use Planning Section, this includes evaluating and amending the zoning code to streamline processes by eliminating unnecessary or ineffective processes that do not directly serve a land use purpose.

Below is a Staff analysis of the effectiveness of the Design Review process:

- (1) **Duplicative Process and Criteria:** Attached is a table outlining each of the design review criteria followed by similar or relative criteria from the CFU, GEC/HDP, and SEC sections of the zoning code. (Table 1)

Staff notes that both the GEC/HDP and SEC criteria were generally established between 1993 and 1994 and resulted in single family residences being subject to additional criteria beyond the CU and DR requirements, at that time. Both the GEC/HDP and SEC were developed in response to specific concerns including the effects of single family residential development.

The purpose of the GEC/HDP section(s) of code is specifically intended, in part, to control stormwater discharges, protect streams, and regulate land development actions including excavation and fills

The purpose of the SEC section of code is to protect, conserve, restore, and maintain **significant** natural and man-made features which are of public value, including amongst other things, wetlands, scenic views, wildlife habitat, and streams.

The CU process and criteria determines and dictates the location of a residence and the level of protection afforded farm and forest lands. The SEC permit process establishes criteria to protect significant streams, views, wildlife, and wetlands. The Variance process requires that a residence not adversely affect the appropriate development of adjoining property. The GEC/HDP process addresses grading and other soil disturbance issues.

Multnomah County has processed eight (8) Design Review applications for a single family residence since January, 1995. Of the eight residences, five (6) were located in the West Hills and two (2) in East County. The average size of the six dwellings approved in the West Hills was 3,329 sq. ft. while the dwelling in East County was 1,497 sq. ft.. Seven of the residences were located in a CFU zone and subject initially to a hearings process for CU approval followed by two separate administrative decisions for Grading and Erosion Control/Hillside Development and Design Review. All of the residences in the West Hills were additionally reviewed against the SEC criteria or its predecessor, Goal 5. More than half of the applications involved a variance to the setback requirement(s) of the CFU zone.

Based on the above, Staff concludes that the only possible planning issue remaining is the protection of non-significant natural or man made features.

(1) **Administration:** Design Review cases for single family dwellings place a burden on the limited Staff resources of the Land Use Planning Division. The trend being seen within the Planning Section is growth.

- Between 1995 and 1997 the number of applications received has increased by 20%.
- In the past Current Planners have typically carried a workload of approximately 10 cases. At present each Current Planner is managing approximately 22 cases.
- In 1996, approximately 1/3 of one full time employee was spent processing Design Review applications. Two thirds of that time were devoted to single family residences.

With limited resources, the amount of time spent processing DR of a single family residence does not appear justified by any written policy objective and is time that could be better used elsewhere.

B. **Recommendation:** Based upon the above analysis, Staff concludes that the current DR process and criteria as it applies to single family residences is generally duplicative and serves no identified purpose of relative importance when compared to other current planning priorities.

Therefore, Staff recommends the CU and DR section of code be amended to exempt single family dwellings from the Design Review process.

IV. PROPOSED CODE AMENDMENTS

Proposed amendments are shown within the following text of the Conditional Use and Design Review Section with new wording **bold and underlined**.

Conditional Use Section

* * *

11.15.7110 General Provisions

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

(3) The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:

(b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on the finding that:

(i) Final Design Review approval, **if required**, has been granted under MCC .7845 on the total project; and

* * *

11.15.7127 Design Review Exceptions

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

(A) Single family residences;

* * *

Design Review Section

* * *

11.15.7817 Exceptions

The provisions of MCC .7805 through .7865 shall not be applied to the the following uses:

(A) Single family residences,

* * *

11.15.7280 Application of Regulations

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses, **except those uses listed under MCC .7817,** in any district and to the following:

Table 1 - Design Review and Comparable Criteria; C 3-97

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850(A)(1)(a) - elements shall relate harmoniously to the natural environment.</p>	<p>.2074(A)(1), (2) - has least impact on surrounding farm and forest uses, meets minimum yard and setback requirements.</p> <p>.2052 (6)-A condition of approval requires the owner of the <i>tract</i> to plant a sufficient number of trees on the <i>tract</i> to demonstrate that the <i>tract</i> is reasonably expected to meet Department of Forestry stocking requirements...</p> <p>.2074 (D) - Provide an all-weather surface of at least 20 feet in width for a private road and at least 12 feet in width for a driveway.</p>	<p>9.40.040(A)(2)(b) - Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practicable area at one time during construction.</p> <p>9.40.040(A)(2)(e)- Whenever feasible, natural vegetation shall be retained, protected, and supplemented.</p> <p>9.40.040(A)(1)(c)- Cuts and fills shall not endanger or disturb adjoining property.</p>	<p>.6420 (C) - A building, structure or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.</p> <p>.6420 (G) - The natural vegetation along rivers, lakes, wetland and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.</p> <p>.6420 (J) - Areas of erosion or potential erosion shall be protected from loss by appropriate means. ...</p> <p>.6420 (L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.</p>	

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850(A)(1)(b)- elements should promote energy conservation and provide protection from adverse climactic conditions, noise, and air pollution.</p>	<p>.2052 (6)-A condition of approval requires the owner of the <i>tract</i> to plant a sufficient number of trees on the <i>tract</i> to demonstrate that the <i>tract</i> is reasonably expected to meet Department of Forestry stocking requirements...</p> <p>Use Compatibility Standards-</p> <p>.2053 (A) (1) - The use will not force a significant change in, or significantly increase the cost of, accepted forestry of farming practices on surrounding forest or agricultural lands.</p>	<p>9.40.040(A)(1)(c)- Cuts and fills shall not endanger or disturb adjoining property.</p> <p>9.40.040 (A)(1)(d) - The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency.</p> <p>9.40.040 (A)(2)- Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to: ...</p>	<p>.6420 (K) - The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.</p> <p>.6420 (A) - The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.</p> <p>.6420 (E) - The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.</p>	

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850(A)(1)(c) - elements shall effectively, efficiently and attractively serve its function. Elements shall be on a human scale, interrelated, and shall provide spatial variety and order.</p>			<p>.6420 (L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.</p> <p>.6420 (A) - The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.</p> <p>.6420 (C) - A building, structure or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.</p>	

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850 (A)(2) - elements shall provide a safe environment, while offering privacy and transitions from public to private spaces.</p>	<p>Use Compatibility Standards: .2053 (A)(2) - The use will not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel;</p> <p>Access: .2068 - Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.</p> <p>.2074 (A)(5) - The risks associated with wildfire are minimized. Provisions for reducing such risk include: ...</p>	<p>Purposes .6700 -This subdistrict is intended to: (A) Protect human life; (B) Protect property and structures; (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures; (D) Control erosion, production and transport of sediment;</p>	<p>.6420 (E) - The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.</p> <p>.6420 (A) - The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.</p>	

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850 (A)(3) - Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.</p>				<p>It does not appear appropriate to require private single family residences to be required to construct ramps for wheelchairs, and braille signs.</p>

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850(A)(4) - Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.</p>	<p>.2074 (A)(3) - The amount of forestland used to site the dwelling or other structure, access road, and service corridor is minimized.</p>	<p>.6730 (A)(2)(c) - Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;</p> <p>.6730(A)(2)(b) - Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practicable area at any one time during construction.</p>	<p>.6420 (A) - The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.</p> <p>.6426(B)(1) - Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.</p> <p>.6420 (C) - A building, structure or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.</p> <p>.6420 (L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.</p>	

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850 (A)(5) - Pedestrian and Vehicular circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.</p>	<p>.2058 (D) - To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be reduced to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling.</p> <p>.2068 - Access - Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passengers and emergency vehicles.</p> <p>.2074 (A)(3)- The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized.</p> <p>.2074 (D) - Lists design standards for roads and driveways.</p>			<p>Multnomah County Transportation allows only one point of access to rural dwellings per parcel.</p>

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850(A)(6) - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.</p>	<p>.2074 (A)(1) - It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058 (C) through (G).</p> <p>.2074 (A)(2) - Adverse impacts on forest operations and accepted farming practices on the <i>tract</i> will be minimized.</p>	<p>.6730(A)(1)(c) - Cuts and fill shall not endanger or disturb adjoining property;</p> <p>.6730 (A)(1)(e) - Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;</p> <p>.6730 (A)(1)(j) - All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system.</p>	<p>.6426 (D)(2) - All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.</p>	

Design Review	CFU	GEC/HDP	SEC	Comment
<p>.7850 (A)(7) - Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.</p>	<p>.2074(A)(1), (2) - has least impact on surrounding farm and forest uses, meets minimum yard and setback requirements.</p> <p>.2052 (6)-A condition of approval requires the owner of the <i>tract</i> to plant a sufficient number of trees on the <i>tract</i> to demonstrate that the <i>tract</i> is reasonably expected to meet Department of Forestry stocking requirements...</p> <p>.2058 (D) - To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be reduced to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling.</p>	<p>.6730 (A)(2)(e)- Whenever feasible, natural vegetation shall be retained, protected, and supplemented;</p>	<p>.6420 (A) - The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.</p> <p>.6426(B)(1) - Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.</p> <p>.6420 (C) - A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.</p> <p>.6424 (B) - Any portion of a proposed development * (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be <i>visually subordinate</i>.</p>	

Design Review	CFU	GEC/HDP	SEC	Comment
.7850 (A)(8) - Utilities- All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.	.2074(A)(1), (2) - has least impact on surrounding farm and forest uses, meets minimum yard and setback requirements.			

MEETING DATE: JAN 29 1998
AGENDA
NO: R-8
ESTIMATED START TIME: 10:45am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IGA with the Oregon Youth Authority for development and use of JJIS

Board Briefing:

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

REGULAR MEETING: Yes

DATE REQUESTED: 1/29/98
AMOUNT OF TIME NEEDED: 15 min

DEPARTMENT: Community Justice
CONTACT: Joanne Fuller

DIVISION: Juvenile Administration
TELEPHONE #: 306-5599
BLDG/ROOM#: 311/JJD

PERSON(S) MAKING PRESENTATION: Joanne Fuller

ACTION REQUESTED

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE

Intergovernmental Agreement #700658 with the Oregon Youth Authority for the development and use of a statewide automated juvenile justice information system.

2/2/98 ORIGINALS to JOANNE FULLER
SIGNATURES REQUIRED

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____

Joanne Fuller

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions? Please call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 JAN 20 AM 8 48



MULTNOMAH COUNTY OREGON

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

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

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Joanne Fuller, Deputy Director

DATE: January 12, 1998

SUBJECT: Approval of Intergovernmental Agreement with the State of Oregon Oregon Youth Authority for the development of and use of a statewide juvenile justice information system.

RECOMMENDATION/ACTION REQUESTED:

Approval of Intergovernmental Agreement with the State of Oregon Oregon Youth Authority for the development of and use of an automated statewide juvenile justice information system.

BACKGROUND/ANALYSIS:

The Department of Community Justice Juvenile Services, other Oregon Counties, the Oregon Youth Authority and other state agencies have been working together to develop a comprehensive automated statewide juvenile justice information system (JJIS).

JJIS will serve as a data based for juvenile justice and as an automated case management system for juvenile justice statewide. There is significant benefit to the entire juvenile justice system gained through the development of a statewide automated system. The statewide system will meet the requirements of Senate Bill 1 which required the juvenile justice system to collect demographic, process and outcome data on the youth in the system and the services provided.

In Multnomah County, JJIS will replace the existing Tri-County Juvenile Information System (TJIS). This system was developed many years ago, it is not currently meeting the Department's need for automated data collection and it has significant Year 2000 problems.

JJIS Intergovernmental Agreement
Staff Report
Page 2

The Oregon Youth Authority has the responsibility for the development of the JJIS software as covered by this intergovernmental agreement. The development of the JJIS software has presently been funded through federal Byrne grant funds. The Oregon Youth Authority is requesting funding from the Emergency Board as approved by the 1997 legislature, to continue the development of the software.

FINANCIAL IMPACT:

The Department of Community Justice will be responsible for operating the software on our hardware and developing additional software to provide case management support that the state and other Counties do not need. Funding for the Department's responsibility under this agreement is included in the current year budget and in Public Safety Technology Bond Projects that are currently underway.

LEGAL ISSUES:

County Counsel has reviewed this agreement and there are no unresolved legal issues.

CONTROVERSIAL ISSUES:

None

LINK TO CURRENT COUNTY POLICIES:

The development of the JJIS system with the State continues the County's commitment to automated data collection which supports evaluation of the effectiveness of the County's services and increase automation of case management.

CITIZEN PARTICIPATION:

JJIS has been discussed with the Citizen Budget Advisory Committee during last year's budget process.

OTHER GOVERNMENT PARTICIPATION:

The JJIS project involves the participation of the Oregon Youth Authority, other County juvenile departments, the State Commission on Children and Families, the State Police and the Oregon Department of Corrections.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal

Contract # 700658

Prior-Approved Contract Boilerplate: Attached Not Attached

Amendment #

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000 <input type="checkbox"/> Intergovernmental Agreement under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <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	<input type="checkbox"/> Intergovernmental Agreement over \$25,000 <p style="font-size: small;">NOTE: This IGA does not involve any exchange of funds</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>R-8</u> DATE <u>1/29/98</u> DEB BOGSTAD</p>

BOARD CLERK

Department: Community Justice Division: Juvenile Administration Date: 1/13/98
 Contract Originator: Joanne Fuller Phone: 306-5599 Bldg/Room: 311/JJD
 Administrative Contact: Joanne Fuller Phone: 306-5599 Bldg/Room: 311/JJD
 Description of Contract: IGA with the Oregon Youth Authority for the development and use of a statewide automated juvenile justice information system.

RFP/BID #: N/A Date of RFP/BID: N/A Exemption Expiration Date: N/A
 ORS/AR #: N/A (Check all boxes that apply) Contractor is: MBE WBE QRF N/A None
 Original Contract No. (ONLY FOR ORIGINAL RENEWALS) N/A

Contractor Name: Oregon Youth Authority Mailing Address: 530 Center Street, NE Suite 200 Salem, OR 97301 Phone: (503) 373-7212 Employer ID# or SS#: N/A Effective Date: N/A Termination Date: N/A Original Contract Amount: \$N/A Total Amount of Previous Amendments: \$N/A Amount of Amendment: \$N/A Total Amount of Agreement: \$N/A	Remittance Address (if different) N/A <p style="text-align: center;"><u>Payment Schedule</u> <u>Terms</u></p> <input type="checkbox"/> Lump Sum \$N/A <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$N/A <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$N/A <input type="checkbox"/> Other <input type="checkbox"/> Requirements contract - Requisition Required Purchase Order No. N/A <input type="checkbox"/> Requirements Not to Exceed \$N/A Encumber: <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

REQUIRED SIGNATURES:

Department Manager: *Joanne Fuller* Date: 1/13/98

(Class II Contracts Only)
 Purchasing Manager: *[Signature]* Date: _____

County Counsel: *[Signature]* Date: 1/15/98

County Chair/Sheriff: *[Signature]* Date: January 29, 1998

(Class I, Class I Contracts Only)
 Contract Administration: _____ Date: _____

VENDOR CODE N/A				VENDOR NAME N/A				TOTAL AMOUNT: \$N/A			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01											
02											
03											

If additional space is needed, attach separate page. Write contract # on top of page.

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

INTERGOVERNMENTAL AGREEMENT
between
OREGON YOUTH AUTHORITY
and
MULTNOMAH COUNTY
for the
THE JUVENILE JUSTICE INFORMATION SYSTEM

WITNESSETH:

THIS AGREEMENT of mutual understanding is between the State of Oregon, acting by and through its **OREGON YOUTH AUTHORITY**, hereinafter referred to as "**OYA**" and **MULTNOMAH COUNTY**, a political subdivision of the State of Oregon, acting by and through its Juvenile Department, hereinafter referred to as "**COUNTY**."

WHEREAS, **THIS AGREEMENT** is entered into in good faith by all parties in the spirit of mutual support, cooperation and partnership; and

WHEREAS, **OYA** is an agency of the State of Oregon and **COUNTY** is a unit of local government of the State of Oregon and both parties desire to cooperate by agreement to provide juvenile justice services within Multnomah County and the State of Oregon within the requirements of ORS 419 to 420; and

WHEREAS, the Legislature and Governor envisioned the juvenile justice system as a partnership among local, county, and state agencies with much of the custodial and rehabilitation effort occurring at the local and county level.

WHEREAS, the successful operation of an effective, coordinated and integrated juvenile justice system requires an infrastructure of comprehensive and timely information shared between agencies.

WHEREAS, Senate Bill 1 of the 1995 Legislature directed the **OYA**, the Oregon Commission on Children and Families (OCCF), and the Oregon Juvenile Department Director's Association (OJDDA) to jointly develop juvenile justice data definitions and reporting requirements on measurable outcomes, re-arrests, performance measures, gender and sex of delinquents, and criminal recidivism; and

WHEREAS, Senate Bill 1 also required the **OYA** to develop reformation plans for youth offenders which include demographic and family history, criminal, educational, vocational, psychological and medical histories, treatment evaluations and assessments, recommendations and goals, and reports to review boards and courts; and

**INTERGOVERNMENTAL AGREEMENT
OREGON YOUTH AUTHORITY**

JJIS

Page 2 of 6

WHEREAS, the information infrastructure required to support these legislated requirements is not currently in place; and

WHEREAS, the **OYA**, **OCCF**, and **OJDDA** have formed a partnership to address these information system concerns and create the Juvenile Justice Information System, hereinafter referred to as **JJIS**; and

**INTERGOVERNMENTAL AGREEMENT
OREGON YOUTH AUTHORITY**

JJIS

Page 3 of 6

WHEREAS, To promote public safety and youth accountability, to offer opportunities for rehabilitation to youth involved in the juvenile justice system, to aid in the overall planning, development, and evaluation of programs designed to reduce juvenile crime, and to support comprehensive case management, planning and evaluation of juveniles involved in the justice process in support of each agency's mission and mandate through the development of a statewide **JJIS** that provides a single comprehensive view of information about juveniles across the state, county and local agencies;

NOW, THEREFORE, in consideration for the mutual covenants contained herein the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Effective Date and Duration:**

This Agreement is effective upon signing by both parties and remains in effect until terminated pursuant to Section 6 of this Agreement.

2. **Project Oversight:**

The development, implementation, operation, and ongoing oversight of the **JJIS** will be the responsibility of the **JJIS** Steering Committee which is made up of representatives selected by **OYA**, the Counties, **OCCF**, and other interested state agencies and partners.

3. **Statement of Work:**

3.1 **COUNTY agrees:**

3.1.1 To provide and maintain all hardware and operating system software, any local area network and telecommunication equipment necessary within the **COUNTY** to connect to and operate the **JJIS**. Recommended initial computer configuration needed to connect to **JJIS** is detailed in an attachment to this Agreement.

3.1.2 To adhere to the hardware, software, telecommunication and data standards approved by the **JJIS** Steering Committee and required for the operation of **JJIS**.

3.1.3 To be responsible for any costs associated with upgrading of **COUNTY** computer systems that may be necessary to incorporate **JJIS** into the **COUNTY's** operation.

3.1.4 To be responsible for costs associated with training of **COUNTY** staff for non-**JJIS** related issues including basic computer operating skills. To make **COUNTY** staff available for **JJIS** related training provided by **OYA** and to assume the costs associated with making **COUNTY** staff available.

3.1.5 To use the **JJIS** as the **COUNTY's** primary juvenile justice database and case management system once the **JJIS** is operational.

**INTERGOVERNMENTAL AGREEMENT
OREGON YOUTH AUTHORITY
JJIS**

Page 4 of 6

3.1.6 To cooperate with OYA to develop a JJIS Implementation Plan, which will include COUNTY, cost estimates and migration from existing data system. Said agreement is incorporated by reference into this Agreement.

3.2 OYA agrees:

3.2.1 To develop the statewide JJIS under the oversight of the statewide JJIS Steering Committee.

3.2.2 To provide, support, and maintain the JJIS software and databases, and assume any costs in doing so.

3.2.3 To provide, support, and maintain the wide area network telecommunications connections or acceptable alternative systems needed by the COUNTY to operate the JJIS and assume the costs of doing so.

3.2.4 To provide initial training on the use and operation of the JJIS, regular training for each new release, ongoing scheduled training as approved by the JJIS Steering committee and to provide training materials to help train new employees.

3.2.5 To provide a statewide "Help Desk" to assist the COUNTY in operating the JJIS.

3.2.6 To develop, maintain, and support the central JJIS application and computer.

3.2.7 To cooperate with the COUNTY to develop a JJIS Implementation Plan which will include COUNTY costs and migration plan from existing database. Said agreement is incorporated by reference into this Agreement.

4. Amendment:

This Agreement may only be amended upon the written agreement of the parties.

5. Severability:

The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction 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 term or provision held to be invalid.

6. Termination:

This Agreement may be terminated by mutual consent of the parties. Any termination shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination. This Agreement is subject to constitutional debt limitations of the COUNTY and OYA, and is contingent upon funds being appropriated therefor.

7. OWNERSHIP

All JJIS software that results from this Agreement is the property of OYA. OYA hereby grants to the County a perpetual royalty-free, nonexclusive, nontransferable, irrevocable license to use and have access to all such software, to use and re-use, in whole or in part, subject to JJIS Steering Committee approval. In addition, if any of the software contains property of the County that is or could be protected by federal copyright, patent, or trademark laws, or state trade secrets, the County hereby grants OYA a perpetual, royalty-free, nonexclusive and irrevocable license, use and re-use, in whole or in part, of all such property. The County acknowledges that the State intends to finance JJIS project costs with a form of Financial Agreement as authorized under ORS 283.085-283.092. JJIS will serve as a part or all of the security for the financing under the terms of a Loan Agreement and Trust Agreement and other related documents between the State and a Trustee (Agreements). In the event of any nonappropriation of funds for payment under the terms of the Agreements, or in the event of default, the Trustee may proceed to terminate the State's right to possess any security elements identified in the Agreements, including JJIS. This provision is subject to any applicable license agreement or agreements between the County or OYA and any third party.

8. CONFIDENTIALITY

OYA and the County agree the JJIS will be developed and operated within all laws governing confidentiality and access to public records involving juvenile justice data and information.

9. MERGER CLAUSE

This Agreement and the attached exhibit constitute the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

10. INDEMNIFICATION CLAUSE

Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless OYA from and against all liability, loss and costs arising out of or resulting from the negligence of County in the performance of this agreement.

Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, OYA shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the negligence of OYA in the performance of this agreement.

INTERGOVERNMENTAL AGREEMENT
OREGON YOUTH AUTHORITY

JJIS

Page 6 of 6

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in two (2) duplicate originals, either as individuals, or by their duly appointed officers.

STATE OF OREGON

MULTNOMAH COUNTY OREGON

By: _____
Rick Hill, Director
Oregon Youth Authority

By: Beverly Stein
Beverly Stein, Chair
Board of County Commissioners

Date: _____

Date: January 29, 1998

By: Joanne Fuller
for Elyse Clawson, Director
Department of Juvenile and Adult Community Justice

Date: 1/13/98

By: Joanne Fuller
Joanne Fuller, Deputy Director
Department of Juvenile and Adult Community Justice

Date: January 13, 1998

REVIEWED:
Thomas Sponsler, County Counsel for
Multnomah County Oregon

By: Jacqueline A. Weber
Assistant County Counsel Jacqueline A. Weber

Date: 1/20/98

2 76888.J-F
01/06/98

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 1/29/98
DEB BOGSTAD
BOARD CLERK

MEETING DATE: JAN 29 1998
AGENDA NO: R-9
ESTIMATED START TIME: 11:00am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Violence Against Girls - County Implementation Plan

BOARD BRIEFING: DATE REQUESTED: 1/29/98
REQUESTED BY: CHIQUITA ROLLINS
AMOUNT OF TIME NEEDED: 20

REGULAR MEETING: DATE REQUESTED: 1/29/98
AMOUNT OF TIME NEEDED: 20 minutes

DEPARTMENT: DCFS DIVISION: _____
CONTACT: CHIQUITA ROLLINS TELEPHONE #: 27806
BLDG/ROOM #: 166/7

PERSON(S) MAKING PRESENTATION: CHIQUITA ROLLINS, JIMMY BROWN, MARY LI, and LINDA JARMILLO

ACTION REQUESTED:

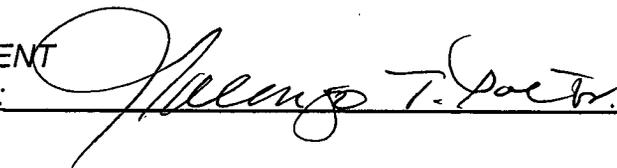
INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

County Implementation Plan to Address
Violence Against Girls

BOARD OF
COUNTY COMMISSIONERS
98 JAN 21 AM 10:49
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

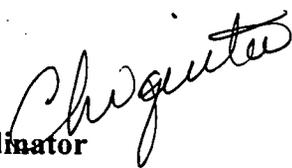
ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: 

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

DATE: January 20, 1998

MEMO TO: Board of County Commissioners

FROM: Chiquita Rollins, Domestic Violence Coordinator



SUBJECT: Briefing on Implementation Plan to Address Violence Against Girls, January 29, 1998

I. Recommendation/Action Requested:

None

II. Background/Analysis:

In July, 1997, the Board of County Commissioners passed a resolution which directed "those departments which provide services to youth to assist the County's Domestic Violence Coordinator to produce an implementation plan for addressing [violence against girls] and report back to the Board of County Commissioners on or before January 15, 1998." This resolution developed out of a request from SPIRIT that Multnomah County address the issue of violence against girls. Staff from the following departments developed department-specific implementation plans and met to assure coordination and collaboration when appropriate:

- Department of Community and Family Services
- Health Department
- Juvenile and Adult Community Justice Services
- Multnomah County Sheriff's Office
- Multnomah County District Attorney's Office
- Multnomah County Commission on Children and Families.

III. Financial Impact:

N/A

IV. Legal Issues:

N/A

V. Controversial Issues:

N/A

VI. Line to Current County Policies:

July, 1997 Board Resolution directing Departments to develop implementation plans to address violence against girls. Benchmarks to reduced violence, reduce violence by and against juveniles, and reduce domestic violence.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

See list of County departments involved in preparation of plan.

VIOLENCE AGAINST GIRLS IMPLEMENTATION PLAN

Introduction

In September, 1996, SPIRIT, a community organization working with girls in N/NE Portland, brought the issue of violence against girls to the attention of Beverly Stein, Chair of Multnomah County Commissioners and managers in the Department of Community and Family Services. At that time, Chair Stein committed the resources of County staff to serve on the SPIRIT Task Force and to develop a resolution stating that the "County set policy requiring all violence intervention/prevention programs, services and efforts to incorporate violence against girls as a primary form of violence."

In October, 1996, SPIRIT provided the Board of County Commissioners information about violence against girls. County staff also provided the Commissioners with information about existing programs that address violence against girls. At that briefing, Commissioners expressed support for a resolution and concern about the issue of violence against girls.

In July, 1997, the Board of County Commissioners passed a resolution which directed "those departments which provide services to youth to assist the County's Domestic Violence Coordinator to produce an implementation plan for addressing [violence against girls] and report back to the Board of County Commissioners on or before January 15, 1998."

Staff from the following departments developed department-specific implementation plans and met to assure coordination and collaboration with other Departments on the issue of violence against girls:

- Department of Community and Family Services
- Health Department
- Juvenile and Adult Community Justice Services
- Multnomah County Sheriff's Office
- Multnomah County District Attorney's Office
- Multnomah County Commission on Children and Families.

Vision

Safety for young people, female or male, has many different components, which go beyond the absence of physical or sexual violence or harassment. Our vision of an environment in which violence against girls is minimized includes the following:

- safety from physical or sexual harm in the home, in schools or on streets;
- healthy relationships;
- access to economic resources;
- freedom from restrictive stereotypes;
- positive female role models;
- social supports for high self-esteem;
- access to education;
- bodily autonomy;
- access to health care, both physical and mental;

positive male role models who model respect for women;
support for girls who have been violated in some way;
sanctions against those who have perpetrated violence against girls; and
an environment which enhances physical, mental or emotional health and well-being.

Goals for County Programs to Address Violence Against Girls:

To most effectively address violence against girls, programs should have one or both of the following goals:

1. Empower young women and girls; and
2. Encourage young men to respect girls and women.

Scope of Implementation Plan Projects:

Implementation plans address violence against girls which has elements of gender inequity or sexism. Girls are defined as females under the age of 21. Child abuse or other violence, which does not have an element of gender inequity or sexism, is not necessarily addressed in implementation plans. The length of time of the implementation plan is three years.

The most frequent perpetrator of violence against girls is a male who is known to the girl or her family and is usually older than she. Because of this profile, programs that encourage young men, through both education and sanctions, to treat girls and women with respect are a necessary part of any attempt to reduce or minimize violence against girls.

Prevention and intervention activities are included. Programs or activities should include both decreasing violence and promoting social change. County staff and programs would be expected to "set an example" for the rest of the community; and lead by example rather than dictate. Implementation plans should address violence against girls in all cultures, to lower tolerance to violence and to address racism and economic injustice.

Scope of Violence against Girls:

Violence against girls which is based in gender inequity or sexism takes many different and interrelated forms, and needs to be addressed at a variety of levels. The following is a list of some of the more common forms of violence against girls that must be addressed in order to provide safety for girls and young women:

- Sexual harassment (school, bus, streets, etc.)
- Dating violence
- Sexual assault, rape, date rape, acquaintance rape, abuse
- Statutory rape
- Incest/molestation
- Coerced prostitution
- Pornography
- Child abuse
- Emotional abuse
- Sex Discrimination
- Gender hate crimes

Coordination:

Several County Departments or Divisions provide or contract for similar programs that address violence against girls in some way. The County needs not only to “not reinvent the wheel” from Department to Department, but also to learn from and coordinate with each others programs. Collaboration among those Departments or Divisions is necessary to provide the most efficient delivery of services and the most effective programs. Collaboration would be particularly valuable in the following areas:

1. Law enforcement, criminal justice and social services.
2. School prevention programs relating to gender, dating or domestic violence and sexual assault; At least four Departments (MCSO, DCFS, Health, and JACS) had in-school violence prevention or girls self-esteem programs.
3. Data collection and compilation.
4. Public awareness and advocacy with media representation on violence against girls and women
5. Development of a County-wide view of the systemic changes needed to address this issue.

In order to facilitate this collaboration and coordination, we propose an on-going inter-Departmental group, which would meet quarterly to facilitate the following:

- encourage or maximize inter-department collaboration
- build County-wide consciousness of the issue
- review plans for services for girls to encourage prioritization, involvement of more departments, accountability, advocacy inside County
- provide information to community and County staff, on data and issues related to violence against girls and services provided by the County
- increase community consciousness and involvement in addressing the issue.

This group would include key staff from Health, DCFS, JACJS, DA, Sheriff, and MCCF. It would utilize technology, such as email and/or team/project software to most effectively maintain communication and collaboration. A team/group leader from either DCFS, Health or JCS would staff and facilitate the group.

Current County Projects:

Addressing the issue of violence against girls directly relates to several County Benchmarks, including reducing violence by and against juveniles, reducing violent crime, reducing domestic violence, and increasing high completion.

Examples of current County programs which directly or indirectly address the issue of violence against girls include:

- **Department of Community and Family Services:**
 - **Division of Children, Youth and Family:** Level 7 Youth Investment System; specific programs for girls, such as Pathways, Safe Place, Willamette Bridge/Changes Program, Edgefield Children's Center, Girls Empowerment, GIFT, House of Umoja.

- **Behavioral Health Program:** School-based Mental Health Program, Head Start Mental Health, Kaleidoscope, Family Enhancement, AITP (including GIFT), CARES, Foster child assessment
- **Health Department:** Violence Prevention Program, School-based Health Centers, Teen Family Support Programs, Teen Pregnancy Prevention, Field Services, Primary Care Clinics and Information and Referral.
- **Juvenile Criminal Justice Services:** Save Our Youth, Positive Anti-Violence Experience, Secondary Programs Focused on Violence Prevention, Gang Resource Intervention Team, Anger Management, Resolutions Northwest, Oregon State Penitentiary Youth Visiting Programs and Los Hermanos, Assessment Intervention, Transition Program.
- **Multnomah County Commission on Children and Families:** Youth Advisory Board, School Alignment Project.

IMPLEMENTATION PLANS

- I. DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**
 - A. CHILD, YOUTH, FAMILY COMMUNITY ACTION AND DEVELOPMENT**
 - B. BEHAVIORAL HEALTH**
- II. DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**
- III. HEALTH DEPARTMENT**
- IV. SHERRIF'S OFFICE**
- V. MULTNOMAH COUNTY COMMISSION ON CHILDREN AND FAMILIES**
- VI. DISTRICT ATTORNEY'S OFFICE**

Department of Community and Family Services
 Division of Child, Youth, Family, Community Action and Development Programs

VIOLENCE AGAINST GIRLS IMPLEMENTATION PLAN

RECOMMENDATION	ACTIVITIES	TIMELINE
<p>Make funding for girls' specific programs a high priority.</p>	<p>CYFCADP funds several girls' specific programs: GIFT (Gang Influenced Female Teams) and Girls' Empowerment, as well as programs delivered through the Youth Investment System (Level 7), the Multnomah County Family Centers, the Boys and Girls Aid Society and Janus Youth Programs. Funding for girls' specific programs will continue to be a high priority as more programs are brought on line.</p>	<p>Current</p>
<p>Require that existing or new County violence prevention programs have a segment that addresses violence against girls.</p>	<p>Develop guidelines for implementing violence against girls programming where it doesn't exist.</p> <p>Discuss County's Violence Against Girls Resolution and the recommendations with all Provider Networks so they can plan how violence against girls will be addressed system-wide.</p> <p>Communicate this issue to all current youth providers encouraging them to address harassment and violence against girls within their agencies and to adjust their youth programs accordingly.</p> <p>Survey all existing youth programs to ascertain if they have segments which address violence against girls.</p> <p>Initiate a new RFP process for FY 98-99.</p> <ul style="list-style-type: none"> • Initiate an RFP process for homeless youth for FY 98-99 which includes a segment that addresses violence against girls. <p>As criteria are developed for RFP's, develop language which addresses need for segment on violence against girls.</p> <p>Initiate new contracts based on RFP.</p>	<p>January 1998</p> <p>February 1998</p> <p>February 1998</p> <p>March 1998</p> <p>January-April 1998</p> <p>February-June 1998</p> <p>January-June 1998</p> <p>May-June 1998</p>

I. A. DCFS
 Child, Youth, Family Community Action and Development

RECOMMENDATION	ACTIVITIES	TIMELINE
Require that new or existing County programs for both male and female youth, whether they are designated as "gender specific" or not, have a segment that addresses violence against girls.	See activities in section above.	See timelines in section above.
Monitor and assure that current County sexual harassment policies, training and measures address violence or harassment against girls, and that perpetrators are held accountable.	This is not applicable to CYFCADP, but instead, an activity for the Department's Affirmative Action Monitor (Carla Gonzales).	
Require existing or new contract agencies to have policies in place which prevent or discourage sexual harassment by staff; including sexual harassment policies, training and measures to hold perpetrators accountable. Provide technical assistance and training for contract agencies on this issue.	<p>Connect with CEU to develop language which communicates County standards around sexual harassment. Amend current QVSA (Qualified Vendor Status Application) to include this language.</p> <p>Require future applicants for qualified vendor status to provide information which demonstrates that their agency has systems in place which meet County standard/expectation around sexual harassment.</p> <p>Develop a process with CEU similar to the Cultural Competency Plan process to ensure that: a) sexual harassment is addressed in agency policies; and b) technical assistance is made available.</p>	<p>January 1998</p> <p>January-June 1998</p> <p>January-June 1998</p>
Continue support of the SPIRIT Task Force.	Distribute one page information sheet about resolution and County's response to all units.	January 1998
Use existing relationships and funding to encourage schools and other organizations to address this issue.	Distribute one page information sheet about resolution and County's implementation plan to all CYFCADP networks.	February 1998
Assure collection of data to develop baseline information and to evaluate programs on progress.	Use data from survey of existing programs to establish baseline. One year later, and annually thereafter, assess progress of existing agencies and status of newest agencies in this regard.	<p>April 1998 (initial survey)</p> <p>Annually (follow-up surveys)</p>
Provide training for staff and other community members, as appropriate, on the issue of violence against girls.	Convene an action group of interested staff to develop a process (including content and facilitator) for the delivery of trainings to staff and the community on issues of violence against girls.	February 1998

I. IMPLEMENTATION: DCFS Behavioral Health Division

RECOMMENDATION	ACTIVITIES	TIMELINE
Make funding for girls' specific programs a high priority.		
Require that existing or new County violence prevention programs have a segment that addresses violence against girls.	All therapeutic contacts with youths who receive services from programs in the direct service units of BHD will assess, prevent and intervene with violence against girls.	January, 1998 and on-going
Require that new or existing County programs for both male and female youth, whether they are designated as "gender specific" or not, have a segment that addresses violence against girls.		
Require that all future program planning for youth address the issue of violence against girls as one element in their planning/program.		
Monitor and assure that current County sexual harassment policies, training and measures address violence or harassment against girls, and that perpetrators are held accountable.		
Require existing or new contract agencies have policies in place which prevent or discourage sexual harassment by staff; including sexual harassment policies, training and measures to hold perpetrators accountable. Provide technical assistance and training for contract agencies on this issue.		
Continue support of the SPIRIT Task Force.	Will coordinate with N/NE Portland School	January, 1998 and on-going

Use existing relationships and funding to encourage schools and other organizations to address this issue.	Direct Service Units that collaborate with entities that serve youth (SCF, schools, etc.) will advocate for them to address this issue	January, 1998 and on-going
Assure collection of data to develop baseline information and to evaluate programs or progress.	School based health clinic mental health consultants will gather monthly statistics of number of clients who have experienced violence or abuse.	January, 1998 and on-going
Provide training for staff and other community members, as appropriate, on the issue of violence against girls.	Possible: coordinate with other DCFS Divisions on providing training on the issue of violence against girls to direct service staff working with youth.	

**VIOLENCE AGAINST GIRLS
IMPLEMENTATION PLAN
DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

I. CURRENT RESPONSE TO VIOLENCE AGAINST GIRLS:

A. General statistics about the incidence of violence and offenses as referred to Juvenile Department.

Table 1: Type, Number, and Percent of Referrals

TYPE OF REFERRAL	NUMBER AND PERCENT OF REFERRALS	
	<i>FY 96-97</i>	<i>FY 97-98 (July 1 to Nov. 30)</i>
DEPENDENCY	1,883 (16%)	798 (18%)
STATUS OFFENSES	2,640 (23%)	942 (21%)
ORDINANCE VIOLATION	55 (less than 1%)	34 (less than 1%)
VIOLATION OFFENSES	933 (8%)	337 (7%)
TRAFFIC OFFENSES	78 (less than 1%)	30 (less than 1%)
MISDEMEANOR	3,829 (33%) (1049 person to person mis.) (2780 property and other mis.)	1527 (34%) (468 person to person mis.) (1059 property & other mis.)
FELONY	2,232 (19%) (604 person to person felony) (1628 property and other felony)	876 (19%) (212 person to person felony) (664 property & other felony)
TOTAL NUMBER OF REFERRALS	11,600	4544

Table 2: Criminal Referrals and Unduplicated Juvenile Offenders

	<i>FY 96-97</i>	<i>FY 97-98 (July 1 to Nov. 30)</i>
NUMBER OF CRIMINAL REFERRALS (MISDEMEANOR AND FELONY)	6061	2403
NUMBER OF UNDUPLICATED JUVENILE OFFENDERS (WHO HAD ONE OR MORE CRIMINAL REFERRALS)	4284	1933

**VIOLENCE AGAINST GIRLS
IMPLEMENTATION PLAN
DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

Table 3: Gender of Juvenile Offenders

GENDER	<i>Number and Percent of Juvenile Offenders</i>	
	<i>FY 96-97</i>	<i>FY 97-98 (July 1 to Nov. 30)</i>
Male	2990 (70%)	1372 (71%)
Female	1294 (30%)	561 (29%)
TOTAL	4284 (100%)	1933 (100%)

Table 4: Age at Referral of Juvenile Offenders

Age at Referral	<i>Number and Percent of Juvenile Offenders</i>	
	<i>FY 96-97</i>	<i>FY 97-98 (July 1 to Nov. 30)</i>
12 or less	397 (9%)	172 (9%)
13-14	940 (22%)	405 (21%)
15-16	1586 (37%)	734 (38%)
17+	1360 (32%)	622 (32%)
TOTAL	4283 (100%)	1933 (100%)

Table 5: Ethnicity of Juvenile Offenders

ETHNICITY	<i>Number and Percent of Juvenile Offenders</i>	
	<i>FY 96-97</i>	<i>FY 97-98 (July 1 to Nov. 30)</i>
Asian American	203 (5%)	83 (4%)
African American	923 (21%)	454 (24%)
Hispanic American	349 (8%)	162 (8%)
Native American	48 (1%)	24 (1%)
European American	2727 (64%)	1192 (62%)
Others	34 (1%)	18 (1%)
TOTAL	4284 (100%)	1933 (100%)

**VIOLENCE AGAINST GIRLS
IMPLEMENTATION PLAN
DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- (note: the Department will provide additional information on gender related statistics involving crimes committed against females and crimes committed by females. Data will be presented by Age, Sex, Ethnicity, Type of Referral (person-to-person, property, felony and misdemeanor).

B. Department Vision/Values/Policy/Key Results Relating to Implementation Plan

Shared philosophies as described in the Department's Strategic Plan for Juvenile Justice and Delinquency Prevention:

- The Department will develop a culture of collaboration among governmental and non-profit agencies, school professionals, community members and youth to support our benchmark goals and juvenile justice strategies, even within a climate of funding cuts;
- The Department will view every contact with juveniles as an opportunity to build on youths' strengths and to attend to underlying criminogenic needs - even while imposing consequences for unacceptable behavior; and
- The Department will strive to increase our collective skills in the planning and provision of services which are sensitive to differences in culture and gender.

Strategic Goals

- In order to prevent juvenile delinquency:
Support at-risk, acting-out and delinquent youth to complete high school and to engage in structured, meaningful activities after school
- In order to prevent and intervene early in juvenile delinquency:
Challenge and support parents, schools and neighborhoods to raise expectations about youths' acceptable behavior, to increase mutual respect among youth/adults and to improve youth/adult skills to respond appropriately.
- In order to improve the consistency and effectiveness of our various separate and collaborative efforts to reduce juvenile crime:
Educate community members, partners and staff on what works to prevent juvenile crime and routinely evaluate the extent to which local policies and practices support those best practices.

c. Current Projects in the Department

1. Assessment, Intervention and Transition Project
2. Probation Orientation Program
3. Flexible Funding "Wraparound Services" Resource
4. Flexible Funding Girls Support Services Contract
5. Overrepresentation Technical Assistance Services - Annie E. Casey Foundation
6. Flexible Funding Resources from OYA (50% of Resource for Girls Services)
7. Custody Services Division - Parole Program Unit
8. Custody Services Division - Girls Detention Unit
9. Skill Development Team
10. Truancy Outreach Project
11. U.S. Department of Justice/Weed & Seed Program: Attention Deficit/Hyperactivity Disorder
12. Oregon Commission on Children and Families/Title V Grant: Gender Specific Project and Advisory Committee (GPAC)

IMPLEMENTATION PLAN	DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE	
RECOMMENDATION	ACTIVITIES	TIMELINE
1. Make funding for girls' specific programs a high priority	1. Submit implementation plan to Gender Policy Advisory Committee 2. Review Juvenile Justice Strategic Delinquency Prevention Plan for prioritization of services to females 3. Submit program recommendation to Department's FY 98-99 Budget Committee for funding consideration 4. Collaborate with County Departments (i.e. Health, DCFS) on funding for girls' programs	1. January, 1998 2. February, 1998 - May, 1998 3. January, 1998 - June, 1998 4. January, 1998 - Ongoing
2. Require that existing or new County Violence Prevention Programs have a segment that addresses violence against girls	5. Review existing Department programs for compliance 6. Conduct planning and implementation meetings with DJACJ Supervisors and Managers on developing segments that address the issue of violence against girls 7. Provide public education information to youth and families served by the Department	5. February, 1998 - May, 1998 6. February, 1998 - July, 1998 7. Ongoing
3. Require that new or existing County programs for both male and female youth; whether they are designated as "gender specific" or not, have a segment that addresses violence against girls.	8. Review existing Department programs for compliance (i.e. Juvenile Counseling Services, Juvenile Custody Services, Adult Skill Development Programs, et.al.) 9. Review appropriate public information available on the subject of violence against females and make such information available to Department programs	8. February, 1998 - June, 1998 9. March, 1998 - Ongoing

IMPLEMENTATION PLAN	DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE	
RECOMMENDATION	ACTIVITIES	TIMELINE
<p>1. Require that all future program planning for youth address the issue of violence against girls as one element in their planning/program</p>	<p>1. Include representation from Gender Policy Advisory Committee in program planning activities related to services to female clients</p> <p>2. Include representation from County departments in program planning efforts</p> <p>3. Include representation from community partners in program planning efforts relating to female clients</p>	<p>1. January, 1998 - Ongoing</p> <p>2. Ongoing through FY 1998-99</p> <p>3. Ongoing through FY 1998-99</p>
<p>2. Monitor and assure that current County sexual harassment policies, training and measures address violence or harassment against girls, and that perpetrators are held accountable</p>	<p>4. Review existing Department policy and programs for compliance</p> <p>5. Provide continued staff training on County Policy relating to Sexual Harassment during the performance of County business</p> <p>6. Review monitoring processes to ensure accessibility to youth and families</p>	<p>4. February, 1998 - April, 1998</p> <p>5. Ongoing through FY 1998-99</p> <p>6. Ongoing through FY 1998-99</p>
<p>3. Require existing or new contract agencies to have in place policies which prevent or discourage sexual harassment by staff; including sexual harassment policies, training and measures to perpetrators accountable. Provide technical assistance and training for contract agencies on this issue</p>	<p>7. Review current Department contracts for compliance</p> <p>8. Develop appropriate contract boilerplate language in collaboration with County Counsel</p> <p>9. Review budget implications with Department's Resource Management Services in the provision of Technical Assistance</p> <p>10. Develop list of TA resources for Department staff and contractors</p>	<p>7. February, 1998 - May, 1998</p> <p>8. March, 1998 - June, 1998</p> <p>9. January, 1998 - May, 1998</p> <p>10. Ongoing through FY 1998-99</p>
<p>4. Continue support of the SPIRIT Task Force</p>	<p>11. Identify internal resources currently involved with the SPIRIT Task Force (i.e. Save Our Youth Coordinator, et.al.)</p> <p>12. Recruit SPIRIT membership on Department's Gender Policy Advisory Committee</p>	<p>11. February, 1998</p> <p>12. January, 1998 - February, 1998</p>

IMPLEMENTATION PLAN	DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE	
RECOMMENDATION	ACTIVITIES	TIMELINE
1. Assure collection of data to develop baseline information and to evaluate programs or progress	1. Coordinate data development with Department Evaluation Section	1. February, 1998 - Ongoing
2. Provide training for staff and other community members, as appropriate, on the issue of violence against girls	2. <i>*note activities relating to training above</i>	2. May, 1998 - Ongoing

VIOLENCE AGAINST GIRLS

II. IMPLEMENTATION ---- HEALTH DEPARTMENT

RECOMMENDATION	ACTIVITIES	TIMELINE
Make funding for girls' specific programs a high priority.	Seek grants to fund a collaborative community based educational program that will focus of children and youth (ages 0-17) intended to reduce gender violence.	Program in place for implementation by September 1998.
Require that existing or new county violence prevention programs have a segment that addresses violence against girls.	Health Department Strategic Plan will include an objective addressing Partner Violence. Long-range action plan will include universal screening in all service delivery sites, including School Based Health Centers.	Plan completed by January 1998. Implementation start date is July, 1998. Full implementation within three years.
Require that new or existing County programs for both male and female youth, whether they are designated as "gender specific" or not, have a segment that addresses violence against girls.	All teen programs (Teen Pregnancy Prevention, Male Responsibility, etc) now include a segment on violence. We will review to insure that each intervention strategy gives adequate attention to Violence Against Girls).	July, 1998
Require that all future program planning for youth address the issue of violence against girls as one element in their planning/program.	See above	
Monitor and assure that current County sexual harassment policies, training and measures address violence or harassment against girls, and that perpetrators are held accountable.	Gender Violence Prevention Project includes sections on Sexual Harassment and accountability. Emphasis will be given to sexual harassment in the training for Health Department staff related to the Partner Violence objective.	September, 1998 July, 1998-June, 2001
Require existing or new contract agencies have policies in place which prevent or discourage sexual harassment by staff; including sexual harassment policies, training and measure to hold perpetrators accountable. Provide technical assistance and training for contract agencies on this issue.	We will assure that Contracts Office has accountability measures in place.	March, 1998

Continue support of the SPIRIT Task Force.	Violence Prevention staff will continue to be a member of the SPIRIT Task Force.	Current/Ongoing
Use existing relationships and funding to encourage schools and other organizations to address this issue.	Technical assistance to schools and community groups in developing comprehensive locally based violence prevention programs will include a segment on sexual harassment and violence against girls.	January, 1998 / ongoing
Assure collection of data to develop baseline information and to evaluate programs or progress.	Health Department standards require the collection of data to evaluate the effectiveness of community health programs through its Planning, Development and Evaluation Office.	Current/Ongoing
Provide training for staff and other community members, as appropriate, on the issue of violence against girls.	See above re: staff training that will be part of the Strategic Plan objective addressing partner violence.	January, 1999



Multnomah County Sheriff's Office

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

DAN NOELLE
SHERIFF

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

MEMORANDUM

TO: Chiquita Rollins

FROM: Lt. Merlin Juilfs *MJ*

DATE: December 10, 1997

SUBJ: Violence Against Girls Program

DEC 11 1997

We the Sheriff's Office could participate in the Violence Against Girls program in the following ways.

Our ability to collect and track incidents of violence against girls is focused on child abuse cases, rapes and incidents of domestic violence. These cases are logged as part of the uniform reporting codes. More details such as age for example can be more defined.

Our office currently has deputies assigned to three high schools in the county. School Resource Officers (SRO's) are assigned to Corbett, Barlow and Reynolds high schools. They are in a position to have incidents of violence against girls reported to them that would not be regarded as serious. Working with school administration and staff, they could create a student court or hearings board on specific incidents. A list of offences and punishments could be developed. Hopefully, this would demonstrate the seriousness of these actions.

The SRO's could also help implement educational presentation, i.e. guest speakers in the school. To further validate the seriousness of this program – positive male role models or campus leaders should be used. The SRO's could help identify these individual and encourage their participation.

We are currently offering presentations on dating violence to middle school students. The emphasis of that program is developing positive non-violent relationships. We also have a rape and date rape program for high school students. Both programs are co-ed.

The following are suggestions for the Planning Team:

It has been suggested to us by several teachers that a program showing positive relationships be available. This program could include dating situations as well as

friendships, all types. The program could include both a lecture and a video. Elements of a good relationship and non-violent ways to resolve conflicts would be emphasized. It would be an excellent method to involve students to create and produce this program.

Regarding the creation of a data base and statistics on incidents of victimization school health nurses and counselors would probably be in the best position to track school based incidents. Their positive relationship with the student would place them in a position to get information on other victimizations. This could include incidents that happened after school hours or in the family.

DEC 17 1997

Current Response to Violence Against Girls

Part B. Department's vision/values or policies, key results, etc. that apply

The Vision- The Multnomah Commission on Children and Families is an appointed citizen body charged with planning for and creating "wellness," defined as community conditions which preserve every child's potential. This focused strategic plan for wellness, developed with extensive community and professional involvement, is the beginning of a blueprint to that end. It's intended to serve eventually as the common set of strategies used by all child and family advocates, including planners, funders and policy makers, and professional service providers; as well as by parents, grandparents and other extended family members and caregivers, and by young people themselves.

Policies- We commit to reversing the trend of an increasingly violent society, where some children are exposed to violence in the home before they are old enough to know any other way. We will engage the entire community in actions ensuring that children, youth and their families are safe and secure. We further commit ourselves to the belief that personal safety is more than a desired outcome - it is a basic need and a basic right, and a necessary condition for healthy growth and development, and for a prosperous society. We understand that safety involves creating peace, and reducing violence in all its forms: physical violence; emotional violence; sexual and dating violence; self-directed violence; and hate, bias and prejudice.

Benchmarks as related to violence against girls:

- Monitor reported number of children abused/neglected per 1,000 children under the age of 18.
- Monitor reported incidents of spouses/domestic partners abused per 1,000 people
- Monitor number of bias crimes against people/property motivated by prejudice.

C. Current programs, contracts, and projects in the department

Programs and contracts:

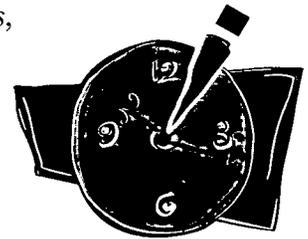
The Multnomah Commission on Children and Families provides funding to around 50 programs throughout Multnomah County. Some of these programs are solely funded by the MCCF, and some of them are partially funded by the MCCF. Most of them are direct service contracts with human services providers, but some of them are for system coordination projects (like the Teen Parent Network and Project LUCK) and some are MCCF initiated activities (like Take the Time and the Youth Advisory Board.)

Projects:

Take the Time is a project that the Multnomah Commission on Children and Families is currently committing to, which is an opportunity to improve the success of every youth. This project came to fruition after surveying over 10,000 youth from throughout the county in the Spring of 1997 which measured their assets. The importance of assets has been proven in more than a decade of national research among hundreds of thousands of youth. Assets help young people to avoid many harmful activities ranging from skipping school, to abusing drugs, to carrying a weapon. The more assets children have, the less they engage in these dangerous behaviors. Assets are cumulative. Every asset is cumulative. Every asset is important on its own, but assets are most powerful when young people have a lot of them. (See Assets attached)

40 Proven Things,

Essential to Every Young Person's Success



It's more than just common sense—national and local research prove that these 40 everyday things help young people to succeed. They're the things that really matter in a young person's life.

Any one of us can help young people succeed, if we just take the time.

**TAKE
the TIME**

40 essential things every young person needs ■ Here's what each of these things looks like:

- **Young people need support in every part of their lives.** **1.** Family support ■ Young people have a family that loves and supports them. **2.** Positive family communication ■ Young people talk things over with their parents and are willing to get and give advice. **3.** Other adult relationships ■ Young people have at least three other adults in their lives giving them support in addition to their parent(s). **4.** Caring neighborhood ■ Young people have the care and support of people who live nearby. **5.** Caring school climate ■ People at school care about each other and help each other succeed. **6.** Parent involvement in schooling ■ Parents involve themselves at home and at school in helping their children succeed.
- **Young people need to know that our community believes they are important.** **7.** Community values youth ■ Young people know they are valued by the adults in their community. **8.** Youth as resources ■ Young people serve useful roles in their school, family and community. **9.** Service to others ■ Young people volunteer one hour or more per week to help others. **10.** Safety ■ Young people feel safe in their home, school and neighborhood.
- **Young people need rules for success and help in following them.** **11.** Family boundaries ■ Families set clear rules and consequences, and know where their children are and what they do. **12.** School boundaries ■ Schools set clear rules and provide consequences for breaking them. **13.** Neighborhood boundaries ■ Neighbors share with parents the responsibility for monitoring young people's behavior. **14.** Adult role models ■ Parents and other adults set good examples for young people. **15.** Positive peer influence ■ Young people have friends who set good examples. **16.** High expectations ■ Parents and teachers push young people to reach their full potential.
- **Young people need to invest their time in activities that help them grow.** **17.** Creative activities ■ Young people are involved in music, theater or other arts at least three hours per week. **18.** Youth programs ■ Young people are involved in sports, clubs or organizations at least three hours per week. **19.** Religious community ■ Young people are involved in spiritual growth. **20.** Time at home ■ Young people have a balance of time at home with their family, structured activities, and hanging out with their friends.
- **Young people need to act on the belief that learning is important.** **21.** Achievement motivation ■ Young people try to do their best in school. **22.** School engagement ■ Young people are enthusiastic about learning and come to school prepared. **23.** Homework ■ Young people spend at least one hour per day completing homework. **24.** Bonding to school ■ Young people care about their school. **25.** Reading for pleasure ■ Young people enjoy reading on their own for at least 3 hours per week.
- **Young people need to be self-directed by strong moral values.** **26.** Caring ■ Young people feel that it is important to help others and make the world a better place. **27.** Equality and social justice ■ Young people believe in fairness and equality and are committed to social justice. **28.** Integrity ■ Young people do what they believe is right. **29.** Honesty ■ Young people tell the truth—even when it is not easy. **30.** Responsibility ■ Young people are responsible for doing the right thing and owning up to their mistakes. **31.** Restraint ■ Young people believe it is important for teenagers to abstain from sex and from using alcohol or other drugs.
- **Young people need lots of everyday social skills.** **32.** Planning and decision-making ■ Young people are good at planning ahead and thinking about consequences before they act. **33.** Interpersonal competence ■ Young people are good at making and being friends. **34.** Cultural competence ■ Young people know and respect people of different racial and cultural backgrounds. **35.** Resistance skills ■ Young people can effectively say no to the things that might harm them. **36.** Peaceful conflict resolution ■ Young people can resolve conflicts without violence.
- **Young people need to feel their strength and purpose guiding them to the future.** **37.** Personal power ■ Young people believe that they have control over the direction of their life. **38.** Self-esteem ■ Young people feel good about who they are. **39.** Sense of purpose ■ Young people believe that their life has a purpose. **40.** Positive view of personal future ■ Young people are hopeful and confident about their future.

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VI. Distric Attorney's Office

The District Attorney's Office will, as a part of the County Violence Against Girls Project, coordinate with county agencies whcih provide sevices and programs for girls. The goal is to make sure the District Attorney's Office ahs the information about available programs so that victims can be appropriately referred for necessary services. The District Attorney's Office will offer brochures from any county programs or contracted agencies at all of our office locations which serve victims.

The District Attorney's Office will continue the training of Deputies and Victim Advocates on issues related to violence against girls and women, as has been the practice in the past. The District Attorney's Office will continue the operation of the Domestic Violence Unit which specializes in prosecuting Domestic Violence crimes.

MEETING DATE: January 29, 1998
AGENDA #: R-10
ESTIMATED START TIME: 11:20 am

(Above Space for Board Clerk's use Only)

AGENDA PLACEMENT FORM

SUBJECT: Citizen's Crime Commission/Association for Portland Progress Report

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

REGULAR MEETING: DATE REQUESTED: Thursday, January 29, 1998
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Mary Li TELEPHONE #: 248-3658, ext. 26787
BLDG/ROOM #: 166/500

PERSON(S) MAKING PRESENTATION: Paul Lorenzini, Bill Furman, Iris Bell, Mary Li and Joanne Fuller

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Presentation of Overview of the Citizen's Crime Commission/Association for
Portland Progress Report on Displaced Youth
in the Downtown Portland Area, and
Discussion Regarding Multnomah County's Response

SIGNATURES REQUIRED:

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

BOARD OF
COUNTY COMMISSIONERS
98 JAN 22 AM 11:24
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277



January 14, 1998

Chair Bev Stein
Commissioner
Multnomah County
1120 SW Fifth Avenue, Room 1515
Portland, Oregon 97204

Dear Bev:

The Homeless Youth Assessment Committee is pleased to submit the attached report summarizing our findings and recommendations concerning the delivery of service to homeless youth in Portland. The report is offered as a guide for bringing needed structure and focus to an issue which is becoming increasingly significant in our community.

The report outlines the Committee's process to develop the factual information upon which we base our recommendations. As this information was being gathered, the Committee saw a need to define overriding principles to view and evaluate the current system of services delivery. First we developed a set of values which outline a philosophy for addressing homeless youth issues. In summary, it is our view that the existence of a homeless youth population in downtown Portland is unhealthy for both the youth themselves and the community. The goal of a service delivery system should be helping homeless youth to integrate into the community and transition to a more stable, secure and nurturing environment.

Second, we identified a series of attributes which we believe are necessary for effectively delivering services to homeless youth. They include:

- a consistent philosophy;
- a single point of responsibility where decisions regarding public funding and management are consolidated;
- an overall plan with clear objectives, milestones and timelines;
- performance measurement using outcome based standards;
- accountability to political and community leadership; and

- a full continuum of services to provide housing, education, health, and employment.

We found a consistent philosophy for delivering services to homeless youth does not exist. Instead, program effectiveness is compromised by competing philosophies. In addition, the current delivery system lacks virtually all of the attributes listed above which we believe are necessary for a meaningful homeless youth program.

In particular, we found:

- There is inadequate data on the demographics of the homeless population; no one feels responsible to collect and maintain a database; and service providers are unwilling to provide the necessary information when asked to do so. Therefore, it is very difficult to quantify program effectiveness and needs.
- Responsibility for developing and administering a program to deal with homeless youth is bifurcated between the City and the County. As a result, there is poor leadership and decision-making is ineffective. Moreover, it then falls to the service providers, the receivers of the funding, to define the program that they will deliver. Since they operate with inconsistent philosophies, decision-making is facilitated by Project Luck through a consensus process that is necessarily ineffective and slow. We believe this entire administrative process will need to be changed if an effective program for serving the community needs in this area is to be achieved.
- Because there is no consistent philosophy, there is an inadequate emphasis on and understanding of the importance of case management and the use of outcome based criteria. The former, case management, is an essential process for effectively addressing the problem of homeless youth, as outlined in the report. The latter, outcome-based criteria, is essential for measuring and strengthening the effectiveness of service delivery programs.
- We believe there are federal funds available to enhance local programs that are not being accessed because the community lacks the necessary leadership and program definition.
- We believe the current situation exists, in part, because there is a lack of accountability to the political leadership and the community for the administration and delivery of these programs. The homeless youth situation in Portland has received inadequate attention and priority, as evidenced in part by the fact that recommendations of two prior reports from Project Luck have been largely ignored.
- We believe there is a need for additional facilities, particularly in the area of shelters and transitional housing, if effective case management is to be delivered. We fully realize that funding issues are involved here; yet, we believe with a well defined program and a clearly outlined underlying philosophy, additional funding to meet these needs could be accessed through some combination of federal sources,

foundations, and the private sector. The Committee is willing to work with the appropriate political leadership to assist in accessing these sources of funds.

- We continue to be concerned that sanctions for violations of so-called "livability" crimes – prostitution, drug use, vandalism, graffiti, etc. – are ineffective. Several individuals who work closely with these issues referred to the current system as a "toothless tiger". We realize this has been an issue of ongoing concern to political leaders in Portland and that our recommendations may not be as specifically helpful addressing this issue. Nevertheless, we believe action needs to be taken to identify steps which can be taken to define more meaningful sanctions and provide the infrastructure to assure their enforcement.

The Committee recommends the following interim measures be implemented as soon as possible:

1. Form a Public/Private Steering Committee, establish an Office of the Coordinator of Homeless Youth Programs; and hire an Interim Coordinator. The Interim Coordinator should be charged with the task of developing an integrated service delivery plan that responds to the concerns outlined in this report.
2. Plan and develop a new transitional housing facility with a broad range of services to be opened by January 1, 1999.
3. Complete a performance audit of the current provider network to assess its capacity and its consistency with the values, findings and recommendations set out in this report.

We offer this report with the hope and belief that its recommended steps will improve the current system of services for homeless, displaced youth in downtown Portland. We look forward to working with the County, the City, the faith community, service providers, the private sector, and the youth themselves to assist them in transitioning to a more stable environment.

We would like to thank the city and county staff as well as the service providers for helping us to assemble the factual information summarized in this report.

Sincerely,



Les AuCoin
Co-Chair



Fred A. Stickel
Co-Chair

Services to Homeless Youth in Portland

*Report of the Joint Homeless Youth
Assessment Committee of the
Citizens Crime Commission
and Association for Portland Progress*

January 7, 1998

Co-Chairs:
Fred Stickel
Les Aucoin

**CITIZENS
& CRIME
COMMISSION**



Homeless Youth Assessment Committee

Co-Chairs:

Les Aucoin
Fred Stickel

Members:

Craig Berkman
Kandis Brewer Nunn
Matthew Chapman
William Furman
Richard Inukai
Richard Keller
Paul Lorenzini
Edward May
Dennis O'Toole
George Richardson, Jr.
Thomas Sjostrom
Thane Tienson

Staff:

Ray Mathis, Executive Director, Citizens Crime Commission
Robert DeGraff, Vice President, Policy, Association for Portland Progress

Consultant:

Andy Olshin

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INTRODUCTION

In the summer of 1997, the Citizens Crime Commission (CCC) and the Association for Portland Progress (APP) formed a joint committee to address problems related to homeless youth.¹ The Committee, co-chaired by Fred Stickel and Les Aucoin, focused on downtown Portland because the heaviest concentration of homeless youth are in downtown. We recognize that poverty, homelessness, and juvenile delinquency exist throughout the Portland metropolitan area. However, at this time we have restricted our attention to homeless youth. The numbers of homeless youth on our streets have increased in recent years, and with it the presence of drug activity and citizen intimidation. This raises concerns about community livability and about the adequacy of support the community is providing for homeless/displaced and at-risk youth.²

In addressing these concerns, the Committee adopted a basic set of values it believes should guide any approach for dealing with homeless youth. They include the following

- Helping our youth grow to maturity, particularly those who are homeless, is a community-wide responsibility and should be a high priority for the greater Portland community.
- The “street” lifestyle is harmful to the physical and emotional health of our youth, and increases their risk of becoming part of the adult homeless population and/or the criminal justice system.
- A necessary goal/objective of any plan or program for helping homeless youth is to help them transition to a more stable, secure and nurturing environment. Reunification of a homeless youth with a family member should always be explored.
- The existence of young homeless teens is unhealthy for the community in that it breeds illicit activity and crime, intimidates law-abiding citizens, and is destructive to community livability.
- The active enforcement of so-called entry level or “livability” crimes is an essential aspect of helping at-risk and homeless youth transition to a healthier and safer environment. To be effective, the process for enforcement must include both compassionate administration and meaningful sanctions.

¹ The Citizens Crime Commission is made up of business leaders and other citizens who involve themselves in public policy discussions within the region. The Association for Portland Progress is a private, non-profit membership organization that is dedicated to the beneficial growth and development of the central business district of Portland.

² The Stewart B. McKinney Homeless Assistance Act defines a homeless person to include individuals who may be living on the streets, in a shelter, in any other unstable living condition or in a public or private place not designed for the accommodation of human beings. Homeless or displaced youth include homeless persons under the age of 18. Some provider organizations include persons up to the age of 21 in their definition of homeless youth.

- The service delivery system for homeless youth should be accountable to the community and have clear goals and objectives, professional standards, and measurable outcomes. Information on the population and the effectiveness of each program should be published on a regular basis and made available to the community. Public funds should only be allocated to providers furthering the public policies set out by the government leadership.

* Note: See Appendix B, Notes on Nunn/Tienson meetings with homeless youth.

Committee members met with service providers, groups of homeless youth, representatives of appropriate agencies from both the City and the County, *Project LUCK*, the Portland Public School District, law enforcement, and with other individuals and groups dealing with various aspects of the homeless youth situation. A specific list of these groups is contained in the body of this report, as well as a discussion of the process followed by the Committee.

Based upon information gained through this process, the Committee has identified a number of concerns, which should be addressed. These are listed below under the heading "Findings of Fact". Based upon these findings, the Committee has developed a set of proposed recommendations which, if implemented, would address these concerns. Our recommendations follow the "Findings of Fact".

VISION

Homeless youth issues need an integrated system of services with the following attributes:

- An authoritative single entity where all public funding and decisions are consolidated.
- A consistent program philosophy for homeless youth services. This philosophy should be set by the City and County, in consultation with homeless youth³, and used to establish systemic planning and funding priorities.
- Clear systemic and project-based objectives grounded in the program philosophy and used to formulate an overall plan of action for homeless youth in downtown Portland.
- An action plan with a set timeline for implementation.
- An integrated set of outcome-based standards to measure system and program success and tied directly to program funding.
- Those responsible for developing and implementing the plan should be held directly accountable to Portland's political and community leadership.

³ See Appendix B, Notes on Nunn/Tienson meetings with homeless youth.

- A full continuum of housing, education, health and employment services that meet the needs of homeless youth, and which are consistent with the philosophy and objectives set out in the homeless youth plan.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

We have found the existing system of services for homeless/displaced youth in downtown Portland to be inadequate in scope and quantity, plagued by competing philosophical approaches, woefully underfunded, poorly coordinated, and undermined by a lack of government leadership. In short, the current delivery system lacks the attributes we believe are necessary for an effective, meaningful homeless youth system.

This Committee believes that:

- the responsibility for addressing these issues must be vested with one governmental entity;
- any systemic plan of action must be developed as a public/private/non-profit partnership; be grounded in one philosophical approach - as outlined in our values statement; and have clear objectives that are to be met and measured through a set of outcome-based parameters;
- an adequate database on homeless youth must be developed and maintained;
- outcome-based statistics on the entire population should be kept and published regularly; and
- all new resources should be focused first on youth who are working towards exiting street life - which includes being reunified with their families.

The Committee has concluded because time is of the essence, several interim measures should be implemented as soon as possible. These measures include:

1. Form a Public/Private Steering Committee; establish an Office of the Coordinator of Homeless Youth Programs; and hire an Interim Coordinator;
2. Plan and develop a new transitional housing facility with a broad range of services to be opened by January 1, 1999; and
3. Complete a thorough performance audit of the current provider network to assess its capacity and its consistency with the values, findings and recommendations set out in this report.

GOAL

It is our sincere hope and belief that, if followed, the recommendations set out in this report will improve the current system of services for homeless, displaced youth in downtown Portland.

THE COMMITTEE AND ITS PROCESS

The Citizens Crime Commission/Association for Portland Progress Homeless Youth Assessment Committee ("the Committee") is made up of members of the Association for Portland Progress and the Citizens Crime Commission. The Committee has a number of subcommittees including an Emergency Shelter Subcommittee⁴. Some committee members have been involved with homeless youth issues for many years and serve on Boards of Directors for provider organizations that assist homeless youth. In addition, some members and entities with which they are affiliated have consistently made significant financial contributions to organizations that assist homeless youth.

To date, Committee members have interviewed and prepared reports on four organizations that provide the majority of services to homeless, displaced youth in downtown Portland and one provider that serves youth in Washington and Clackamas Counties.⁵ The Committee focused its inquiry on the four primary providers of services to homeless youth in downtown (*Salvation Army Greenhouse, Janus Youth Programs, Inc., New Avenues for Youth, and Outside In*), appropriate government agencies and *Project LUCK*, an advocacy organization that attempts to coordinate services under a contract with Multnomah County. Each entity was asked to complete the same questionnaire (attached as Appendix C) and provide the Committee with comprehensive written information about their organization and about their perspective on homeless youth issues.

In addition, representatives from the Multnomah County Department of Community and Family Services, Portland Bureau of Housing and Community Development, Multnomah County Auditor's Office, Portland Public School District, *Project LUCK* (Link Up the Community for Kids), United Way, Oregon State Services to Children and Families, The Portland Police Bureau, Multnomah County District Attorney's Office, Portland Patrol, Inc. (the security contractor for Downtown Clean & Safe), the Downtown Community Association, A Minor Miracle (a private program for troubled youth) and the Department of Adult Corrections and Juvenile Justice were interviewed by the Committee during informal question and answer sessions. In preparation for and as follow-up to those sessions, committee staff conducted informal interviews and gathered additional information.

Although implementation of many of our recommendations will have a city-wide impact, our intent was, and continues to be, to focus on issues related to downtown because that is the primary place homeless youth eventually migrate to and where they interact with community services.

⁴ Members of the Emergency Shelter Subcommittee met with members of the Portland City Council, the Mayor, and the County Chair and successfully advocated for additional beds to be added to the current winter shelter for homeless youth.

⁵ *Boys and Girls Aid Society* focuses on providing foster care and runaway services to youth in Clackamas and Washington Counties. As such, information from and about this agency will not be included in the body of this report. By agreement with *Janus*, it does not serve homeless youth downtown. However, this agency is an important part of the tri-county service network and endorses an outcome-based approach.

FINDINGS OF FACT⁶

Prior to discovering facts and developing findings, we interviewed representatives from key agencies and organizations, reviewed written information about existing and proposed services, and read relevant academic research. We believe the existing system to have serious shortcomings and have set forth these findings and the recommendations in an effort to address them.

Note: Additional, supporting information is included in Appendix A.

1. The significant population of homeless youth in downtown Portland has been growing in recent years. However, existing data concerning the population is inadequate because there is no common database and government officials do not require providers to keep information on the success of their programs.

DEMOGRAPHICS

- A significant population of homeless youth live on the streets of downtown Portland. A majority of this population is under the age of 18.
- In 1986, approximately 500 homeless youth lived on the streets of downtown Portland.
- Accurate statistics on the population of homeless youth in downtown Portland are not available and are not kept by any governmental entity. The current population is most frequently estimated to range from 1000-1500 youth.
- Because of the lack of statistically valid data, the make-up of Portland's homeless youth population can not be adequately assessed. It is believed to consist of : 1) members of homeless families; 2) runaway adolescents who leave home to escape physical and sexual abuse; 3) throwaways, adolescents who were pushed out of their homes by parents or guardians; 4) system kids who escaped from intolerable foster care settings; and 5) street kids.⁷ Some of the older youth, so-called "road warriors", have been living on the streets for years while other youth, "weekend warriors", are from Portland and suburban locations and may frequent the homeless youth environment for only a few days at a time.
- The population of homeless youth downtown is growing, or at least becoming more visible.
- Over 80% of the population is Caucasian, with more males than females (approximately 55% vs. 45%). Over 80% are from the Portland Metropolitan Area and more than 30% are 16 years old or younger. Of those who are under 18 years of age, approximately 40% are male and 60% are female. Of those over 18, approximately 60% are male and 40% are female.

⁶ This section includes factual information reported to the Committee by providers, government officials and facts determined to be true by the Committee.

⁷ "Street kids" are youth who grew up on the streets and do not fit into one of the other categories.

- There is a growing number of illegal immigrants among the homeless youth population.
- Although many homeless youth in downtown are from Portland, the downtown area is a magnet for homeless youth who come from surrounding counties, areas throughout the state, and areas outside of Oregon. This occurs in part because of the anonymity of living in a downtown urban environment, the existence of that environment, and the availability (albeit limited) of services in downtown Portland.
- There is no common database for information on homeless youth. In addition, no entity is responsible for collecting accurate data on the population. Segments of the existing service provider network are not supportive of systems for gathering information from the homeless youth whom they serve. As a result, existing data is suspect and anecdotal, making it problematic to evaluate the adequacy of the current service system, quantify needs, or develop comprehensive plans for addressing issues related to homeless youth.
- The lack of valid demographic data makes it difficult to intelligently direct funding, and is itself an indicator of a weak service system.
- Neither providers nor government officials know the mortality rate for the population nor other outcome-based information, such as what becomes of street youth after accessing services or as they grow older.
- Two authoritative sources who testified to the Committee indicated as many as one-third of Portland's homeless youth die by their early twenties, one-third become homeless adults or enter the criminal justice system, and only one-third exit street life. Although the Committee believes the mortality rate to be overstated, no data exists to refute these outcome measures.

2. Responsibility for homeless youth programs is split between the City and County. As a result, there is poor leadership, ineffective decision-making and no overall plan or program for addressing homeless youth issues.

SINGLE ENTITY FOR FUNDING, PLANNING AND DECISION-MAKING ⁸

- After over a decade of bifurcated responsibility, the City has recently taken charge of coordinating services for homeless adults. Although responsibility for the youth system currently lies with the County, funding and programmatic decision-making has historically been shared by both entities.
- On at least two occasions, once in 1992, and once in 1996, an assessment of the needs of the homeless youth population was completed by *Project LUCK*, an umbrella organization that coordinates and advocates for the service provider network. Few of the issues raised by these assessments have been adequately addressed to date.

⁸ Please see Appendix A for provider responses to the Committee's questions regarding system coordination and for a glowing example of why a single governing entity is needed.

- There is no single governmental focal point for making decisions concerning homeless youth programs or for the allocation of available funds. Both Multnomah County and the City of Portland provide funding, yet they do not have a coordinated, consistent philosophy or plan for addressing homeless youth issues. As a result, *Project LUCK* and the provider network who receive and are dependent on, public funding, play a very strong role in making decisions relating to planning, program design and funding priorities.
- There is no overall plan in place that defines the issues, sets priorities, and outlines a timeline for funding and implementation of programs to address the issues.
- *Project LUCK* attempts to coordinate services through a collaborative process. However, it has neither the authority nor responsibility to set policy or monitor performance.
- Agencies within the existing provider network have been working on this issue for over 10 years. Many of their leaders feel frustrated by a perceived lack of support from the political establishment and the community at large. We believe, however, they have not successfully communicated their effectiveness to the public.
- As noted above, the current system provides fragmented services that are loosely coordinated by *Project LUCK*. Our community has “out-sourced” the responsibility for oversight of programs that serve our homeless youth. This has created a system functioning largely by political agreements and “collaboration” of providers who receive public funds.

3. Neither service providers nor the government staff who are responsible for homeless youth programs are being held accountable to government leadership or the community.

ACCOUNTABILITY

- Although the existence of homeless youth on our streets clearly affects the individual children, Portland’s families, neighborhoods, and businesses, it has never been addressed as a community-wide issue.
- There is no mechanism to measure how well a particular publicly funded program is doing with regard to the results of “case management” or other services.
- The one existing youth shelter serving downtown youth does not keep statistical information on what happens to youth after they leave the shelter. The shelter is currently run by *Janus’ Willamette Bridge* programs.
- The *Salvation Army Greenhouse* is beginning to keep a limited amount of outcome-based statistics. During the first year of their Transition Specialist program, 71 youth

were assisted with case management-type services. Of these, 53 were "placed" in some type of housing situation.

- Although *Janus*' annual report includes some outcome-based statistics for its tri-county housing programs, their *Willamette Bridge* programs (which are publicly funded to work with homeless youth in downtown) do not publish statistics of this nature.⁹
- *New Avenues for Youth* has been open since August of this year. Of the 33 case management cases that have been 'closed' since that time: 14 youth (42%) were reunified with their families, 3 entered a drug treatment program, 1 entered a group home, 2 entered foster care placements, 5 began living independently, 2 entered transitional living situations, 4 had other positive exits and 2 broke contact. In total, 85% of closed cases exited street life. During November 1997, their case management staff reported that 60% of youth who had exited street life during the prior 30 days remained stable.
- *Outside In* also keeps outcome-based statistics. The following information was taken from their 1995-96 annual report: Of the 158 youth involved in case management, 14% entered their transitional housing program, 9% returned home, 11% began living independently, 2% became employed or entered training, and 33% returned to the streets. Of the 42 youth in their transitional housing program, 55% began living independently, 23% were reunified with their families, 9% entered long term transitional housing, and 13% returned to the streets. Of the 21 youth hired in their employment program, 86% completed the program, 5 obtained a GED, 4 returned to school, 10 were placed in jobs and 4 moved into other programs.
- Public agencies, such as the Portland Public Schools and the Portland Police Bureau, do not have a defined role in the "system" of services for homeless youth.
- As noted above, current services are coordinated through *Project LUCK*. Although provider contracts with the County include goals that are supposed to be met, there is little evidence careful evaluations of these publicly funded contracts have ever been done. As such, County policy appears to favor a "relief-based" vs. an "outcome-based" approach.

4. There is no guiding philosophy for delivering services to homeless youth.

SYSTEMIC PHILOSOPHY

- Key service providers subscribe to different philosophical approaches towards working with street youth.¹⁰ Some provide services with no strings attached, while others focus their services on helping youth exit street life. Some are "relief-based", while others are "outcome-based". As a result, reaching consensus on critical issues such as

⁹ Jerry Fest, Director of *Janus*' *Willamette Bridge* programs, indicated that they keep this kind of information for internal purposes, but has yet to respond to a Committee request for the information.

¹⁰ Please see Appendix A for a summary of each providers philosophical approach.

coordination of case management services is difficult. The lack of a cohesive, systemic philosophy enables youth to “program shop” or “game the system” as they approach important choice points in their case management program. Thus, youth who may be moving towards exiting street life with one agency are allowed to procrastinate and re-use precious systemic resources at another agency with a different philosophical approach.¹¹

- Competing programmatic philosophies impede the provision of services, hamper program effectiveness and limit accountability.
- A service philosophy that goes beyond compassion and understanding, and towards enabling youth to stay involved with street life, is harmful to youth and the community as a whole. Public funds should not be used to endorse, encourage or condone street culture.
- Necessary “relief” services should be augmented by services which focus on helping youth to exit street life and which measure their success through a set of outcome-based parameters.
- According to sources interviewed by the Committee, downtown Portland has such an active and visible homeless youth population because it tolerates behavior that is not tolerated by communities and public officials in the suburbs and smaller cities of Oregon.

5. Outcome-based standards do not exist for assessing programs or service provider performance. As a result, there are inadequate tools to assess the adequacy or effectiveness of the services being delivered to homeless youth.

STANDARDIZATION OF SERVICES

- Although a number of agencies provide “case management” and “outreach” services under public contracts, there are no governmental or professional definitions or standards for how these and other services should be provided.
- Case management, outreach and other services are defined and performed differently by different providers.
- The current system lacks an effective process for assuring that publicly funded services are meeting measurable standards. This is in part because there are no clear standards or objectives, in part because performance is not measured against outcome-based criteria, and in part because the system itself lacks focus for decision-making and accountability.
- As noted above, it also lacks adequate demographic and other data necessary to objectively monitor and/or manage programs.

¹¹ Please see Appendix A for an example of this dilemma.

- The County officials do not track outcome statistics, i.e. what happens to kids while they are in the system, mortality rates, HIV rates, etc. They do, however, require providers to report the “service units” they provide and some demographic information, i.e. beds occupied, meals served, outreach contacts, etc. This also suggests acceptance of a “relief” vs. an “outcome-based” philosophy.
- There is no evidence that trained City or County social workers are involved with oversight, policy setting, program audits, outcome monitoring or reporting.

6. Public funding for programs serving homeless youth has never been made a high priority by local government leaders, nor have they aggressively sought federal or private funds.

FUNDING PRIORITIES AND NEW RESOURCES

- In recent years, neither the City of Portland nor Multnomah County has placed a high priority on funding programs that serve homeless youth.
- Only a small fraction of the public funding spent on services for homeless or displaced youth in Multnomah County is spent on programs serving youth in downtown Portland. For example, *Janus Youth Programs, Inc.*, which provides services to a wide range of clientele from families to homeless youth, focuses the majority of its resources outside downtown and throughout Multnomah, Washington and Clark counties.
- County contracts for programs that serve homeless youth are awarded and administered through the Department of Community and Family Services. These contracts represent a small percentage of that departments’ overall responsibilities.
- The *Salvation Army Greenhouse* (\$500,000/yr. budget) and *New Avenues for Youth* (\$500,000/yr. budget) are the only two providers working exclusively with homeless youth in downtown Portland. Both of these providers are funded primarily with private dollars. *Outside In*, which works with downtown youth, also works with adults, and is funded largely with public money.
- *Janus Youth Programs, Inc.* (\$760,000/yr. budget) and *Outside In* (\$600,000/yr. budget) are the primary publicly funded providers used by the City, County and State to care for homeless and at-risk youth in downtown Portland.
- Approximately \$2,300,000 is spent annually on services to downtown youth. \$1.3 million of this is from public sources (*Janus* and *Outside In*), while the rest is private (*Salvation Army Greenhouse* and *New Avenues for Youth*).
- Approximately \$250,000 in City funds are included in the \$1,300,000 of public funding noted above. This funding comes from the City’s annual Community Development Block grant administered by the Bureau of Housing and Community Development.

- The *United Way* donates approximately \$20 million/yr. to 100 agencies in four area counties. In 1997, \$95,000 in *United Way* funds went to programs serving homeless youth in downtown - *Janus*, the *YWCA*¹² and *Outside In* received funds.
- In August 1997, the City of Portland and Multnomah County submitted a proposal to HUD for twelve (12) separate homeless-related projects totaling \$3,471,521. Three projects to benefit homeless youth were included as part of this *McKinney Homeless Assistance Act* (42 U.S.C. 1311 et seq.) application. These proposals, which were ranked by the City and County as numbers 9, 10 and 11 (out of 12 projects) ask for a total of \$642,226 - with \$137,401 for mental health assessment services (*Network Behavior Healthcare*), \$217,875 for alcohol & drug treatment (*DePaul Treatment Centers, Inc.*), and \$286,950 for housing and advocacy for teen parents who are homeless (*Boys & Girls Aid Society*). None of these projects will focus solely on downtown homeless youth.
- It is unclear how funding for programs in the system is coordinated, prioritized, or tied to performance.
- Although the McKinney process is set up as a national competition, our City and County applied only for the amount HUD told them that they were "entitled to" apply for. Other cities, such as San Francisco, have historically ignored HUD's parameters and received far more than their suggested "fair share."
- More resources would be available to the community if more aggressive, comprehensive attempts were made to access federal, state, and private funds.
- A systemic reorganization of services for homeless youth in downtown should result in a significant increase in private funding for programs that serve this population.

7. The Committee estimates it may take a significant amount of time to reorganize the current system. However, it is clear time is of the essence when addressing homeless youth issues. Efforts must be made to allocate new public and private resources during this fiscal year.

INTERIM MEASURES

Most [youth] perceived shelter as only one of several options for the night, and nearly half had not received case management services in the last six months. In general, youth are not moving off the streets and into more stable situations.

Multnomah County: Report on Shelter and Related Services for Homeless Youth in Downtown Portland, June 8, 1994.

¹² The *YWCA* runs several programs for children of homeless families and youth being served by various provider organizations.

- Currently, only thirty (30) emergency shelter beds for homeless youth are available in downtown Portland. An additional fifteen (15) cots are set up during the winter months in the basement of a church. Notwithstanding the lack of adequate data, it is clear these thirty (30) beds are wholly inadequate to provide shelter for our at least 1000 homeless youth. In addition, questions have arisen within the provider community regarding the most effective use of the 30 beds.
- As noted earlier, of the many social service organizations that purport to serve Portland's youth (over 200 entries are listed in "Surviving the Streets"), only four (4) provide comprehensive services to youth who frequent downtown.
- Transitional housing programs provide a supportive living environment for youth who are working towards independence. Currently, twenty-four (24) beds are available for homeless youth and an additional seven (7) beds are available for "parenting youth". There are long waiting lists for these beds. Without additional capacity, youth who are working towards exiting street life will be without the most important component of their transition - a safe, supportive place to live.
- *Project LUCK* has consistently advocated for the development of additional transitional housing as a top priority.
- Several individuals and companies are currently interested in making significant financial contributions towards the development of a new transitional housing facility.

8. The current program for delivering educational services to homeless youth lacks focus and needs to be more proactive.

PORTLAND PUBLIC SCHOOL DISTRICT EFFORTS

- The McKinney Homeless Assistance Act, as amended by 42 U.S.C. 11431-11435, requires the Board of Education to ensure that each child of a homeless individual **and each homeless youth** has access to a free, appropriate public education. The rights of homeless children and youth include the right to go to school, to choose either to stay in the school they were in before they lost their housing or to go to the school nearest their shelter or temporary home.
- Currently, the Portland Public Schools Division of Alternative Education Services provides funding for only one alternative school in downtown Portland. The program, located at the *Salvation Army Greenhouse*, is funded for only 25 homeless street youth. We believe the School District's effort does not focus on outcomes and is too dependent upon contract agencies. Although the district provides educational services to children and youth who are members of homeless families - reflecting a commitment to meeting the educational needs of Portland's homeless - these programs are inadequate to address the current need.

- Public and private education can and should play a more significant role in meeting the immediate needs of homeless children and adolescents.

9. Effective sanctions for petty crimes committed by youth are virtually non-existent. As a result, at-risk youth are not discouraged from engaging in illicit activities that are dangerous to themselves and the community. Moreover, the community unintentionally communicates a message that such activity is tolerable.

POLICE AND JUVENILE JUSTICE EFFORTS

- In recent years, enforcement of laws regarding truancy, aggressive begging, minor drug use, curfew violations, teen prostitution and other “petty crimes” has not been a high priority for the Portland Police Bureau.
- There is no 24-hour site to which a police officer or citizen can bring a youth who is found to be intoxicated or “strung out” on drugs.
- Only one police officer is currently assigned to work with runaway youth. Six officers work on domestic violence issues and more than twenty work on gang-related issues.
- Approximately 30% of youth in the juvenile justice system end up in the adult system.
- The juvenile justice system does not have a facility to house youth arrested for committing “status offenses” (offenses that would not be a crime if committed by an adult) or other “petty crimes”.
- There are too few meaningful sanctions for youth who violate so-called entry-level or livability crimes. These include graffiti, prostitution, vandalism, panhandling, minor property violations, and drug use.
- Additional law enforcement and juvenile justice resources are needed to work with runaways and to enforce entry-level and livability crimes.
- The lack of adequate resources and sanctions for the commission of livability crimes has bred a sense of community tolerance for such crimes that must be reversed to effectively address homeless youth issues.
- We have received testimony indicating a high percentage (over 50%) of the homeless youth population engage in petty crime.

COMMITTEE RECOMMENDATIONS

1. DEMOGRAPHICS

The County should collect and maintain adequate demographic information on the homeless youth population, especially those who access services. All providers should provide this information to one entity (a public entity or contract agency) on an ongoing basis. The information should be used to evaluate services, set policies and funding priorities, and to improve the coordination of individualized services.¹³ Client confidentiality should be protected without sacrificing the quality of services, or the accuracy and availability of information.

2. SINGLE ENTITY FOR FUNDING, PLANNING AND DECISION-MAKING

All public funding, planning and decision-making authority should reside in one governmental or quasi-governmental entity. The new entity should be an independent branch of the County's Department of Community and Children's Services that is responsible directly to the County Chair. Any necessary city, county, state and/or federal legislation should be drafted as soon as possible.

The new entity should:

1. Develop a plan of action based on a clearly articulated philosophy, with a timeline for implementation, and delineating clear objectives for addressing homeless youth issues.
2. Allocate all public funds, regardless of source, that are earmarked for services for homeless youth.
3. Monitor the performance of service providers by utilizing a system of outcome-based criteria. (see below)

¹³ For example, the following information would be helpful in implementing this recommendation: % of the population with substance abuse issues; % of the population that is involved with prostitution (% males & females); % of minority youth; % of multicultural youth; % of sexual minority youth; % of youth with a history of abuse; % of youth who are runaways; % of youth from Portland, Oregon, Multnomah County, other places; % of youth living on the street for more than 3 months, 6 months, 1 year etc. ; % of the population with a criminal history; % of the population that are in some sort of case management; % of the population that would access housing if beds were available; % of the population that use existing services - with client evaluations of those services; % of the population that consider themselves to be prepared for employment; % of the population that would like to enroll in an alternative high school; which of the existing services are most valued by male youth (under 18, over 18), female youth (under 18, over 18); # of homeless youth who die on the streets each year; what affect confidentiality laws would have on the gathering and sharing of information; whether the population has grown over time; has it grown faster than the growth rate of Portland; does the population grow during certain times of the year ?

4. Keep and publish demographic and other outcome-based statistics on the overall population to measure system performance and as an aid to policy-making and funding decisions.
 5. Encourage or require providers to hire clinically trained, professional social workers.
- Note: See the Summary of Findings and Recommendations above for more details.

3. ACCOUNTABILITY

The system must establish a clear line of accountability to the public, as well as to political and community leaders. This should include an integrated set of outcome-based reporting criteria used to measure system and program success and tied directly to continued public funding. Efforts should also be made to increase community awareness about the barriers faced by homeless youth and to inform members of the community about how they can help.

The set of outcome-based reporting criteria should include, but not be limited to:

- The types of crises program staff worked on with youth to resolve during each month - including how these crises were addressed or resolved and the next steps (if any) the staff member encouraged the youth to follow.
- The number and type of counseling sessions attended by youth and others during each month - including the number of youth attending, major issues discussed and next steps recommended by counselors.
- The number, type, and reason for all referrals made to another agency. This should include referrals for shelter, transitional housing, medical issues, child abuse reporting, mental health assessments, employment training, education, and gender or identity issues.
- A description of the scope and frequency of follow-up measures taken by staff to assess the success of each referral.
- The number and results of educational and employability assessments - including the next steps recommended by staff members.
- Six month, 1 year and 2 year follow-ups should be performed on and reported for each client. This will help to assess the long term effectiveness of each program.
- Statistics should be reported on "exits" from street life and be broken down by how youth exited. i.e. family reunification, employment, transitional or independent housing.

4. SYSTEMIC PHILOSOPHY

The new government entity must develop a clear and concise systemic philosophy that sets a framework for all publicly funded programs and be officially adopted by the City and County's governing bodies. The philosophy should embody the values set out in this report. Provider organizations should be required to adopt the systemic philosophy as a condition of receiving public funds.

5. STANDARDIZATION OF SERVICES

The new government entity must develop a set of professional standards for provision of case management, outreach and other services to homeless youth, along with a system to ensure standards are met on an ongoing basis.

6. FUNDING PRIORITIES AND NEW RESOURCES

A subcommittee of the proposed Steering Committee should prioritize and detail how funding resources should be allocated, outline the magnitude of resources needed to seriously impact the issues, and develop strategies for acquiring the additional resources necessary to implement the recommendations set out in this report.

Focus all new resources first on services for youth under 18 years old who are working towards exiting street life - either via reunification with their families or through participation in a structured or independent living situation.

Set up all efforts to fund new programs as public-private partnerships.

The estimated need for new funding includes, but is not limited to:

1. Transitional Housing Facility with 25-40 beds and a full array of services.
 - \$3 million in capital with \$1 million for a site and \$2 million for construction or renovation
 - \$1 - 1.5 million annually for services
2. Improvement of current case management, shelter, employment and outreach services.
 - \$2 million annually from public sources, **and**
 - \$2 million annually from private sources
3. Staffing and expenses for the new governmental entity, the Steering Committee and other private efforts.
 - \$150,000 annually from public sources
 - \$150,000 annually from private sources

NOTE - These are rough estimates.

7. INTERIM MEASURES

A focused set of immediate steps must be taken as soon as possible to begin addressing the most critical shortcomings of the current system. These steps should include:

1. Form a Public/Private Steering Committee and establish the Office of the Coordinator of Homeless Youth Programs. The purpose of the Steering Committee should be to change the current system. The Steering Committee should be appointed jointly by the Mayor and the County Chair. The Steering Committee should include 2 representatives of County government, 2 representatives of City government, the Director of the Department of Juvenile Justice and Adult Corrections, 2

representatives of the Association for Portland Progress, 2 representatives of the Citizens Crime Commission, and one representative from the homeless youth service provider network.

2. The Steering Committee should remain in place until the tasks set out here and in point 3, below, are completed. The first task of the Committee should be to work with the County to hire an Interim Coordinator (and 3 additional staff). An annual budget of \$300,000 should be adequate for 4 staff persons, benefits, and other expenses. The Interim Coordinator would report directly to the Committee, be funded equally with private and public funds, and be assigned to work out of the Mayor's Office, the Bureau of Housing and Community Development or the Office of the County Chair. When the tasks set out below are completed, the Committee will reconstitute itself as an advisory body and the Office of the Coordinator will become part of the appropriate City or County entity. The Coordinator will then serve at the pleasure of the Mayor, the Commissioner responsible for BHCD, or the County Chair.
3. The Steering Committee and the Interim Coordinator should be charged with the responsibility for developing a new 25-40 bed transitional housing facility to be opened before January 1, 1999; engaging the County Auditor to perform a thorough performance audit of current services - including a critical examination of public funding priorities for homeless youth in downtown as compared to elsewhere in the region; working with each City Bureau and County Department to earmark funds from their 1998 budget for services for homeless youth; and developing a long term plan for implementing the recommendations set out in this report.

Suggestions for the Office of the Coordinator of Homeless Youth Programs

The role of the Coordinator should be to develop, fund, and implement housing, service-related and employment programs aimed at decreasing the homeless youth population in Portland. The Coordinator would foster inter-agency communication and the creation of a "seamless" service delivery system, act as the City's regional representative on homeless youth issues and as a liaison to providers, neighborhood groups, businesses and public entities. Initially, the Coordinator should focus solely on downtown.

In addition to the Coordinator, the Office should be staffed by a Funding/Grants Manager, a Program/Contract Monitor and an Administrative Assistant.

8. PORTLAND PUBLIC SCHOOL DISTRICT EFFORTS

The Portland Public School District should seek more federal and state funding for programs to serve homeless youth.

At least one additional alternative school site for homeless youth should be established in downtown Portland during the next fiscal year.

The following suggestions, taken from several academic studies, should be reviewed to determine which would be appropriate for our District:

- Establish an interagency collaboration team to provide for the immediate and long-term needs of homeless children and adolescents;
- Establish a liaison for homeless students at each school in the district;
- Develop close working relationships with area shelters where homeless students and parents are living;
- Provide homeless students with "mentors" who help them solve problems related to being successful in school;
- Individualize instruction so learning problems of homeless students are addressed early in the school year;
- Provide homeless students with needed learning materials for doing school work and homework;
- Develop close relationships with parents through contacts at local shelters, meeting parents at shelters, and providing parents with transportation to school;
- Establish a "family service referral system" within the school that is linked to the community's available social and educational services;
- Educate teachers and staff in each school about the unique needs of homeless students and families;
- Place computers and other learning materials in local shelters;
- Share planning and discussion among state leaders, school administrators, teachers, and community leaders directly involved in serving homeless students and their families;
- Institute across-grade-level teacher participation that nurtures sharing of common and unique concerns related to homeless students, parents, and families;
- Involve school administrators by having them participate in planning tutoring, mentoring, and liaison projects; and
- Seek the participation of the state coordinator of educational and support services for homeless students and families.

9. POLICE AND JUVENILE JUSTICE EFFORTS

- The Portland Police Bureau and the Department of Adult Corrections and Juvenile Justice should work with county officials and community providers to develop and fund a plan to direct status youth offenders to a central intake site. Staff at the site would then screen and assess the youth to determine whether the youth should be taken home, sent to a shelter or referred for other services. Staff at the site should be vested with the responsibility for transporting youth home where appropriate. This is not an endorsement of a 24-hour drop-in center.
- The Department and Bureau should keep and publish data on youth who are picked up on status offenses.
- Additional police officers should be assigned to work with runaway youth.

- The Department and Bureau should develop and implement a set of meaningful consequences for the commission of “petty crimes” by youth and reward police officers for enforcing those consequences.
- Efforts to “crack down” on adults who prey on homeless youth should be increased dramatically.

COMMITTEE FOLLOW-UP

A proposed plan of action for follow-up and tracking of Committee recommendations will be developed by the Committee after the County’s and Portland’s political and community leadership have had a chance to review and comment on the recommendations set out in this report. Future Committee involvement may include the following:

- Coordination of business community efforts to raise funds to help implement the recommendations set out in this report; and
- Participation with Steering Committee efforts.

Appendix A

APPENDIX A

This appendix includes additional information gathered by the Committee that supports the findings and recommendations. Where appropriate, the information is separated by topic headings that are reflected in the text of the report.

Demographics

Historical Perspective - "On February 25, 1987 a year-long study by the Emergency Basic Needs Committee (EBNC) Ad Hoc Advisory Committee on Shelter, Clean-up and Clothing found that **9,258 individually named people received one or more nights of shelter services from August 1, 1985 through June 30, 1986. Of this number, 4,750 individuals ... were in homeless families. About 2,400 were individual men, 960 were individual women, 500 were youth (under 21 years of age), 378 were in homeless couples without children, and 200 were elderly.**" p. 55, *Breaking the Cycle of Homelessness: The Portland Model*, Published by the Office of the Mayor, Revised 9/88.

"Displaced youth are difficult to count and difficult to define; the dimensions of the problem are not easily measured." p. 7, *1992 Service Plan for Displaced Youth in Multnomah County*.

"The average age of runaways has dropped from 16 to 15 in the last decade. Of the 120,000 kids who called the National Runaway Switchboard last year, 41% cited "family dynamics" as the reason for running away. Abuse - physical, sexual or substance - plays a part in a great number of these cases. 75% of all runaways on the street with no help will become involved with prostitution or commercial pornography within two weeks of leaving home. Approximately 40% report being assaulted; 20% being robbed; and 15% being sexually assaulted." Source: The National Runaway Switchboard as reported in *Mean Streets*, Parents Magazine, September 1997, pp121-122.

A 1992 report estimated the number of displaced youth in Multnomah County at 1500-2000. Janet Miller, Coordinator of Project LUCK estimates the current population to be 3,000.

Committee question to providers and Project LUCK:

Is there good demographic information on Portland's homeless youth population (if not, any suggestions on how to gather data?)

Responses:

Boys and Girls Aid: In general demographic information for at-risk youth is deficient due to poor design and technology. It is made more difficult by the high mobility of the homeless youth. Our suggestion would be to have the involvement of non-social service businesses to bring their expertise to the problem.

Greenhouse: Unknown. Information from City/County may reflect duplication. Street Light Youth Shelter appears to have a fairly comprehensive system.

Janus/Willamette Bridge: There is good information. Data gathering could be more uniform.

New Avenues for Youth: No. Most material ... is out-of-date, irregularly published, or not statistically valid. [M]ost Portland care providers keep some type of demographic information on the clients they serve; therefore the problem may not be one of gathering information, but rather of its accessibility for use and analysis. To date no mechanism exists for compiling and analyzing data from all the area providers. Program statistics may be inaccurate due to duplication of service by organizations.

Outside In: For the most part, information is limited, in part by computer resource links. It isn't clear what the City and County are doing.

Project LUCK: *Project LUCK* does not keep data on youth served. This is done by providers to meet certain funding requirements for city, county, state and federal funding. It would be very beneficial to the system and to the youth served if there were a central point of intake for certain data collected on the youth served. With a central data system, *Project LUCK* would determine which information would be useful for advocacy efforts, to obtain funding from private sources, marketing and public relations. A simple form would be developed to collect this data, agreements would be reached on how often youth would be interviewed while receiving services and after completing the program, data would be fed to the central point of intake, entered and analyzed on a quarterly or semi-annual basis. Providers would have to continue providing data to funders to meet contract requirements. That is why this system would have to be simple and the goals for collecting it clear and useful.

ADDITIONAL STATISTICS FROM VARIOUS SOURCES.

National Study of homeless youth (*Homeless Teenagers Formerly in Foster Care: Their Stories*, Robert Conte, July 1992)

81% come from abusive families

57% have been in foster care

83% come from families where the parents abuse drugs and/or alcohol

74% have drug or alcohol problems

93% are in need of mental health services

79% manifest serious depression

68% have contemplated suicide

31% have attempted suicide

85% have poor interpersonal/relationship skills

92% have not graduated from high school

88% lack employment skills

90% do not have access to regular health care

50% are in need of medical attention for a specific condition or disease

12% have tested positive for HIV (it is estimated that if all homeless teens were tested at least 30% would prove to test positive)

Greenhouse

The population is estimated to be 60% male; 40% female; 90% Caucasian. There is an increase of minority youth, especially young bi-racial females. Approximately 25 - 30% of newly screened youth are 13-15 years of age. In 1996, 105 youth attended the alternative school and 15 students received their GED's.

During the first year of their Transition Specialist program, 71 youth were assisted with case management-type services. Of these, 51 were age 15 and under and 53 were "placed" in some type of housing situation. Greenhouse hopes to continue and increase this program during 1998.

Janus/Willamette Bridge

The total population of downtown youth is between 300 - 500 each night. (questionnaire response). Note - This differs from the following statement in their 95/96 annual report: "The core street population is between 500-1000." The total within the metro area is 3,000 - 3,500. For ages 16-18 served by *Willamette Bridge Programs*: 70 - 80 % are local, 85% are Caucasian and 66% are male. According to charted program data, the average age of *Street Light* clients in FY 95/96 was 18, however, the text of the FY 95/96 annual report lists the average age at 17. Both *Janus* sources indicate the population to be 2/3 male, 1/3 female.

Janus's outreach program, *Yellow Brick Road* made over 2,200 contacts with street youth during the 95/96 fiscal year. Outreach volunteers worked almost 5,000 hours during that same time period.

Although *Janus*' annual report includes some outcome-based statistics for its tri-county housing programs, their *Willamette Bridge* programs (which work with homeless youth) do not publish statistics of this nature.

New Avenues for Youth

For the period from 8/4/97 - 11/31/97, the drop-in center worked with 241 unduplicated youths. Case management conducted 62 comprehensive assessments, 347 counseling sessions, 14 family sessions, and filed 32 suspected child abuse reports. Sixty youth were referred to other agencies that serve youth. Ninety-five youth were referred to the Street Light shelter. Twenty-eight of the youth referred to the shelter were turned away.

Of the 33 cases that have been closed: 14 youth (42%) were reunified with their families, 3 entered a drug treatment program, 1 entered a group home, 2 entered foster care placements, 5 began living independently, 2 entered transitional living situations, 4 had other positive exits and 2 broke contact. In total, 85% of closed cases exited street life. During November 1997, case management staff reported that 60% of youth who had exited street life during the prior 30 days remained stable.

Outside In

The total street youth population is 1,065 persons under the age of 21. This number appears to refer to "unduplicated" persons served by OI during fiscal 95/96. 57% of the total population are male, 43% are female. 37% of those under 18 are male and 58% are female. 63% of those over 18 are male and 42% are female. Seventy-nine percent (79%) are Caucasian, 6% are Hispanic, 8% are African American and 7% are Native American. 85-90% of youth served are from the greater Metropolitan area. (per 1995-96 Annual Report)

During the 1995-96 fiscal year, *Outside In* served 908 youth in their drop-in center, case managed 158 youth, housed 42 youth in their transitional housing program and had 21 youth in their employment program. They provided weekend services to over 350 youth, helped 53 youth with rental assistance, and assisted over 70 youth with medical housing.

Of the 158 youth involved in case management, 14% entered their transitional housing program, 9% returned home, 11% began living independently, 2% became employed or entered training, and 33% returned to the streets.

Of the 42 youth in their transitional housing program, 55% began living independently, 23% were reunified with their families, 9% entered long term transitional housing, and 13% returned to the streets.

Of the 21 youth hired in their employment program, 86% completed the program, 5 obtained a GED, 4 returned to school, 10 were placed in jobs and 4 moved into other programs.

Single entity for funding, planning and decision-making.

As noted in the body of the report, current public contracts for the provision of services to homeless youth in downtown Portland are let through the County. However, funding priorities and policy decision-making are conducted piecemeal by both entities - sometimes with differing or competing objectives. For example: Funding for the emergency shelter and the winter shelter is split between the City and County. Recent efforts by members of this committee to advocate for additional shelter beds and other changes to the system necessitated numerous one-on-one meetings with City Council members and the County Chair. After over 3 months of effort, the two entities finally decided to split the \$18,000 cost.

The County currently relies on the provider community to "govern themselves" and work together on coordination and planning via *Project LUCK* - a publicly funded consortium of non-profit service providers, funders, youth, advocates, representatives of the faith community, the downtown neighborhood association, police department, health department, Oregon Research Institute, and the Association for Portland Progress. Although County staff attend *Project LUCK* meetings, they do not appear to take a leadership role.

Staff of the Bureau of Housing and Community Development, headed by Commissioner Gretchen Kafoury, work informally with providers and attend *Project LUCK* meetings. Perhaps because of their recognized leadership with the single adult homeless population, BHCD staff appear to provide more leadership with youth providers than any other governmental entity.

United Way Comment: There needs to be better coordination of services.

Committee question to providers and *Project LUCK*:

How does the community coordinate services?

Responses:

Boys and Girls Aid: Efforts are coordinated through county, city, and provider networks.

Greenhouse: No opinion.

Janus/Willamette Bridge: *Janus* itself provides some coordination. *Project LUCK* additionally serves to coordinate. It coordinates, gets the agencies to sit and talk and does joint planning.

New Avenues for Youth: The community does not coordinate services well. Coordination is done on an ad-hoc basis via contacts between administrators and program directors.

Outside In: The Community doesn't coordinate services as well as it could, and there is apparently some duplication of effort among agencies or programs. Since the various groups have different goals, budgets and reporting criteria, coordination and comparison of data is problematic.

Systemic Philosophy

As noted in the findings, providers with different philosophical approaches often have difficulty coordinating services. For example, recently a client at one provider had agreed to enter into residential substance abuse treatment and begin the arduous recovery process. As the date for entry approached, the youth got cold feet and sought refuge at the "no-strings attached" drop-in center of another provider. When asked by the first provider to encourage the youth to continue working towards recovery, the second provider refused - stating that they do not put any strings on their services.

Philosophical Approaches/Mission Statements (as stated by each organization.)

Boys and Girls Aid: The purpose of The Boys and Girls Aid Society of Oregon is to help children to grow by strengthening the capacity of the individual child and family and helping change the societal conditions of poverty, racism and sexism which affects

children's growth. Service Philosophy - We utilize a child welfare approach focused on changing conditions and increasing individual and community capacity.

Greenhouse: To provide services to meet the physical, emotional, spiritual and social needs of street youth on a no-strings-attached basis.

Janus/Willamette Bridge: The programs are designed around a blending of the following tenets: 1.) People control themselves, and are responsible for their choices and actions. 2.) Young people are inherently intelligent, capable human beings. 3.) You don't prepare people for responsibility and independence by taking control of their lives, and making their choices and decisions for them.

New Avenues for Youth: To create a safe and structured environment in which youth learn responsibility, self worth, and independence. To provide a continuum of care addressing the varied needs of youth at risk. To empower youth to leave street life and assume productive and fulfilling roles in society. To achieve high rates of success and increase accountability by documenting the results of our efforts to rehabilitate youth. To give leadership to other area providers by sharing our findings and working cooperatively to address the needs of Portland's youth at risk.

Outside In/Youth Program: To serve youth between the ages of 12 and 21 who are living on the street or engaging in street behaviors (drugs, theft, prostitution) and for whom home and/or families are not appropriate resources. We recognize that youth become ready to make changes at different times in their lives; therefore, they may enter the continuum of services at any point and they may cycle through more than once.

United Way: To provide funds that will help people transition out of poverty and homelessness - not for short-term aid.

Project LUCK: We envision a community that embraces, advocates for and protects equally the welfare of all its members. We believe that young people are especially vulnerable and it is the community's responsibility to teach all children and youth that they have a voice to help protect themselves and their rights.

Funding priorities and new resources

The information set out below gives an overview of how the majority of the public dollars in the system are currently being spent.

Janus Youth Programs, Inc.*

Harry's Mother	\$411,000	Temporary shelter for runaway youth; family intervention services; case management.
Harry's Mother Crisis Line	\$80,000	24 -hour crisis line for youth

Street Light Shelter	\$202,063	Emergency shelter for 30 homeless youth
Winter Emergency Shelter	\$36,877	Emergency shelter for homeless youth (Nov. - March)
Transitional housing for girls	<u>\$65,000</u>	Transitional living (apartments) and case management for homeless young women
Agency Total	\$794,940	

***Note: Although only Street Light and the winter shelter are located in downtown, the other services are available to downtown street youth.**

Outside In

Drop-In Day Shelter	\$130,530	Drop-in, safe day-time emergency shelter for homeless youth (6 days/wk; 7 days/wk., Nov. - March)
Short-term Case Management	\$142,085	Case management for youth at the Drop-in shelter and Street Light Shelter
Transitional Housing Program	\$140,877	Transitional living (apartments) and case management for homeless youth
HIV Services	\$60,400	Outreach, HIV peer education, and support groups for HIV+ youth
Emergency Assistance	<u>\$32,514</u>	Food, medical assistance, ID's, bus tickets, etc.
Agency Total	\$506,406	

Boys and Girls Aid*

East County Shelter	\$180,000	Temporary shelter for runaway youth
Safeplace	<u>\$60,060</u>	Temporary shelter for pregnant and parenting young women
Agency Total	\$240,060	

***Note: These services rarely serve downtown youth.**

Total Public Funding \$1,541,406

Total Public Funding For Services Downtown \$1,301,346

Note: This total only includes programs funded through the County Department of Community and Family Services and the City's Bureau of Housing and Community

Development. Additional funding may come from other governmental entities, such as the Health Department.

Source: Letter dated 6/17/97 from Robert Donough, Manager of the Contracts and Evaluation Division for the Multnomah County Department of Community and Family Services to Ray Mathis c/o Citizens Crime Commission.

Private Funding

New Avenues for Youth \$500,000/yr.

Salvation Army Greenhouse \$500,000/yr.

Note: Both of these organizations focus exclusively on services for downtown youth.

Funding Devoted To Services For Downtown Youth

<i>Janus/Willamette Bridge</i>	\$760,000
<i>Outside In</i>	\$600,000
<i>New Avenues for Youth</i>	\$500,000
<i>Salvation Army Greenhouse</i>	<u>\$500,000</u>
Total	\$2,360,000

Proposed Additional Public (Federal) Funding

Pursuant to the federal McKinney Act (and regulations promulgated pursuant to the Act), the Department of Housing and Urban Development publishes an annual Notice of Funding Availability (NOFA) for a nationally competitive set of (3 year) grant funds for services to persons who meet the HUD definition of homeless. Each year HUD also publishes what they believe to be each city or county's "share" of the total amount of federal dollars allocated for homeless programs. Please note, however, that the McKinney application process has historically been a competitive process under which cities and counties can receive a lot more funding than their allotted "share".

According to local officials, HUD indicated Portland and Multnomah county's share to be \$3.5 million for 1998. In August 1997, the City of Portland and Multnomah County submitted a proposal to HUD for twelve (12) separate projects totaling \$3,471,521. Pursuant to regulations set out in the NOFA, the projects were ranked by City and County officials in priority order - with the understanding that HUD officials will take this ranking into account when determining which projects will be awarded funding. Three projects to benefit homeless youth were proposed as part of the City & County's 1997 application for HUD McKinney Funds. These proposals, which were ranked as #'s 9, 10 and 11 (out of a total of 12 projects) ask for a total of \$642,226 - with \$137,401 for mental health assessment services (*Network Behavior Healthcare*), \$217,875 for alcohol & drug treatment (*DePaul Treatment Centers, Inc.*), and \$286,950 for housing and advocacy for teen parents who are homeless (*Boys & Girls Aid Society*). If awarded, these funds would become available for "draw-down" from HUD in early 1998. As with other McKinney grants, a percentage (approx. 5%) of the awarded funds may be utilized by the monitoring entity (City or County) to cover administrative costs.

United Way

The *United Way* donates approximately \$20 mil /yr. to 100 agencies in 4 counties. In 1997, \$95,000 in *United Way* funds went to programs that serve homeless youth in downtown - *Janus*, the YWCA and *Outside In* received funds.

Specific findings and recommendations for individual governmental entities.

Portland Public Schools

The following articles may provide some guidelines for planning and project development for working with homeless children and youth:

1. Source: The Clearing House, May-June 1996 v69 n5 p.293(4).
Title: Teacher strategies for supporting homeless students and families.
Author: Kevin J. Swick

Abstract: Teachers from Richland School District 1 in Columbia, SC, participated in several projects aimed at enhancing their understanding of homeless students and families. Through such projects, they were able to identify key problems of homeless people and utilize various resources to help alleviate them.

2. Source: Childhood Education, Spring 1997 v73 n3 p.133(3).
Title: Prognosis for homeless children and adolescents.
Author: Karol A. Reganick

Abstract: Recent survey shows that the current homeless population consists of single adults, families, battered women and runaway adolescents whose common characteristic is their lack of a fixed, adequate and permanent residence. The problem's societal and personal impacts are felt more acutely by children and adolescents. In satisfying the immediate needs of homeless children and adolescents, educators must first try to understand that homelessness is a continuous process. A comprehensive approach to providing assistance to homeless children and adolescents is discussed.

Appendix B

APPENDIX B

Memorandum

To: Homeless Youth Assessment Committee Members
From: Kandis Brewer Nunn and Thane Tienson
Subject: Notes from teen meetings
Date: November 26, 1997

We met with two groups of teens arranged by Outside In and Greenhouse staff. The following is a composite of the reflections of the teens in both groups:

Street environment & hierarchy

- Teens quickly acclimate to the street and its people, viewing this as their home, their family. They recognize this is a distorted perspective but in the absence of either, this environment plays a functioning role.
- Young kids (9-10 year olds) do not often make it on the streets. They are intimidated by some of the older teens (principally those older than 18 who have been on the streets quite a while and who believe they have earned the right to determine who stays and who goes); many return quickly to their former environments.
- Older teens also target or use newer street youth (nubies - those on the streets for less than a year), assigning chores (legal and illegal) and occasionally physically or verbally abusing them.
- Teens indicate that if you give respect to others you get respect so they think the hierarchy is a good thing. It provides what little structure there is to the street. Altercations occur if teens view others as hitting on their friends (sexually or abusively) and are treated on a case by case basis. "We take care of ourselves. It's best to not get in anybody else's business."

Who's on the street?

- Approximately 300 homeless teens as a core group with a 50/50 composition: male and female. All told, they estimate the numbers to be approximately 2,000-2,500. (Several indicated they got this number from service providers.)
- Drug usage: The majority use drugs principally to "get away from reality" initially, and then become hooked. It gives them a sense of "well-being." They pay for these drugs by panhandling, stealing and returning merchandise. Others hold full-time jobs (however lowly paid). Occasionally, they support their habits through prostitution but

the teens do not believe it is as pervasive as perceived by adults. Those who do engage in prostitution are viewed as "lower on the totem pole".

- Many have mental or emotional problems, much of which is either initiated by or accentuated by drug usage.
- Approximately half of the girls on the street are mothers, many of whom keep their children with them. Other girls have either legally handed over their children for adoption (to their families or others) or their children are in some form of foster care.
- Many teens have animals because they provide unconditional love and response. "They are always there for you."
- Some teens are only "day" homeless. They actually can and do return to their families in the evening. They simply are no longer in school; some are banned from attending public school because of past occurrences or present behavior.
- Suburban teens: Some were more familiar than others with the term "weekend warriors". They view these teens as having the money to come downtown, "do their business" (i.e. purchase drugs) and then return to their homes. Weekend warriors may not imply overnighting on the streets or even hanging around for indefinite periods of time. They simply are teens of similar ages, perhaps similar dress, on the streets during a given time period. Some, but not all, mix with the "regulars."
- *The vast majority of teens on the streets are "travelers", in the teens' estimation.* These urban nomads are on a West Coast "circuit" cycling between Seattle, San Francisco and Portland, principally. When they tire of one area, or have used up the services, they move only eventually to return. People tend to stay on the West Coast because of weather conditions (less harsh than elsewhere) and other cities do not provide as much help as these three do. ("Let the system help me."). They will continue to do this until they can not do it anymore. Turning 21 is a big disincentive because people are no longer accepted at certain shelters and the adult shelters are not viewed as very pleasant.
- Kids may not die, per se, they simply disappear. They rarely tell others that they are leaving which may account for the sense of a lot of kids dying. And then at a later date, it becomes known that they died. Or, kids can also mysteriously reappear. Additionally, several indicated they had heard of several friends in the past few weeks who had died.

What do they do with their time? Their responses:

- Most wake up with no plan in mind for the day.
- Some hold full time jobs.
- Some “hang out” and talk with friends, either on the streets or at service agencies where they are fed or receive medical attention.
- Do drugs to pass the time and avoid reality.
- A typical day may be a teen waking at 9 a.m. in a shelter (have to get out at that time), wanders over to another service provider and sleeps until noon; has lunch, catches up with friends, then wanders the street until its time for dinner at Greenhouse. Sometime thereafter (depending on shelter closing time) they return to the shelter and start the process all over again.
- It’s the teens’ impression that quite a few take advantage of Greenhouse’s school to get their GEDs. At the prom last year, 20 students graduated. However, they are only trained for the lowest skilled positions which perpetuates their poverty.

Who provides services and how is it viewed?

- Some are preferable to others, particularly ones that provide moral support, essential services, and are a “cool” place to hang out. Principal agencies noted as fitting that description and providing essential services: Greenhouse, Outside In, and to a lesser extent Harry’s Mother.
- Some agencies do not allow personal, physical interaction with others of the opposite sex (hugging, handholding etc.), can’t “cuss” and often have “issues” with what teens want to talk about.
- Services they perceive being provided: medical, place to be inside out of the cold, food, occasionally bus tickets home.
- Teens may have multiple caseworkers, some of whom interact and others which don’t. You are allowed access to resources as long as you are “exhibiting” progress which can mean going to school, seeking counseling or being in a treatment program, or actively pursuing skill training for employment.

How do they view their future?

- Many when asked said they are either in or planning to return to school to earn their GED or to enroll in a community college. Career options the teens interviewed indicated they would like to consider: alternative music composition; administrative assistant in a CPA firm; starting your own business; working with the disadvantaged using sign interpretation; computer/Internet services for a nonprofit. However, how much of this is wistful thinking and how many will actually pursue these goals is questionable, and will be influenced by individual motivation and access to services that will help them achieve them.
- “The streets are our home. This is our family. There are only three ways off the streets: get out of it. go to jail. die.”
- They view this as their family and, for the moment, do not see or necessarily desire an alternative. They are looking for that sense of belonging among people they like and care about what they think of them.
- “We are not street trash, you know. People do what you expect them to do. So if you expect me to shoplift, or to scream, do drugs or whatever, I might as well do it since you already think that’s what I’ll do anyway.”

What do they need?

- Principal need: more shelters of varying types. Currently, only one shelter is available that houses 30 teens. There is an overflow shelter but it has no showers; food is provided occasionally. Maximum length of stay allowed: 6 months. Shelter staff provides moral support. Teens indicated they view shelters as a place for those who want to get their lives together. However, some teens resent the restrictions or requirements i.e. no drugs allowed, must make beds, etc. Those who don’t want to comply avoid them because of the restrictive environment. Foster group homes: not unusual to have teens run away from these homes as well.
- Additional transitional housing (studio apartment, the rent of which is paid for six months) is needed. During this time, two-thirds of what teens earn goes into the bank as a nest egg for housing after the 6-month period concludes. They like this plan because it helps them achieve some sense of independence. There are additional programs that assist with underwriting a portion of the rent that they access as individuals we are told.
- For those who do not access shelters, they either sleep under bridges or have permission from property owners to sleep in doorways. However, they are “harassed” even though they have permission. Some have full time jobs and being awakened in the middle of the night makes it difficult to get through the day. There are no places to

shower except if they take advantage of friends with apartments. Those who do not sleep on the streets drift from friend to friend, crashing in apartments.

- Medical care: Oregon Health Plan. Colds constantly circulating, as are lice and scabies. The latter two are typically contracted at the shelters and teens avoid the shelters for that purpose. Others have stomach problems (perhaps associated with stress and anxiety.)
- Freedom from what they view as harassment by security patrols. "We get busted for the stupidest stuff. An adult could be doing the very same thing (jaywalking, for example) and they would pick on us for how we look and for our age. It's not fairly enforced."
- Better integration of services and centralized repository of knowledge about what services are available. Right now they patch-quilt it together independently and have to learn the ropes from their friends.
- Teen Comments:
 - If there is funding for political trips abroad, there must be funding for shelter at home.
 - Have written letters to public officials and received no answers. They view this lack of response as indicating adults do not care and that there will be no effort made for additional shelters.

Appendix C

APPENDIX C

**HOMELESS YOUTH ASSESSMENT COMMITTEE
QUESTIONNAIRE**

Name of Provider: _____

Telephone: _____

Contact Person: _____

Fax: _____

1. Do you publish an annual report and can we have a copy?

2. What is your annual budget? Copy available?

3. Source of funds (public/private including United Way):

4. Numbers of employees:

5. Services provided:

6. Mission statement:

7. What kind of statistics do you keep on the populations you serve?

a) Total population:

b) Demographics of population (age/race/sex):

c) Services provided:

d) How is this data share with other providers?

e) Is there good demographic information on Portland's homeless youth population? (If not, any suggestions on how to gather data?)

8. How does the community coordinate services?

b) Suggestions on how to improve coordination:

9. How do you interact/interface with other publicly funded institutions that are responsible for serving young people, specifically:

a) Portland Public Schools:

b) Department of Juvenile Justice:

c) Dept. of Community and Family Services:

d) Youth service centers:

e) Health Department:

f) Mental health service providers:

h) Portland Police Bureau:

e) Others?

10. How do you measure your organization's effectiveness?

11. What is your organization's service philosophy?

12. Are there gaps in the service delivery system for displaced youth?

a) Suggestions for filling the gaps?

13. Does the present system of services:

a) Provide for "need" assessment in population served? Are services provided to youth who not "need" such services?

b) Encourage "gaming" of the system by participants?

c) Attract a transient population to Portland; or are majority of clients served of local origin?

d) Require effort or accountability from population served or effort to help themselves?

14. What suggestions do you have for improving the service delivery system for displaced youth?

15. Any suggestions for this committee or any questions about the committee's work?



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(503) 224-8684
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Citizens Crime Commission
221 NW Second Avenue
Portland, OR 97209

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Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
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Portland, Oregon 97204

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

January 12, 1998

Les AuCoin, Co-Chair
Fred Stickel, Co-Chair
Homeless Youth Assessment Committee
Citizen Crime Commission
221 NW 2nd Ave.
Portland, Oregon 97209-3999

Dear Les and Fred,

Thank you and your committee for your thoughtful, detailed assessment of the current services provided to homeless youth in the downtown area. Your recommendations are timely and fit well with the planning process already underway in the Departments of Community and Family Services and Community Justice.

Your report provides us with an excellent opportunity to improve an area of services to youth that has been neglected as we focused on juvenile and adult crime and school completion strategies, two of our three long term Benchmark goals. Addressing homeless youth is consistent with our third long term Benchmark, reducing children in poverty. Work on this issue has lagged behind the other two but is equally important.

OVERVIEW

1. I believe that the recent realignment of services, roles and responsibilities between the City of Portland and the County gives the County the lead role in the planning and administration of services for homeless youth. The City of Portland maintains lead responsibility for the planning and administration of facilities needs. This new level of clarity regarding our respective



responsibilities should help address the fragmentation issues raised in your report.

2. The County's lead staff for homeless youth issues is Mary Li. She reports directly to CFS Director Lorenzo Poe and he has assured me of his intent to raise the level of activity in this arena in the coming fiscal year.
3. As part of City/County realignment, the County is aligning the Community Action Commission (CAC) with the Multnomah Commission on Children and Families (MCCF) to create a single citizen planning body for Community Action and policy development. Jim Clay is the Director of MCCF and Mary Li is Acting Community Action Director. When the merger is complete, I will ask them to discuss with the newly constituted citizen body whether an ongoing Steering Committee on homeless youth is appropriate.
4. The County is in the process of planning a Request for Proposal (re-bidding the contracts) for the entire range of services for homeless youth this spring. This includes both coordination, night and day shelter, winter expansion services, food services, case management, and transitional housing. A planning group is currently being developed. We would welcome representatives of your Committee to join the group. You can contact Mary Li (248- 3658 x26787) for more information. Commissioner Gary Hansen, the commissioner designated to champion the County's work on its Children out of Poverty Benchmark, will assist with this planning process.
5. The Director of Community Justice, Elyse Clawson, is very supportive of your recommendations. Last year, she proposed a livability crimes package for joint County/City of Portland funding which was not funded. She is also supportive of the need for a location for police to bring status offenders for triage and appropriate services and action.
6. I will forward your report to our auditor Gary Blackmer for his consideration of this topic on his next audit schedule.

DECISION MAKING PROCESS

Here is the process I believe we should use to work together to improve the system.

JANUARY

Briefing of the Board of County Commissioners about your report and its recommendations and the process we will use to address the concerns. We will work with you on a convenient date for this briefing.

EARLY FEBRUARY

Following review by the Community Action Commission and MCCF, briefing of our Board about the proposed RFP and the issues raised. During that briefing, we will ask the Board to give direction regarding the following:

- 1) what consistent philosophy will govern these services
- 2) whether additional administrative resources (interim or permanent) are needed to operate the system
- 3) whether additional services are needed to effectively operate the system
- 4) how management and coordination responsibilities will be divided between the County, City, and provider network

LATE FEBRUARY

Discussion with the City of Portland concerning their commitment to funding additional facilities. Ideally, the Mayor's and Chair's budgets would reflect a mutually agreed upon level of service.

MARCH

Development of the Executive Budget. The Chair will consider Departmental proposals to expand services for homeless youth, expand alcohol and drug services and abuse treatment services, and provide sanctions for quality of life crimes.

APRIL

Homeless Services RFP issued. Responses due back in May and evaluated.

JUNE

RFP awarded. County Budget approved.

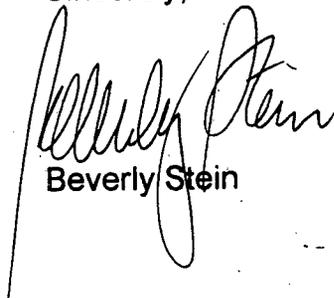
YOUR ASSISTANCE

We could use your assistance in a number of ways:

- funding for expansion of services and/or facilities. These funding commitments will need to be identified quickly to be included in the RFP and executive budgets. Your knowledge and ability to leverage private funding sources will be especially helpful
- participation on the RFP planning group

I appreciate your caring and compassion for young people and your recognition that the work of preventing crime takes many approaches and involves many partners. We look forward to continuing to work with you to respond to the issue of homeless youth.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly Stein". The signature is fluid and cursive, with the first name being more prominent.

Beverly Stein

cc. Board of County Commissioners
Portland Mayor Vera Katz
Commissioner Gretchen Kafoury
Gresham and East County Mayors and City Managers
Lorenzo Poe
Elyse Clawson
Iris Bell
Jim Clay
Mary Li
JoAnn Fuller
Ray Mathis
Paul Lorenzini



CITY OF
PORTLAND, OREGON

Gretchen Miller Kafoury, Commissioner
1220 S.W. 5th Avenue
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Telephone: (503) 823-4151
Fax: (503) 823-3036

January 12, 1998

Les AuCoin and Fred Stickel, Co-Chairs
Homeless Youth Assessment Committee
Citizens Crime Commission
221 N.W. Second Avenue
Portland, Oregon 97209-3999

Post-it® Fax Note	7671	Date	1/22	# of pages	2
To	Bill Farver		From	Terry	
Co./Dept.			Co.	Kafoury	
Phone #			Phone #		
Fax #	248-3093		Fax #		

Dear Committee Members:

Thank you for your efforts in developing such a useful report and for your commitment to improving the lives of homeless youth. Your analysis helps us all to better understand and address a deeply troubling dilemma in our community.

It is encouraging to us that you offer community support to increase the amount of public and private money and attention targeted to homeless young people. We at the City look forward to improving many of the system elements you mention: accountability, clear and measurable outcome based standards, and the development of system wide goals that can be embraced by funders, providers, and the private sector. We firmly believe in the need of a full continuum of services, including housing, education, health and employment. I also acknowledge that government has an opportunity and the responsibility to take a larger leadership role in this arena.

While I am in agreement with many of the findings and recommendations contained in the report, there are some areas that warrant further examination.

- **Philosophy** We agree it is important that agencies do not work in counter-productive ways; we know there are better ways to coordinate services. However we also believe that different youth (differing in age, formative experiences, substance abuse and a number of other factors) will need different types of intervention. We want to ensure that even within the framework of a consistent philosophy, varying approaches or interventions are available -- from those services which move youth permanently off the street to those basic services necessary to keep youth alive. There is a balance to find and keep here and we need further discussion about the best ways to achieve it.
- **Accountability** Although the responsibility for addressing these issues should be primarily with one government agency, diverse funding streams and the need for both on-going services and facility development necessitate the involvement of two jurisdictions. The City of Portland and Multnomah County must work together to meet the needs of homeless youth and to maintain accountability for public funds.

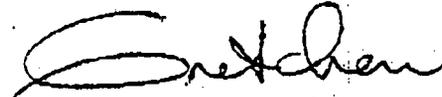
JAN-22-1998 16:35 COMMISSIONER KAFOURY P.02
Homeless youth, p. 2

We are very much interested in working with the private sector and service providers to develop additional transitional housing. Also, we are encouraged by the offer of private sector partners to assist us in capturing additional federal and private funds.

Finally, I want to be clear that we applaud the work done by all the youth agencies mentioned in this report. Despite very difficult circumstances (for many of the reasons listed in the report) I believe that agencies have demonstrated laudable success in working with this hard-to-serve population. I am appreciative for the efforts of the staff and boards of these agencies, and look forward to increasing our support and interactions in the future.

Thank you again. We know that this report will be used as part of the planning which is now beginning between Multnomah County, the City of Portland, service providers and other community members regarding the upcoming Multnomah County Request for Proposals for services for homeless youth. We hope members of your committee will join us in that work.

Sincerely,



Gretchen Miller Kafoury

cc. Mayor Vera Katz
Chairperson Beverly Stein
Commissioner Eric Sten
Steve Rudman, BHCD