

ANNOTATED MINUTES

Tuesday, October 23, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

1. CU 19-90 Public Hearing - DeNovo

Review the Decision of the Planning Commission of August 13, 1990, denying the entire application for a conditional use request to allow the transfer of nursery related products for property located at 9825 NW Kaiser Road

TESTIMONY HEARD. BOARD AFFIRMED DECISION OF THE PLANNING COMMISSION OF AUGUST 13, 1990, DENYING THE ENTIRE APPLICATION FOR CONDITIONAL USE

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INFORMAL BRIEFINGS

(to follow Planning item)

2. Informal Review of Formal Agenda of October 25, 1990

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Wednesday, October 24, 1990 - 9:00 - 11:50 AM

Standard Plaza Building  
3rd Floor, Conference Rooms A & B

POLICY DEVELOPMENT COMMITTEE MEETING

9:00- 9:05	Mission and Guiding Principles final review and recommendation to Board of County Commissioners
9:30-11:30	Planning subcommittee will propose policy statements concerning the role of the County in local law enforcement. Discussion and establishment of next steps
11:30-11:50	Discuss agenda for meetings with other local jurisdictions about Emergency Response to Possible Passage of Measure 5. Set agenda for next PDC meeting November 7th

INFORMAL BRIEFINGS

JOINT CITIZEN INVOLVEMENT COMMITTEE/  
BOARD OF COUNTY COMMISSIONERS  
INFORMATIONAL BRIEFINGS  
ON THE MAGNITUDE OF BALLOT MEASURE 5 IMPACTS

Tuesday October 23, 1990 7:30 p.m. 2 World Trade Center  
121 S.W. Salmon Street  
Mezzanine, Room 2  
Portland, Oregon

Thursday October 25, 1990 7:30 p.m. Gresham City Hall  
Council Chambers  
1333 N.W. Eastman Parkway  
Gresham, Oregon

A G E N D A

1. Impact Analysis Process  
Jack Horner, Richard Levy
2. Citizen Budget Advisory Committee (CBAC) Chairs' Reports:  
Library Advisory Board  
District Attorney  
Sheriff  
Department of Community Corrections  
Human Services Citizen Advisory Board  
Environmental Services  
General Services  
Nondepartmental
3. Central Citizen Budget Advisory Committee's Concluding  
Remarks
4. Citizen Involvement Committee (CIC)/Board of County  
Commissioner's Discussion
5. Adjourn

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

FORMAL MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Liquor License applications submitted by Sheriff's Office with recommendation that same be approved as follows:

Package Store Renewal for the Orient Country Store, 29822 S.E. Orient Drive, Gresham; the Goldspinks Jackpot, 28210 S.E. Orient Drive, Gresham; the Norwood's AM/PM Mini Market, 14801 S.E. Stark Street, Portland; and the K. S. Food Market, 15231 S.E. Division, Portland  
Dispenser Class A Renewal for the Hong Jong Restaurant and Lounge, Inc., 12510 S.E. Division, Portland; the China Hut Restaurant, 16721 S.E. Division, Portland; and the Multnomah Falls Lodge, P.O. Box 367. Troutdale  
Retail Malt Beverage Renewal for the Happy Landing Tavern, 520 S.E. 148th Avenue, Portland; the Club Genesis, 13639 S.E. Powell Blvd., Portland; the King's Wild Tavern, 13550 S.E. Powell Blvd., Portland; and the Pleasant Home Saloon, 31637 S.E. Dodge Park Blvd., Gresham

APPROVED

- C-2 Ratification of an Intergovernmental Agreement, Contract #201089, Amendments 1, 2 & 3, between Multnomah County Sheriff's Office and the U.S. Marshals Service Prisoner Operations Division, #1 - allows the Sheriff's Office to charge for guard services at hospital; #2 - changes the per diem rate from \$97.55 to \$89.98; and #3 - changes the effective date of amendment #1 to August 1, 1990

APPROVED

- C-3 Ratification of an Intergovernmental Cooperative Agreement, Contract #800421, Amendment #1, between Multnomah County Sheriff's Office and the U.S. Marshals Service for construction financial assistance for Multnomah County Inverness Jail II in the amount of \$1,250,000.00

APPROVED

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-4 Order Authorizing Deeds for County Road Purposes in the Matter of Conveying Deeds for Certain Real Property to the Public for Road Purposes for N.E. Cherry Park Drive, Item No. 90-291; N.E. 238th Drive, Item No. 90-292; and N.E. Halsey Street, Item No's. 90-293 and 90-294

ORDER 90-175 APPROVED

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- C-5 Ratification of an Intergovernmental Agreement, Contract 101221, Amendment #1, between Multnomah County Social Services Developmental Disabilities Program Office and Reynolds School District to reduce Early Intervention funding by \$200.00 to reflect a change in the service delivery model

APPROVED

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 RESOLUTION in the Matter of Establishing Budget Policy on Inflationary Increases in County Administered Contracts with Providers of Ongoing Vital Services  
TIME CERTAIN 9:30

RESOLUTION 90-178 APPROVED

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-2 First Reading and Possible Adoption of a Proposed ORDINANCE adopting salary ranges for Fiscal Year 1990-91 for employees covered by the Exempt Classification Compensation Plan and repealing Ordinance 655 and Declaring an Emergency

ORDINANCE 666 APPROVED

- R-3 Budget Modification MCSO #8(a) Appropriating \$87,616 in Oregon Traffic Safety Commission funds to continue the DUII Enforcement Program

APPROVED

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Hearing in the Matter of a sale of tax foreclosed property as provided by ORS 275.200 for a parcel of vacant land approximately 7200 square feet which has a sharp drop off in elevation

ORDER 90-176 APPROVED

- R-5 ORDER in the Matter of the Conveyance of a Permanent Easement on County Land to Northwest Pipeline Corporation

ORDER 90-179 APPROVED

R-6 Ratification of an Intergovernmental Agreement, Contract #500131, between Multnomah County Transportation Division and the Metropolitan Service District (Metro), Oregon Department of Transportation (ODOT), Tri-County Metropolitan Transportation District of Oregon (Tri-Met), Washington County and the cities of Beaverton, Hillsboro and Portland to coordinate planning for the Westside Transit Corridor

APPROVED

DEPARTMENT OF GENERAL SERVICES

R-7 In the Matter of Requesting Ratification of Multnomah County Prosecuting Attorneys Association (MCPAA) 1990-93 Collective Bargaining Agreement

APPROVED

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

R-8 ORDER in the Matter of a Specific Exemption th Purchase Brand Name Chairs for County Correctional Facilities

ORDER 90-180 APPROVED

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF HUMAN SERVICES

AGING SERVICES AND JUVENILE JUSTICE DIVISIONS

R-9 Budget Modification DHS #5 to add \$179,606 in Robert Wood Johnson Foundation funding and \$108,000 United Way funding to the Aging Services Division/Community Action Program Office budget as the first year in a 2-year grant project to develop service-enriched permanent housing for multi-problem families

APPROVED

R-10 In the Matter of Approval of the Robert Wood Johnson Foundation/United Way Grant Awards to accompany Budget Modification DHS #5

APPROVED

R-11 Ratification of an Intergovernmental Agreement, Contract #103031, between Portland State University (PSU) and Multnomah County Juvenile Justice Division for PSU to evaluate the accuracy of the risk assessment scale used by the County Juvenile Court over the last two years and to recommend how the assessment scale can be used more fully in decision making and will provide a process to be followed in evaluating the scale on a routine basis. This agreement is funded by County General Fund Dollars

APPROVED

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SUPPLEMENTAL AGENDA

CORRECTION TO AGENDA - ADDITION OF ITEM R-12

FORMAL MEETING

Thursday, October 25, 1990 - 9:30 A.M.

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

R-12 RESOLUTION in the Matter of a Multnomah County Great Start Plan

RESOLUTION 90-177 APPROVED

0085C/1-6  
10/25/90  
cap



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

Tuesday, October 23, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

## PLANNING ITEMS

1. CU 19-90 Public Hearing - DeNovo

Review the Decision of the Planning Commission of August 13, 1990, **denying the entire application** for a con- ditional use request to allow the transfer of nursery related products for property located at 9825 NW Kaiser Road

**TESTIMONY HEARD. BOARD AFFIRMED DECISION OF THE PLANNING COMMISSION OF AUGUST 13, 1990, DENYING THE ENTIRE APPLICATION FOR CONDITIONAL USE**

MINUTES  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PLANNING SESSION  
TUESDAY OCTOBER 24, 1990

PRESENT: Commissioner Pauline Anderson, Presiding;  
Commissioner Rick Bauman, Commissioner Sharron Kelley  
EXCUSED ABSENCES: Commissioner Gladys McCoy, Commissioner  
Gretchen Kafoury

Presiding officer, Commissioner Pauline Anderson announced the purpose of this session as a de novo hearing to review the decision of the Planning Commission of August 13, 1990 denying the entire application for a conditional use request to allow the transfer of nursery related products for the property located at 9825 N.W. Kaiser Road.

Mark Hess, Multnomah County Planning Staff, reported that this is an appeal of a Planning Commission decision. The Planning Commission denied a conditional use request for this property on August 13, 1990. The request was to allow a commercial operation in an EFU zone for the transfer and processing of bark products. The company is called Beaver Bark. The County Planning Office received a complaint of a zoning violation in February of 1990. After investigation, the Planning Office notified the Chaunceys that their bark dust business was operating without benefit of County permits. The Chaunceys made application to the Planning Office this summer for the conditional use. After review, they were denied. The principal reasons given by the Planning Commission for the denial are detailed in their written decision dated August 13, 1990. The Commission found that the business did not satisfy the conditional use criteria in that the business was not consistent with the character of the area. The business did not satisfy all applicable policies of the Comprehensive Plan in terms of its adverse noise and air quality affects to surrounding properties. The Commission also identified traffic hazards as an area, because of the large trucks that come and go, as not being in compliance with the criteria.

Mark Hess narrated a show of slides of the area including the Chauncey property (Tax Lots 44 and 45, 33 acres). Mark Hess explained that one of the principal complaints about the noise is the grinder shown in the slides.

Mark Hess said that Planning Staff felt the criteria for conditional use, which called for consistency with the character of the area, no hazardous effects created, compliance with Comprehensive Plan policies related to noise and air quality, were not satisfied with this proposal, and were the basis of the recommendation for denial by the Planning Office and the Planning Commission.

Commissioner Kelley asked if a conditional use request is appropriate if the use is found to be something different than a conditional use.

Mark Hess said some members of the Planning Commission were uncomfortable with what to call this operation, was this an industrial wood products processing operation or was it commercial distribution of bark products? They determined it to be a little of both. If it was determined that it is manufacturing use that is secondary processing of wood products, it is not an allowed use in the EFU zone and there is no mechanism to approve it as such. If it is a commercial operation, there is a mechanism to approve if it can be shown that it meets the approval criteria.

Commissioner Anderson asked about the justification to call it something besides a commercial operation.

Mark Hess replied that there are two things that would allow a business similar to this in an EFU zone. One is that you can have a commercial operation. The other is that you can have primary processing of wood products. Primary processing means that if you would be producing the bark by logging trees on this property, then processing them from that property. Secondary processing, is where the material is gathered from some other site, brought to the property and then processed. Secondary processing of wood products is not an allowed use in an EFU zone. If you want to assure that this use is not permitted here, you would argue that it is a secondary processing operation.

John DuBay, Deputy County Counsel, stated the preliminary statutory requirements prior to taking testimony in these proceedings. One requirement is to list the applicable criteria. The following criteria for conditional use was set forth: 1) must be consistent with the character

of the area; 2) not adversely affect natural resources; 3) not conflict with farm or forest uses in the area; 4) not require public services other than those existing or programmed for the area; 5) located outside of big game winter habitats or certified by the Oregon Department of Fish and Wildlife that the impacts are acceptable; 6) will not create hazardous conditions; and, 7) will satisfy applicable comprehensive plan policies. Staff feels that applicable policies are, Policy 2, off-site effects; Policy 9, agricultural land; Policy 13, air, water and noise quality; Policy 14, the development limitations; Policy 15, areas of significant environmental concern; Policy 16, natural resources; Policy 37, utilities; and, Policy 38, facilities. All testimony and evidence to be submitted at this hearing must be directed toward these criteria, or other criteria in the code or the Comprehensive Plan that any witness feels should be applied. Any issue not presented by any witnesses with sufficient detail to allow the Board or opposing parties to respond, then that issue may not be raised in an appeal to the Land Use Board of Appeals.

Commissioner Anderson reported that testimony would not be limited, the appellant would present first with the right to rebut.

Testimony from Lynn Chauncey, 9825 N. W. Kaiser Road: At the Planning Commission meeting, the Chairman stated that they were not a hazard to the road, that the people who were asking that the petition be denied, needed to get used to things like that on rural roads, especially during farming seasons. The bark dust business is a secondary business. The Chaunceys feel that grinding is consistent with primary forest use in that there is a mill within two miles in EFU zoning that brings in raw lumber, mills and ships it out. The Chaunceys have spent the last 3-1/2 years preparing land for nursery stock. Nursery stock and soils is what their our major business will be. They also raise Arabian horses. All of these things are tied in with the bark dust business. For three to four months out of the year, they felt it could help supplement until their major goals could be achieved. There remains, they estimate, one year left before the soil will be ready for nursery stock. They are dealing with worm farmers in getting worm castings to provide organic fertilizer to the area. Many farmers and nursery growers in the area use such

a product. They got into doing it on a commercial basis, because their friends and neighbors asked about the product. Mrs. Chauncey reported that they were not doing anything different than before, other than that they are getting paid. This fall, they plan on thinning some trees on the upper property for their use to use and will replant that area. They want the area to remain rural in nature. They feel that the operation is consistent with agriculture. They work with the agricultural community on a daily basis; All of their business comes agriculture. The Chaunceys spent over six years getting their property, and some of the adjoining property, out of the city limits of Portland in order to be zoned EFU. The Chaunceys chose EFU zoning so the property could not be cut into smaller parcels, or subdivided very easily. They believe they have shown concern for the land, for the area, and for the neighbors. The people who want to deny the request never came to the Chaunceys to say that they had a problem. Had they, Mrs. Chauncey said they probably would have tried to work out something before this point.

Lynn Chauncey introduced additional photographs of the property.

Commissioner Bauman asked for clarification of the amount of time the business operates.

Lynn Chauncey reported the bark business starts around April and by July 4th is over. Most of the product is coming from Sauvie Island (Alder Creek) and is taken over Cornelius pass and out by Banks and does not pass through the property.

Commissioner Bauman noted that in the documents, mention is made that the Chaunceys hope to move the operation to a different location and asked for clarification.

Lynn Chauncey stated that they hoped to make a formula for a good compost mulch soil for retail purposes and they would probably have a retail yard for people to come and pick up their own bark.

Commissioner Bauman asked if their plans are to totally move the bark dust business off of this site sometime in the near future.

Lynn Chauncey said that the selling would move, but they need to be able to use the grinder and have bark available to manufacture soil and to provide for the nursery stock which would be maintained on site.

Commissioner Anderson called for additional appellant testimony. No others wished to speak. The Commissioner then called for testimony from those opposed to the appeal.

Testimony of Kent Thurber, 9865 N. W. Kaiser Road. Mr. Thurber presented a portion of a video tape showing the grinder machine and the operation. He explained that the noise heard on the tape is from the front loader and from the grinder. He pointed out fine dust coming out of the hopper which goes onto a neighboring property, which is located less than 100 feet from the operation.

Testimony of Bobbie Lawrence, 9741 N. W. Kaiser Road. The Lawrence property is adjacent to the Chauncey's property just south of their field. The Lawrences moved to this location 1-1/2 years ago. They planted an orchard and got certified as organic growers. Their idea in moving to an exclusive farm use area was to be able to farm in peace and quiet in a typical rural setting without having to worry about the property being encroached by housing or industrial/commercial development. Since last spring, they have become aware of a lot of noise being generated from the Chauncey property. While working in their garden, they had to deal with the constant din of grinder noise coming down from the valley. They felt they were living next to a lumber mill. More recently, the Chaunceys have moved the grinder to the field adjacent the Lawrence property. Now, there is a higher level of noise to deal with. The Lawrences do not feel this noise is consistent with farm use. They are used to the noise made by farm machinery normally makes, but not on a constant basis especially during the spring and summer months. Dump trucks are going in and out of the area. The business has not died off, leading the neighbors to believe that the business has grown. Having the semi and dump trucks going up and down the road with frequency is a hazard. Mrs. Lawrence presented additional photographs of the Chauncey property as seen from the Lawrence property. Mrs. Lawrence said that the Chaunceys were aware of the neighbor's objections prior

to the meeting in August but did nothing to change or move it off of the property. If the Chaunceys invest money to the move the location, the neighbors feel the business will be established as a done deal.

Testimony of Mel Herring, 9852 N. W. Kaiser Road. Mr. Herring had hip replacement surgery in the spring of 1990 and was home most of the spring and summer. During that time he observed the 10 to 12 hour noise levels occurring on the property. The noise is constant. Mr. Herring and his daughter observed two 18-wheelers a day pulling in and out of the property over a three day period. He does not feel this is a four month operation. The dust levels, from his home, can be seen 10 to 12 hours a day. The 18-wheelers present a problem pulling onto Kaiser Road. The use of this area is EFU; he does not feel a processing plant/distribution center for bark dust, and the noise level associated with the processing of a secondary product is consistent.

Additional testimony of Kent Thurber. The neighbors in the area are almost universally opposed to the operation of this business. There was a petition circulated that was submitted to the Planning Commission. There are also letters from neighbors submitted. The first of two primary points is that this really is a commercial activity and not primary processing of forest farm products, it is secondary processing. The noise, dust and traffic are symptoms of how much an commercial/industrial nature this operation is. The grinder is the most offensive piece to the neighborhood. Farm equipment noise is an exception rather than a rule. The second major point is that, even if this is a primary rather than a secondary use, whether or not this is consistent with the other uses in the neighborhood must be considered. The area is quite heavily populated area for an EFU zone. He calculated 60 or 75 people living in the area. With reference to the representations and characterizations of the operation, the perception is not that it is merely four months out of the year. The first complaint to the Planning Commission was in February and not in April. If the intent is to run the operation for only four months out of the year, they have applied for a conditional use permit that would enable them to run it at whatever scale they want. The neighbors are concerned about the level to which the business has risen to this point.

Mr. Thurber submitted and read portions of a letter from Mr. McCallum, a neighbor not in attendance. Mr. McCallum's letter indicated high noise and dust levels coming from the Chauncey property. The McCallums kept their doors and windows closed during the summer because of the noise and dust. The letter stated that even then, they had to endure noise levels which interrupted normal conversation.

Commissioner Anderson asked if there were any others who wished to speak in opposition to the appeal. There being none, the appellant was called on for a rebuttal.

Additional testimony from Mrs. Chauncey. Mr. McCallum did come to Mr. Chauncey for an explanation of the operation. Mr. Chauncey explained the operation and said that indicated their intention to move it from this area if they could get a retail yard. At the time, Mr. McCallum stated that he had no problem with that as long as in the future it would change. Mr. McCallum told Mr. Chauncey of a letter he sent to the County indicating he no longer had any objections to the business. Mr. McCallum asked Mr. Chauncey if he would attend a meeting of a number of neighbors to which Mr. Chauncey replied absolutely, but they never heard from the neighbors until the report from staff indicating they were in violation. Staff stated that all personal uses were legitimate as long as they were not on a commercial basis, and would be okay if no profit making was involved. Mrs. Chauncey stated that she did not understand why it made that much of a difference because they began making a profit. The neighbors have spoken amongst themselves; they have not invited the Chaunceys to attend or to listen to their complaints. The grinder does run anywhere from 5 to 20 minutes at a time during the height of the season. Between two families, about \$13,000 has been invested in equipment. The semi trucks, if they travelled south on Kaiser Road, would be hazardous. The semis go out the northerly driveway, take a left, go 3/4 of a mile to Cornelius Pass Road. The times when the semis have been seen more recently are times when they are coming in for repair or parking. They do not haul things from their property to deliver with the semis. If the Chaunceys are not allowed to use the grinder in order to grind bark to sell, they would still need the grinder for their composting and soil. All of their equipment is farm equipment. The

grinder is used not specifically for grinding bark, it is used to grind feed and compost material in other farm operations. They do not alter the composition of the wood. They feel it is a primary use of the product. They did not drive off the property during the bad weather this winter.

Commissioner Bauman asked about the time of day during the height of their season that the grinder operates for 5-15 minutes at a time.

Mrs. Chauncey stated that they never start the grinder before 8:00 a.m. and it is through by about 6:00 p.m., most of the time 5:00 p.m. The loader might be moving a little after 5 or 6 because of daylight hours. The semis, when they are making their runs to Hood River, do occassionally leave at 6:00 or 6:30 a.m.

Commissioner Anderson asked if they had been operating since November 1989 without a permit?

Mrs. Chauncey stated yes. They did not know they needed a permit to do something they had been doing previously. For the last sixteen years, they have done grinding and having trucks coming in and out in a smaller scale. They were not aware of the need for a permit. They have a license. They felt it was a part of their normal farming.

Commissioner Anderson asked about a comment to the Planning Commission wherein the Chaunceys indicated this would be temporary until a 5-acre parcel was located in the area of Cornelius Pass Road and Sunset Highway. How temporary is temporary?

Mrs. Chauncey said they have been looking for the last year and one-half and continue to look at property and talk with realtors. Whenever they are generating enough income to obtain a loan in order to buy property and find the proper location, they will move. They are currently waiting to make an offer on a piece of property sometime after November.

Commissioner Bauman said he thought they intended to keep the stockpiling and the grinding on the current location.

Mrs. Chauncey said that they would not keep the stockpiling at its present location. They may need to do some grinding at that location, or they might grind at another location and haul it in for their nursery stock and soil. There would not be any stockpiling, delivering or picking up from that location.

Commissioner Kelley asked for clarification about the intent to keep the grinding mechanism on the property and the intent to look for retail opportunities.

Mrs. Chauncey stated that the major portion of the bark operation would be moved. It would be a commercial facility where they could retail the product. They do not retail the product from their location. No one may come to their property. They do not list an address in their advertising. When people call, they say they delivery only. The large grinder probably would be moved, that is their intention.

Commissioner Anderson noted that even if this is a temporary operation, the Board must make a decision based on the merits and on the basis of the current operation. There being no further testimony or instructions from counsel, the Commissioner said she would entertain a motion at this point.

Commissioner Bauman asked about no action by the Board since only three members were present.

John DuBay noted that no action would have the effect of letting the Planning Commission decision stand, and since there are three commissioners present, three are needed for a decision.

Commissioner Kelley moved affirming the Planning Commission decision.

Commissioner Bauman seconded.

Commissioner Kelley said she believed this is the wrong use, that it is more manufacturing. She agreed with the recommendations brought forward that it is not consistent with the area, there are traffic problems. The problem is also with the volume which has raised a number of concerns from the neighbors.

Commissioner Bauman noted that the Chaunceys appear to be sensitive to the value and importance of exclusive farm use, but the evidence falls on the side of a manufacturing operation.

Commissioner Anderson noted that the Chaunceys appear to be sensitive to improving the soil, and to farm uses and making good use of a nursery business. She believes the Planning Commission was correct in their assessment that this was not primary processing of forest products; that it is not typical of farm and rural residential land uses characteristic of the area. From the evidence seen, the adverse air quality occurring because of the operation is significant. The proposal is not consistent with Policy 13.

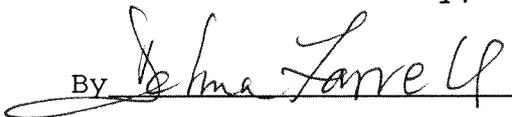
Commissioner Anderson noted that a motion and seconded had been made to affirm the decision of the Planning Commission and called for a vote.

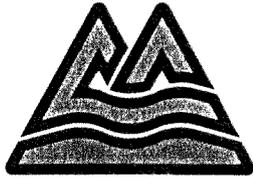
The Commissioner voted unanimously to pass the motion.

The meeting adjourned.

OFFICE OF THE BOARD CLERK  
for Multnomah County, Oregon

By

  
\_\_\_\_\_



# MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

October 22 - 26, 1990

- Tuesday, October 23, 1990 - 9:30 AM - Planning Items . . . . Page 2
- Tuesday, October 23, 1990 - to follow - Informal Briefings . Page 2
- Tuesday, October 23, 1990 - 7:30 PM - Joint Citizen Involvement  
Committee/Board of County  
Commissioners Informational  
Briefings. . . . . Page 3
- Wednesday, October 24, 1990 - 9:00 AM - Policy Development  
Committee Meeting. . Page 2
- Thursday, October 25, 1990 - 9:30 AM - Formal Meeting. . . . Page 4
- Thursday, October 25, 1990 - 7:30 PM - Joint Citizen Involvement  
Committee/Board of County  
Commissioners Informational  
Briefings. . . . .Page 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, October 23, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

PLANNING ITEMS

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(to follow Planning item)

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PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

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3rd Floor, Conference Rooms A & B

POLICY DEVELOPMENT COMMITTEE MEETING

9:00- 9:05	Mission and Guiding Principles final review and recommendation to Board of County Commissioners
9:30-11:30	Planning subcommittee will propose policy statements concerning the role of the County in local law enforcement. Discussion and establishment of next steps
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District Attorney  
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Department of Community Corrections  
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3. Central Citizen Budget Advisory Committee's Concluding  
Remarks
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SHERIFF'S OFFICE

- C-1 Liquor License applications submitted by Sheriff's Office with recommendation that same be approved as follows:

Package Store Renewal for the Orient Country Store, 29822 S.E. Orient Drive, Gresham; the Goldspinks Jackpot, 28210 S.E. Orient Drive, Gresham; the Norwood's AM/PM Mini Market, 14801 S.E. Stark Street, Portland; and the K. S. Food Market, 15231 S.E. Division, Portland

Dispenser Class A Renewal for the Hong Jong Restaurant and Lounge, Inc., 12510 S.E. Division, Portland; the China Hut Restaurant, 16721 S.E. Division, Portland; and the Multnomah Falls Lodge, P.O. Box 367. Troutdale

Retail Malt Beverage Renewal for the Happy Landing Tavern, 520 S.E. 148th Avenue, Portland; the Club Genesis, 13639 S.E. Powell Blvd., Portland; the King's Wild Tavern, 13550 S.E. Powell Blvd., Portland; and the Pleasant Home Saloon, 31637 S.E. Dodge Park Blvd., Gresham

- C-2 Ratification of an Intergovernmental Agreement, Contract #201089, Amendments 1, 2 & 3, between Multnomah County Sheriff's Office and the U.S. Marshals Service Prisoner Operations Division, #1 - allows the Sheriff's Office to charge for guard services at hospital; #2 - changes the per diem rate from \$97.55 to \$89.98; and #3 - changes the effectiver of amendment #1 to August 1, 1990
- C-3 Ratification of an Intergovernmental Cooperative Agreement, Contract #800421, Amendment #1, between Multnomah County Sheriff's Office and the U.S. Marshals Service for construction financial assistance for Multnomah County Inverness Jail II in the amount of \$1,250,000.00

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-4 Order Authorizing Deeds for County Road Purposes in the Matter of Conveying Deeds for Certain Real Property to the Public for Road Purposes for N.E. Cherry Park Drive, Item No. 90-291; N.E. 238th Drive, Item No. 90-292; and N.E. Halsey Street, Item No's. 90-293 and 90-294

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- C-5 Ratification of an Intergovernmental Agreement, Contract 101221, Amendment #1, between Multnomah County Social Services Developmental Disabilities Program Office and Reynolds School District to reduce Early Intervention funding by \$200.00 to reflect a change in the service delivery model

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 RESOLUTION in the Matter of Establishing Budget Policy on Inflationary Increases in County Administered Contracts with Providers of Ongoing Vital Services  
TIME CERTAIN 9:30

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-2 First Reading and Possible Adoption of a Proposed ORDINANCE adopting salary ranges for Fiscal Year 1990-91 for employees covered by the Exempt Classification Compensation Plan and repealing Ordinance 655 and Declaring an Emergency
- R-3 Budget Modification MCSO #8(a) Appropriating \$87,616 in Oregon Traffic Safety Commission funds to continue the DUII Enforcement Program

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Hearing in the Matter of a sale of tax foreclosed property as provided by ORS 275.200 for a parcel of vacant land approximately 7200 square feet which has a sharp drop off in elevation
- R-5 ORDER in the Matter of the Conveyance of a Permanent Easement on County Land to Northwest Pipeline Corporation
- R-6 Ratification of an Intergovernmental Agreement, Contract #500131, between Multnomah County Transportation Division and the Metropolitan Service District (Metro), Oregon Department of Transportation (ODOT), Tri-County Metropolitan Transportation District of Oregon (Tri-Met), Washington County and the cities of Beaverton, Hillsboro and Portland to coordinate planning for the Westside Transit Corridor

DEPARTMENT OF GENERAL SERVICES

- R-7 In the Matter of Requesting Ratification of Multnomah County Prosecuting Attorneys Association (MCPAA) 1990-93 Collective Bargaining Agreement

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-8 ORDER in the Matter of a Specific Exemption th Purchase Brand Name Chairs for County Correctional Facilities

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF HUMAN SERVICES

AGING SERVICES AND JUVENILE JUSTICE DIVISIONS

- R-9 Budget Modification DHS #5 to add \$179,606 in Robert Wood Johnson Foundation funding and \$108,000 United Way funding to the Aging Services Division/Community Action Program Office budget as the first year in a 2-year grant project to develop service-enriched permanent housing for multi-problem families
- R-10 In the Matter of Approval of the Robert Wood Johnson Foundation/United Way Grant Awards to accompany Budget Modification DHS #5
- R-11 Ratification of an Intergovernmental Agreement, Contract #103031, between Portland State University (PSU) and Multnomah County Juvenile Justice Division for PSU to evaluate the accuracy of the risk assessment scale used by the County Juvenile Court over the last two years and to recommend how the assessment scale can be used more fully in decision making and will provide a process to be followed in evaluating the scale on a routine basis. This agreement is funded by County General Fund Dollars

0703C/14-19  
cap



# MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## SUPPLEMENTAL AGENDA

### CORRECTION TO AGENDA - ADDITION OF ITEM R-12

#### FORMAL MEETING

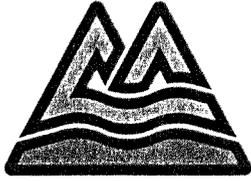
Thursday, October 25, 1990 - 9:30 A.M.

#### DEPARTMENT OF HUMAN SERVICES

##### HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

R-12 RESOLUTION in the Matter of a Multnomah County Great Start  
Plan

0703C/20  
11/19/90  
cap



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
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CLERK'S OFFICE • 248-3277

## SUPPLEMENTAL AGENDA

CORRECTION TO AGENDA - ADDITION OF ITEM R-12

### FORMAL MEETING

Thursday, October 25, 1990 - 9:30 A.M.

### DEPARTMENT OF HUMAN SERVICES

#### HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

R-12 RESOLUTION in the Matter of a Multnomah County Great Start Plan

0703C/20  
11/19/90  
cap



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
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SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

Tuesday, October 23, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

## PLANNING ITEM

### 1. CU 19-90 Public Hearing - DeNovo

Review the Decision of the Planning Commission of August 13, 1990, **denying the entire application** for a conditional use request to allow the transfer of nursery related products for property located at 9825 NW Kaiser Road

**TESTIMONY HEARD. BOARD AFFIRMED DECISION OF THE PLANNING COMMISSION OF AUGUST 13, 1990, DENYING THE ENTIRE APPLICATION FOR CONDITIONAL USE**

Date 10/23/90

NAME

Kent B. Thumber

ADDRESS

9865 NW Kaiser Rd  
Street  
Portland, OR 97231  
City Zip

I wish to speak on Agenda Item # \_\_\_\_\_

Subject

Chauncey Business

\_\_\_\_ FOR

X AGAINST

request  
for permit

PLEASE WRITE LEGIBLY!

Date 10-23-90

NAME

LYNNE D. CHANCEY

ADDRESS

9835 NW KOISER Rd

Street

PORTLAND

City

OR

97231

Zip

I wish to speak on Agenda Item #

CU 19-90 #90

Subject

Conditional Use

FOR

AGAINST

Date 10/23/90

NAME

Bobbie Lorence

ADDRESS

974 NW Kaiser Rd

Street

Portland, OR 97231

City

Zip

I wish to speak on Agenda Item # \_\_\_\_\_

Subject

Chauncy Business

\_\_\_\_ FOR

X AGAINST

their permit.

PLEASE WRITE LEGIBLY!

Meeting Date: October 23, 1990

Agenda No.: \_\_\_\_\_

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: CU 19-90

BCC Informal \_\_\_\_\_ (date) BCC Formal October 23, 1990  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Mark Hess TELEPHONE 248-3043

PERSON(S) MAKING PRESENTATION Mark Hess

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 hour

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: yes

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Public hearing to review the Decision of the Planning Commission of August 13, 1990 denying the entire application for a conditional use request to allow the transfer of nursery related products for property located at 9825 NW Kaiser Road.

(If space is inadequate, please use other side)

SIGNATURES:

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

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

RECEIVED  
OCT 23 1990  
PLANNING DIVISION



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

## Decision

This Decision consists of Findings of Fact and Conclusions

August 13, 1990

**CU 19-90, #90**

### **Conditional Use Request (Transfer of Nursery Related Products)**

Applicant requests conditional use approval in order to operate a commercial business in an EFU (exclusive farm use) zone. The business would include the sale and storage of bark mulch, sawdust, wood chips and related nursery products.

**Location:** 9825 NW Kaiser Road  
**Legal:** Tax Lot '45', Section 6, 1N-3W, 1990 Assessor's Map  
**Site Size:** 7.48 Acres  
**Size Requested:** Same  
**Property Owner:** Bowlus and Lynne D. Chauncey  
9825 NW Kaiser Road, 97231  
**Applicant:** Same  
**Comprehensive Plan:** Exclusive Farm Use  
**Present Zoning:** EFU, Exclusive Farm Use District

#### **PLANNING COMMISSION**

**DECISION:** **DENY** the requested Conditional Use  
based on the following Findings and Conclusions.

CU 19-90

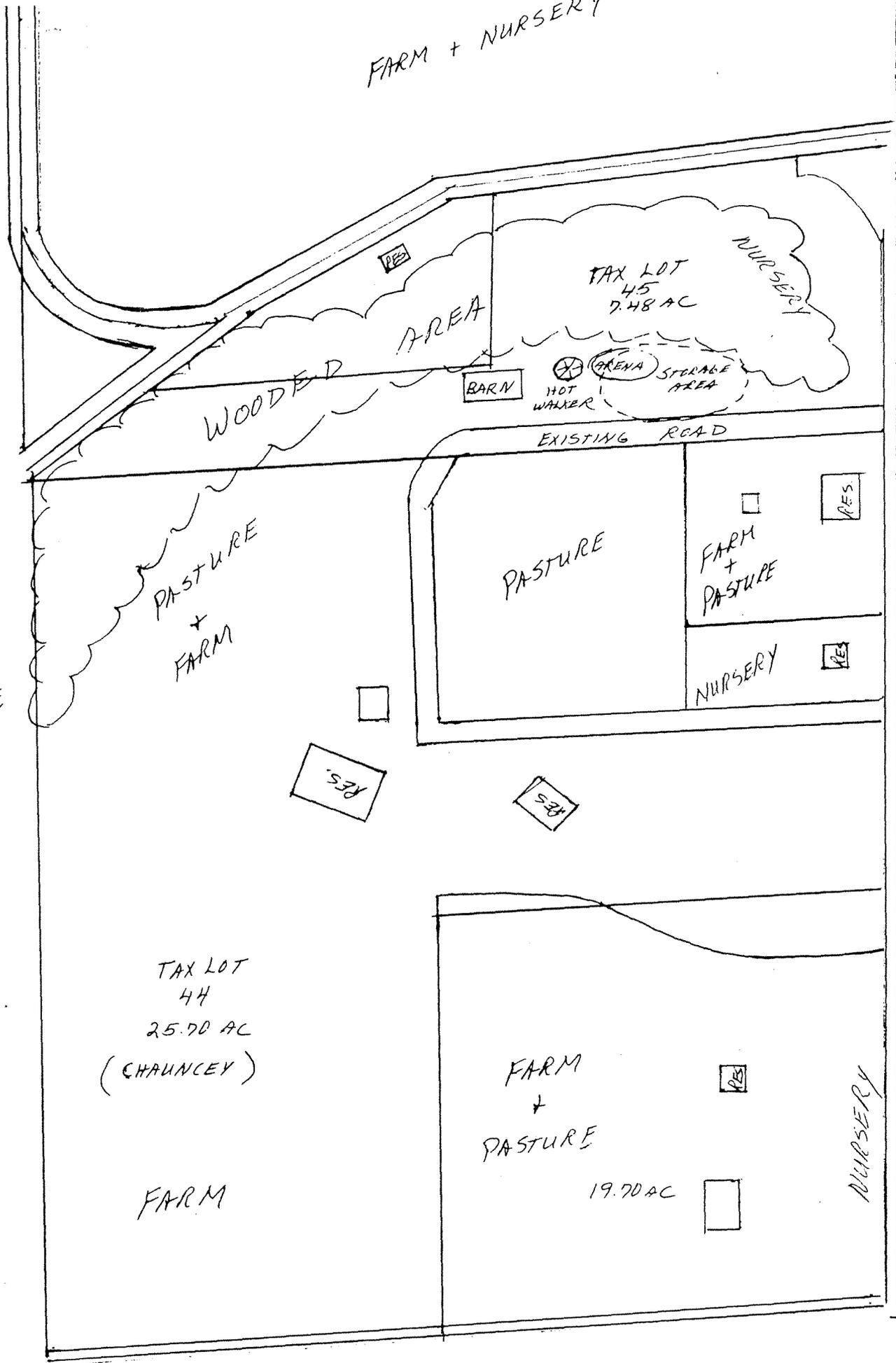


FARM + NURSERY

FARM + PASTURE

FARM + PASTURE

FARM + NURSERY



FARM

FARM

FARM

WASHINGTON COUNTY

FARM

CU 19-90

## **Findings of Fact:**

### **1. Summary and Background of the Proposal:**

The applicant requests approval to operate a commercial wood products business within an Exclusive Farm Use (EFU) district. They describe their request as follows:

*"We, Lynne D. and Bowlus Chauncey, propose to stockpile, on a small scale, load and deliver various related wood by-products from an approximate 70' x 225' area, incl., to nurserymen, animal farmers, businesses and private individuals. The majority of our product is picked up at the mills and delivered directly to the customer. Multnomah County Fair and Portland Meadows are two such accounts.*

*The idea of Beaver Bark was conceived when it became increasingly more difficult to obtain at a retail level the cedar chips, shavings, and Hawg fuel needed for our Arabian horse farm. After locating these products at the wholesale level, we began stockpiling for our own use. Then several neighboring nursery growers began to notice and asked if we could get shavings, sawdust, and compost for them. Word spread fast, even beyond our hill neighborhood. It was at this time we determined that it was possible for our family to actually make a profit by supplying these products to friends, neighbors, etc."*

The County was notified of the bark dust/bark mulch business in February, 1990 through a zoning violation complaint. Staff determined that the activity was not authorized by any previous land use approvals and it therefore violated the County Zoning Ordinance. Mr. and Mrs. Chauncey were notified of the zoning violation in a letter dated May 23, 1990. The request for a Conditional Use was filed July 6, 1990.

### **2. Site and Vicinity Information:**

The applicants own two contiguous tax lots: a 7.48 acre parcel (T.L. '45') – where the bark and mulch is stored and processed, and a 25.70 acre property (T.L. '44') – where they maintain two houses: a primary farm related residence, and a "farm help" residence (reference PRE 50-81). The 33.18 acres generally slopes gently to the west and south. It is principally open field and pasture land, with some wooded areas in the northeast and northwest portions of the site. The two houses are in the south-central portion of the 33.18 acres. A barn near the north boundary adjoins the bark-mulch storage area. A gravel drive loops though the site. It accesses Kaiser Road at the southeast corner of Tax Lot '45' and again at the north end of the Kaiser Road frontage on Tax Lot '44'.

Surrounding properties are zoned EFU. Parcel sizes in the vicinity vary; several smaller sites (2–10 acres) are generally developed with rural non-farm residences.

There are a number of larger parcels nearby as well (20–40 acres) with farm operations and farm related residences. Several nearby farms east and north of Kaiser Road are characterized by gently rolling pasture or wheat fields, sloping generally to the southwest.

### 3. Zoning and Comprehensive Plan Designations:

The plan designation of the parcel is **Agriculture**. The parcel is zoned EFU, **Exclusive Farm Use**.

### 4. Ordinance Considerations:

Conditional uses allowed in the EFU zone are specified in MCC 11.15.2012. Subsection (B)(1) specifies “...*Commercial activities that are in conjunction with farm uses*”. Subsection (B)(5) specifies “...*Facilities for the primary processing of forest products, pursuant to ORS 215.213(2)(i)*”. Such uses may be permitted when found to satisfy *Conditional Use Approval Criteria* in MCC .7105 – .7640. Based on testimony heard on 8/13/90, the proposed business is not “primary processing of forest products”, since the bark material brought to the site is already ground. The proposed use is “secondary” processing of the forest product, since the bark is re-ground on the site.

The following section presents findings regarding the proposed Conditional Use Permit; the applicable standard is in ***bold italics***, applicant’s responses are presented first in *italics*, followed by staff comments.

#### A. Conditional Use Criteria (MCC .7120)

##### A(1) *Is consistent with the character of the area;*

*“As we live in a farm and forest area, these products are already a common sight, as are the trucks used to deliver them along with other farm and nursery products, i.e.: feed; hay; nursery stock; farm machinery and equipment; etc. The area we are using is screened from existing neighbors by trees and shrubs.*

*We have been stockpiling, loading, and unloading these same products for many years on this same site for our own personal use. It is only now that we are attempting it on a commercial basis.”*

**Staff Comment:** As noted under finding #2. above, the area is generally low-density-rural-residential and agricultural in character. There are a mix of rural non-farm residences, generally on small 2 to 10 acre sites; and farm-related residences, generally on sites of 20 to 40 acres. The land on this and surrounding sites slopes generally to the southwest, and is generally rolling fields and pastures with scattered patches of woodlands. Staff observed no other commercial or industrial uses within a mile of the site.

Kaiser Road is a two lane paved rural County road with gravel shoulders. It principally serves only local residents and farmers in the area.

The bark-mulch business is not consistent with the area character in terms of its scale (several truck trips per day), its intensity (diesel trucks and chipper/grinder equipment operating several hours, 6-days/week), and its location (close to residences both north and south of the storage area). Similar noise or dust impacts associated with common agricultural practices (*i.e.* tractors, plowed fields, harvesting equipment, *etc.*) are much more infrequent and dispersed over larger areas. The diesel engine noise and fumes, chipping/grinding equipment noise, vibrations and dust occur almost daily and in a static location (relative to neighboring residences). The wood products processing activities and their off-site effects are industrial in character (secondary processing of forest products) and therefore inconsistent with the rural residential and agricultural character of the area [Reference discussion below under Policy 13, Air, Water, and Noise Quality]. It is a wholesale/retail distribution operation not typical of the farm and rural residential land uses characteristic of the area.

**A(2) Will not adversely affect natural resources;**

*"It is not highly combustible, and as the soil in this area is composed entirely of clay, the wood by-products prove to simply enrich it."*

**Staff Comment:** Staff concurs that the effect on natural resources is likely negligible; however, two neighbors, immediately adjacent to the wood products operation complain that dust from the chipping and grinding equipment adversely effects the air quality [Reference 8/1/90 letters from Mr. Thurber and Mr. McCallum].

**A(3) Will not conflict with farm or forest uses in the area;**

*"Our equipment is neat, clean, and in good order. It does not constitute an eyesore. However, the majority of it is parked by our barn, which is approximately 800' from the public roadway and basically hidden from view. We do not run any equipment before 8:00 AM, nor after our closest neighbors, within 150', come home from work. We do not operate on Sundays or holidays. To the best of our knowledge, the Community has welcomed our attempt, and wished us well. We have already contributed considerably to our local Skyline Auction, which benefits the many childrens' organizations in the Skyline, Cornelius Pass, Sauvie Island vicinity.*

*It is important to note that our land was within the Portland City limits for many years, until, after six (6) exhaustive years of concerted effort, we*

*became the first to successfully de-annex from the City. Per our request, it was at that time designated EFU. We did this in order to ensure the maintenance of all 33.18 acres in its entirety as a rural area for our family's future generations. This is a family endeavor."*

**Staff Comment:** Staff concurs that the use likely has minimal adverse effects to surrounding farm or forest uses. The almost daily truck traffic on the narrow, winding rural road may conflict with transport of tractors and other farm equipment on the road; however, staff did not observe or receive reports of such conflicts.

The dust created by the chipping and grinding of wood products may adversely effect some crop potential on nearby farm land; however, staff did not observe or receive reports of such effects.

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

*"Our property is located in an area of Multnomah County that receives no public services now, and our operation has no need for them."*

**Staff Comment:** Staff concurs that the use likely creates no additional public service demands.

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

*"It does not interfere with the habitat of the many animals that live in our area, which is not identified as a "Big Game Winter Habitat" area by the State."*

**Staff Comment:** The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

**A(6) Will not create hazardous conditions;**

*"It poses no hazard, public or otherwise."*

**Staff Comment:** Kaiser Road is a two lane paved rural County road with gravel shoulders. It principally serves local residents and farmers in the area; it is not a primary through route for the County or region, and large truck traffic is not typical for this road. The road curves and dips throughout much of its route. It takes a 90-degree turn at the northeast corner of the site and near the southeast corner as well.

The use requires that several large trucks (18-wheelers) drive to and from the site each day. In addition, smaller trucks are reportedly used to deliver the mulched wood products to their destinations – typically adding numerous truck trips each work-day on a local rural road. This type of daily truck traffic – on a narrow rural road which was not designed for nor characterized by such traffic – creates hazards to the neighborhood.

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

The following policies of the County's Comprehensive Plan are applicable to this request: Policy 2 (Off-site Effects), Policy 9 (Agricultural Land), Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations), Policy 15 (Areas of Significant Environmental Concern), Policy 16 (Natural Resources), Policy 37 (Utilities), and Policy 38 (Facilities).

**a. Policy 2 – Off-Site Effects.**

*“Our proposal is to make an existing personal operation a commercial one. To date it has not had any “off-site” effects on surrounding properties or the community. Nor is there any reason for it to pose any deleterious effects in the future. Also, it creates absolutely no need for additional public service. It is located on level ground over 300’ from nearest creek bed. There is easy and safe Ingress and egress to and from Kaiser Road, a very limited traffic roadway. Trees and shrubs screen the operation from adjacent neighbors in all directions.”*

**Staff Comment:** Staff concludes the use creates off-site effects to surrounding residences in terms of noise, dust, and traffic. See discussions under *A(1), Consistency With the Area Character, A(6), Hazards, and Policy 13, Air, Water, and Noise Quality.*

**b. Policy 9 – Agricultural Land.**

*“Of the 33.18 acre farm and forest land we farm in wheat, rye, timber, nursery stock, horses, and children, an area approximately 70’ x 225’ is devoted to storage and loading of retail and personal use forest by-product. We supply much of the surrounding agricultural and nursery stock land with wood by-products for varied uses. Our predominantly clay soil is highly enriched by these forest by-products for future additional agricultural use.”*

**Staff Comment:** The County's policy is to preserve the best agricultural lands from inappropriate and incompatible land uses. As noted above under *A(1), Consistency With the Area Character*, the commercial/industrial nature of this wood products business is not consistent with the agricultural character of the vicinity.

**c. Policy 13 – Air, Water, and Noise Quality.**

*"Storage and delivery of forest by-products cause no air pollution. All product remains at ground level until loaded by farm tractor into trucks or into the barn.*

*Forest by-products stored at ground level do not cause hazardous leaching into underground water supplies. In fact they act as a screen or filter for polluted rain water.*

*The area in question is level ground over 200' from nearest creek bed.*

*Noise from truck and farm tractors necessary for loading or unloading of forest by-products are a more than familiar sound in this predominantly agricultural area, therefore do not constitute a noise hazard."*

**Staff Comment:** Staff notes that the noise level, and the frequency and duration of the noise, likely exceeds that typically associated with a residence or most farm activities. While common farming activities may include the operation of tractors or other noisy machinery, the frequency and duration of these activities is only occasional, generally occurring during planting and harvest times of the year.

The bark mulch-wood products processing activity, on the other hand, creates noise effects on an almost daily basis, and for several hours each day. The principle noise effects are from diesel trucks delivering or removing the material, and from the grinding and/or sorting machinery which is used in the operation. Staff received correspondence from nearby residents regarding adverse noise and air quality effects from the requested use. A neighbor, Mr. McCallum, writes about noise and other aspects of the business in an August 1, 1990 letter: *"...Using two 40' bin trailers hauled by diesel tractor, bark and sawdust is hauled onto the property and dumped. The material is then piled and moved using one large front end loader, and several smaller loaders. Material containing large junk or rocks is sorted using a machine which is a diesel driven tub of approximately 10' diameter. This equipment spins and shakes until the chunks have been mulched, and heavier*

*objects are segregated, a process requiring several hours daily. Finally, the material is reloaded to three standard dump trucks which haul away to landscape projects. An average day might be two large loads in, ten dump trucks out, and several hours of moving material in and out of the power sorter/sizer. ... All this heavy equipment is operated with maximum power and minimum muffling. Often several machines are operated simultaneously. ... In fact, our house and property serve to shelter the Chaunceys from the intense noise and billowing clouds of wood dust and dirt which arise from their industry."* Mr. McCallum resides immediately south of the area used for storage and transfer of the bark and sawdust materials (9847 NW Kaiser road; Tax Lots '13' & '40').

Additional comment regarding noise and air quality effects from this use are presented in an August 1, 1990 letter from Mr. Thurber, the neighbor immediately north of the bark-mulch storage and transfer site (9865 NW Kaiser Road; Tax Lot '39'). He writes *"...The Chaunceys employ a machine which grinds up the bark chips into smaller chips or mulch. The machine is one of the noisiest, foulest implements I have ever encountered. On the average, it seems to be run between 3 and 5 times per day for between 30 and 45 minutes each time. When this machine is operating, it is impossible to carry on a normal conversation outside my house, anywhere on my property. Although there is a heavily wooded ravine between my house and their operation, the machine is only about 250 feet from my house, and the topography of the ravine has always been such that all noises from that area are not just audible, but seem to be magnified. ... Even inside the house, the noise of the machine is obnoxiously obvious, even if a radio or television set is on. And even when the machine is not on, the Chaunceys use tractors and front-loaders to move and load bark products, which by themselves are a significant increase in the noise levels in our neighborhood."*

Staff visited the site on July 31, 1990 and observed and heard the chipper/grinder equipment in operation. We concur that the noise effects to the immediately adjacent properties are significant. For these reasons, staff concludes the proposed commercial use and wood products processing does not comply with Policy 13 of the Framework Plan.

Based upon testimony received on 8/14/90, the Commission finds that adverse air quality effects from the operation are significant, and therefore the proposal is not consistent with Policy 13.

**d. Policy 14 – Development Limitations.**

*“Our operation is located on high level ground no where near any area of land with a high seasonal water table. Loading and unloading of timber by-products does not require excavation or any changes in the lay of the land. As the land is level and we are placing product on top of it, we thereby reduce any potential naturally occurring erosion problems.”*

**Staff Comment:** Staff concurs.

**e. Policy 15 – Areas of Significant Environmental Concern**

*“We are not located near a shoreline nor in an area of critical or unique habitat for man or animal. We are not in an area with significant historical or archeological features. We are not proposing any change in landscape that would impact views, vistas or public value, etc. Our land does not contain flood water storage areas.”*

**Staff Comment:** Staff concurs.

**Policy 16 – Natural Resources**

*“Our land is located in an area of mostly open farm land with small stands of fir trees. It does not contain mineral, aggregate, energy, or watershed areas. Nor are there significant habitat or ecological areas as designated by government policy.”*

**Staff Comment:** Staff Concurs

**Policy 37 – Utilities**

*“Public water, sewer, and drainage systems are unavailable in this area of Multnomah County. With no public facilities on the grounds, we have no need for water or a subsurface sewage disposal system. Neither does our operation utilize or have need for public energy or communication systems.”*

**Staff Comment:** Staff concurs.

**Policy 38 – Facilities**

*"Timber and bark products and by-products are not designated hazardous or highly combustible. However, our local fire department is within six (6) miles and the Washington County Fire Department that answers calls in our area is less than four (4) miles. Our well is more than adequate at a tested 42 gpm.*

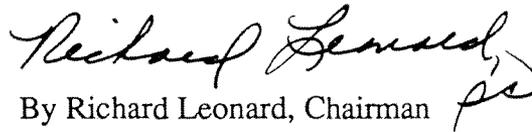
*Our facility has no impact whatsoever upon the local school district; and we rarely see police or County Sheriffs in this area."*

**Staff Comment:** Staff concurs that the use does not likely create additional demands for public services.

### **Conclusions:**

1. Based upon the findings above, the proposal does not satisfy Conditional Use approval criteria due its inconsistency with the area character, the hazardous traffic conditions which its truck traffic creates, and its inconsistency with Comprehensive Plan Policies regarding Off-Site Effects, Agricultural Land, and Air, Water and Noise Quality.

Signed August 13, 1990

  
By Richard Leonard, Chairman

Filed With the Clerk of the Board on August 23, 1990

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

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or **before 9:00 AM. on Tuesday, September 4, 1990** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*



# MULTNOMAH COUNTY OREGON

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

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SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## BOARD OF COUNTY COIMMISSIONERS

Tuesday, October 23, 1990

9:30 a.m., Room 602

### A G E N D A

1990 OCT 23 PM 1:52  
MULTNOMAH COUNTY  
OREGON

#### CU 19-90 Public Hearing - De Novo

Review the Decison of the Planinng Commission of August 13, 1990, **denying the entire application** for a conditional use request to allow thre transfer of nurs-ery related products for property located at **9825 NW Kaiser Road**.

**This item has been appealed by the applicant.**

Scope of Review - DeNovo

October 22, 1990

Mr. & Mrs. D.J. McCallum  
9847 N.W. Kaiser Road  
Portland, Oregon 97231

Multnomah County Commission  
2115 S.E. Morrison  
Portland, Oregon

Re: Case CU-19-90 (9825 N.W. Kaiser)

At this time it is almost one year since the Chauncey family commenced operation of their back mulch business on subject property. In that, until very recently, this operation has been undertaken in close proximity to our dwelling, our home and gardens have been rendered nearly uninhabitable by their noise and dust. We spent a summer sweltering behind closed windows, and even then, endured noise levels which would interrupt normal conversation.

There has been much discussion regarding the suitability of their activities within the land use plan. You will be considering technical arguments to define primary agriculture or forestry, you will be considering the somewhat unique character of the neighborhood, you will be making more subjective assessments of noise and danger.

My argument now is much more simple than these bigger issues. Whatever the allowable use of land under zoning law, my family has right to reasonable peace in and around our house. Due process has thus far failed to protect my family. A fleet of trucks, diesel tractors, and a manner of hammer hog mill has operated for almost one year at proximity of 50-150 feet from our house. That is beyond a zoning issue, it is a fundamental rights and consequential damages issue. It is time that we were extended our due social protection.

Yours truly,



Daniel John McCallum

*Lead portions  
for the  
Record*

*Send copy  
to Max  
Hess  
Done  
10/23*

✓ **Line 3. CU 19-90 (6:38 - 8:10) (Tape 1, First half of Tape 2)  
Conditional Use Request (Transfer of Nursery Related Products)**

**9825 NW Kaiser Road**

**Denied Entire Application**

The applicant, **Lynne Chauncey, 9825 NW Kaiser Road, 97231**, was present and made the following comments:

- There is a large hedge between her property and the McAllister property.
- They have three truck drivers, they deliver mulch and sawdust.
- There are additional trucks and drivers on Saturdays.
- They have two semi-trucks and three smaller trucks.
- There are other commercial practices in the area.
- They have nursery stock grown and serviced all around them.
- They also have the Multnomah County quarry in the area.
- They started their business in November of 1989.
- They hope to purchase a retail yard in a retail area in the future.
- There is 425 feet between her property and the Thurber property.
- She submitted 37 colored photographs (#16 is missing), marked as Applicant's Exhibit A, (10 pages) dated August 13, 1990.
- They supply local people with their bark products.
- They have one delivery per week, the other trucks come and go away empty.
- The maximum time for grinding is 20 minutes, the minimum time for grinding is 5 minutes.
- Most of their dust comes from their family automobiles, not from trucks.

- They own all of the trucks that come to the property.
- They have no customers coming to the site.
- She submitted a yellow page from the Telephone Directory, marked as Applicant's Exhibit B, dated August 13, 1990
- They intended this use to be temporary until they located a five-acre parcel in the area of Cornelius Pass Road and Sunset Highway.
- They raise, breed and sell arabian horses on their property.

**Opposition:**

**Kent Thurber, 9865 NW Kaiser Road:**

- The neighborhood is extremely concerned about the operation.
- He submitted a petition with 21 names (3 pages), marked as Opponent's Exhibit A, dated August 13, 1990.
- He submitted letters of opposition from David and Michele Roy, 9949 NW Kaiser Road, dated 8/13/90; Daniel McCallum, 9847 NW Kaiser Road, dated 8/1/90; Gerry Morehouse, dated 8/13/90; Terri Hopkins, 9300 NW Kaiser Road, dated 8/13/90; Mel Hering, 9852 NW Kaiser Road, dated 8/13/90; Kert and Bobbie Lorence, 9741 NW Kaiser Road, dated 8/12/90, all marked as Opponent's Exhibit B, dated August 13, 1990.
- He counted four truck runs just on one day that he was home, he is surrounded on two sides by the subject site.
- The grinder typically grinds at least one-half hour at a time.

**Daniel McCallum, 9847 NW Kaiser Road:**

- They have been discussing this situation with Mr. Chauncey for eight months.
- He showed and submitted a video tape, to show the difference between this use and surrounding farming practices in the area. The video is marked as Opponent's Exhibit C, dated August 13, 1990.
- The operation is completely unfenced.
- He has lived here for 2-1/2 years and owns Tax Lots '13' and '40'.

**David Roy, 9949 NW Kaiser Road:**

- He owns Tax Lot '60'.
- He hopes they do not plan to move this use closer to his property.
- He feels this is an industrial use - not a farming use.
- He feels this use is not consistent with the area.
- This use is not agrarian in nature.
- The use creates hazardous conditions.
- The intersection of Brooks Road and Kaiser Road is extremely dangerous.
- The mail box in one of the slides was hit and damaged by a loading truck

(Commissioner Alterman stated that he worked with Mr. Roy in 1983, but feels there is no conflict of interest).

Following discussion, motion by Hunt and seconded by Alterman, and carried unanimously to **deny the entire application**, in accordance with the Staff Report.

**Amendment:**

Motion by Alterman, seconded by Hunt and carried unanimously to add to the proposed Decision the following wording:

No. 4, Ordinance Considerations, the last two sentences:

"Based upon testimony given at the August 13, 1990 public hearing, the proposed business is not "primary processing of forest products" since the bark material brought to the site is already ground. The proposed use is "secondary" processing of the forest product, since the bark is re-ground on the site".

A. Conditional Use Criteria (MCC .7120) Under Staff Comment, Last Sentence:

"It is a wholesale/retail distribution operation not typical of the farm and rural residential land uses characteristic of the area".

C. Policy 13, Air, Water and Noise Quality, Under Staff Comment, Last Sentence:

"Based upon testimony received at the August 13, 1990 public hearing, the Planning Commission finds that adverse air quality effects from the operation are significant and the proposal is not consistent with Policy No. 13".

This motion adopts the Staff Report, including Findings of Fact and Conclusions, dated August 13, 1990.

Aug 1, 1990  
9741 NW KAISER RD.  
PORTLAND, OR 97231  
TAX LOT 41

To Whom It May Concern:

Fourteen months ago we moved to this area specifically to farm. We applied for and received our certification as official ORGANIC GROWERS. We enjoy the peace and quiet of rural life. Besides having good soil, good light and adequate water, our Kaiser Road farm provided us with a quiet country setting on a back ROAD with little traffic.

Since last winter when the Chaunceys began their Bark Business, the quality of our living & farming experience is definitely changing.

We are respectfully asking that you decline the request for variance petitioned by Lynne & Bowles Chauncey. Our reasons are set forth below:

1) This is a commercial operation not in line with EXCLUSIVE FARM USE.

Contrary to what is shown on the map enclosed in their petition, we are not a nursery (plot 41). We are a certified organic farm raising fruits and vegetables for sale. I am not aware of many farmers using bark dust on their crops. This product is not consistent with farming.

2) Contrary to what is stated in "Policy 13" the use of their equipment is a "noise hazard". The machinery (some sort of bark separator) is quite loud when in use and can be heard distinctly from any

Apr. 12, 1990  
9741 NW Kaiser Rd  
Portland, OR 97231  
TAX LOT 41

point on our property. It is run for hours at a time and disturbs the rural nature of this setting.

3) The hours of operation also vary from those mentioned in their petition. From my observations, large semi-trucks deliver loads of bark to be processed and loaded as early as 7 AM at least twice a week. Semi-trucks are noisy!

The machine which sorts the bark into sizes (and which also is a major source of noise) runs at odd hours occasionally too. For example, last spring it ran all evening and into the wee hours of the morning, preventing us from sleeping.

4) Even if commercial activities were confined to the hours mentioned and ceased when the "closest neighbors returned from work" there are those of us who work at home and farm. We are here all day and have this continuous noise to deal with.

5) It should also be noted that farm machinery runs on a seasonal basis ... plowing in the spring; harvesting in the summer and fall. It is not in continuous and daily use as is the equipment used to run this commercial endeavor.

6) NW Kaiser Road is a tortuous, winding road. It does not lend itself to frequent use by

HYA 12, 1990  
97, NW Kaiser  
Portland, Or. 97231  
TAX LOT 41

dump trucks and semi-trucks.

It is our sincere desire that you will give weight to the points that we have discussed and find merit with them. In Portland we have a quality of life unmatched by any other metropolitan area and it is so, in large part, due to our land use planning laws. Please do not allow this commercial operation to persist in this exclusive farm use zone.

Sincerely,

Kert and Bobbie Lorence

CU 19-90  
 Opponent's  
 Et helik A  
 Dated  
 8/13/90  
 Jc  
 (3 Pages)

TO: MULTNOMAH COUNTY PLANNING COMMISSION  
 FROM: RESIDENTS OF KAISER ROAD AND BROOKS ROAD  
 RE: CONDITIONAL USE REQUEST CU 19-90, #90  
 SUBMITTED BY BOWLUS AND LYNNE CHAUNCEY

WE, THE UNDERSIGNED RESIDENTS OF KAISER AND BROOKS ROADS, ARE OPPOSED TO THE CHAUNCEY'S OPERATION OF A COMMERCIAL OR INDUSTRIAL BUSINESS INVOLVING BARK MULCH AND RELATED PRODUCTS ON THEIR PROPERTY. THE FREQUENT TRUCKS HAULING IN AND OUT OF THEIR PROPERTY ARE A HAZARD ON OUR COUNTRY ROADS. THE NATURE OF NOISE AND DUST CREATED BY THEIR MACHINERY INTERFERES WITH THE RURAL VALUES OF OUR PROPERTIES.

SIGNED BY:	DATE:	STREET ADDRESS:	TAX LOT(S)
1 Keith A. Laune	8-8-90	9741 NW Kaiser	41
2 Roberta Mauer	8-8-90	9741 NW Kaiser	41
3 Steve Kristin	8-8-90	9843 NW Kaiser	52
4 Cora Guernsey	8-8-90	"	52
5 Julie Hering	8-8-90	9852 NW Kaiser	2
6 Melvin G. Hering	8-9-90	9852 NW Kaiser	2
7 Daniel John W. W.	8-13-90	9847 NW Kaiser	13 & 40
8 Tom Hood	8-13-90	9847 NW Kaiser	13 & 40

TO: MULTNOMAH COUNTY PLANNING COMMISSION

FROM: RESIDENTS OF KAISER ROAD AND BROOKS ROAD

RE: CONDITIONAL USE REQUEST CU 19-90, #90  
SUBMITTED BY BOWLUS AND LYNNE CHAUNCEY

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PRODUCTS ON THEIR PROPERTY. THE FREQUENT TRUCKS HAULING IN  
AND OUT OF THEIR PROPERTY ARE A HAZARD ON OUR COUNTRY ROADS.  
THE NATURE OF NOISE AND DUST CREATED BY THEIR MACHINERY  
INTERFERES WITH THE RURAL VALUES OF OUR PROPERTIES.

SIGNED BY:                      DATE:                      STREET ADDRESS:                      TAX LOT(S)

9 Ruth Storch 8-9-90 1960 N.W. Kaiser  
10 Kay & John Jones 8/9/90 9985 NW Kaiser  
11 J.D. Johnson 8/9/90 9955 NW Kaiser  
12 Jerralynn Nien 8-9-90 9865 NW KAISER  
13 Gerry Marhase 8-13-90 9956 NW Kaiser Rd  
14 Sandra & Peter 8-13-90 9933 NW Kaiser Rd

273

TO: MULTNOMAH COUNTY PLANNING COMMISSION

FROM: RESIDENTS OF KAISER ROAD AND BROOKS ROAD

RE: CONDITIONAL USE REQUEST CU 19-90, #90  
SUBMITTED BY BOWLUS AND LYNNE CHAUNCEY

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AND OUT OF THEIR PROPERTY ARE A HAZARD ON OUR COUNTRY ROADS.  
THE NATURE OF NOISE AND DUST CREATED BY THEIR MACHINERY  
INTERFERES WITH THE RURAL VALUES OF OUR PROPERTIES.

SIGNED BY:                      DATE:                      STREET ADDRESS:                      TAX LOT(S)

15 David P Roy 8-7-90 9949 NW Kaiser Rd (60)  
16 Michelle M Roy 8-7-90 9949 NW Kaiser Rd 60  
17 Barbara Francis 8-12-90 8745 NW Kaiser Rd  
18 Kenneth P Francis 8-12-90 8745 NW Kaiser Rd  
19 D. Singh 8/12/90 10643 NW Brooks Rd Pot Or  
20 Melissa Jean 8/12/90 10643 NW Brooks Rd Pot Or  
21 Jim Hopkins 8/13/90 9300 NW Kaiser Rd, Portland, OR

Received  
8/1/90

Bernie Thurber  
9865 NW Kaiser Rd.  
Portland, OR 97231

Mark Hess  
Multnomah County Planning and Development  
2115 SE Morrison  
Portland, OR

C 21 19-90  
Appraised

Re: Chauncey's Conditional Use Request

Dear Mr. Hess:

I have obtained a copy of the application for a conditional use permit by Bowlus and Lynne Chauncey, and would like to offer some responses to their factual representations.

As you may know, their commercial bank mldch operation has been operating for many months. I am one of the closest neighbors, and I have had ample opportunity to personally observe their activities

I have also spoken to many other neighbors. There is universal agreement that this commercial activity is noisy, polluting, and a traffic hazard. It has an extremely negative impact on the surrounding neighborhood which is in strong opposition to it.

The Chanceys state in their application that trucks are a common sight in the neighborhood. It is true that large trucks, or farm machinery, use Kaiser Road a few times a month. The Chanceys employ a large tractor-trailer combination (an "eighteen wheeler") and 3 delivery trucks. My observation has been that the tractor-trailer makes 2 or 3 round trips on an average day; on July 30, I was home between 10:00 and 5:00, during which

time 4 deliveries of bark chips were apparently delivered to their property. Although the Chanceys state that no equipment is run before 8:00 AM, the tractor-trailer regularly leaves their house at 5:30 or 6:00 in the morning. The smaller delivery trucks make many more trips throughout the day, and can be regularly seen driving at high speeds.

The Chanceys employ a machine which grinds up the bark chips into smaller chips or mulch. This machine is one of the noisiest, foulest implements I have ever encountered. On the average, it seems to be run between 3 and 5 times per day for between 30

and 45 minutes each time. When this machine is operating, it is impossible to carry on a normal conversation outside my house, anywhere on my property. Although there is a heavily wooded ravine between my house and their operation, the machine is only about 250 feet from my house, and the topography of the ravine has always been such that all noises from that area are not just audible, but seem to be magnified. In any event, my family cannot remain outside when the machine is in operation. Even inside the house, the noise of the machine is obnoxiously obvious, even if a radio or television set is on. And even when the machine

is not on, the Chanceys use tractors and front-loaders to move and load the bark products, which by themselves are a significant increase to the noise levels in our neighborhood.

Although I have not witnessed the grinding machine in operation from a close distance, I have seen a fairly large cloud of dust and wood fiber being emitted from the machine, from a distance. The McCalloms, who are the closest neighbors to the operation (9847 Kaiser Road) have told me that the cloud is quite dense, and often drifts across their property.

While the Chanceys may have been storing bark products on this site for their personal use

"for many years," they have never before had anything close to the quantity which is now present. Although they state that it is either 200 or 300 feet from the nearest creek bed (they give two inconsistent distances), in fact the nearest creek bed appears to be less than 100 feet away.

On the map which they submitted with their application, a number of properties are designated "nursery." There are no nursery operations on any of those properties. On some of them, Christmas trees are planted, but none of those operations have ever been commercially active — including the "nursery" on the Chauncey's property. At any rate, bark mulch products are not used

7

in such operations.

In short, I believe the Chauncey's business to be a commercial enterprise of a heavy industrial quality which is entirely unsuited to the surrounding neighborhood. Thank you for considering these comments.

Sincerely,

Benni Thuber

9300 N.W. Kaiser Road  
Portland, Oregon 97231  
August 13, 1990

Multnomah County Planning Commission  
Portland, Oregon

Dear Commissioners:

I am writing to voice my objections to the proposed conditional use permit to allow a retail bark dust and other nursery products business on Kaiser Road. As you know this business was begun illegally and has been in operation for close to a year.

My husband Robert Hopkins and I live with our family approximately 3/4 of a mile from the site. We have lived in our home since 1979 and have enjoyed the area's mix of rural residences and small farms. We are accustomed and do not object to the usual farm sights, sounds and smells. My husband grew up on a large farm in Illinois, and we chose this area to live in both for its rural character and mix of people of many backgrounds.

We do however object to the current barkdust operation, feel that it is out of character for this area, and that it has more in common with industrial than agricultural use. It is generating high level of noise and traffic throughout the year rather than the periodic and seasonal noise and traffic associated with farm and forest operations.

The business has generated a high level of truck traffic on roads not designed for such use. The roads in this area wind through hilly terrain. There are many blind spots one of the worst of which is the intersection of Kaiser with Brooks Road less than one half mile north of the barkdust operation. South of the site, Kaiser Road has several ninety degree turns, and as it crosses Germantown Road and continues into Washington County there is a particularly treacherous section of "S"-curves. Last year a barkdust truck failed to make one of these turns and dumped its load on the road. It is my understanding that the truck was part of the applicant's operation.

It is also my understanding that the applicant claims to be operating between 8 a.m. and the time the neighbors return from work. My husband and I regularly walk past the property between 7 and 8 a.m.; this past week we saw 18 wheel trucks leaving the driveway on two occasions at 7 a.m..

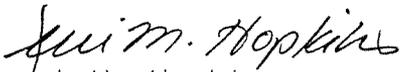
*C 21 19-90  
Appointed  
Elke B  
Dated 8/13/90  
Je  
(3)*

We request that the County deny this application for a conditional use to operate a retail barkdust and related nursery products business in this rural community. The applicant should be required to move this business to a more suitable location outside of the rural residential and farming community at a site with good access to major roads.

Given the applicant's history of starting the business illegally, if the commissioners do decide to grant this permit against the recommendations of County staff and the community, we recommend that the permit be carefully and narrowly worded to prevent the expansion of this business to other retail nursery products. The current wording of the application is far too broad and if granted could be construed by the applicant to include far more than is under discussion at this time.

Thank you for your careful consideration of this application and its implications for the quality of life in this neighborhood now and in the future.

Yours truly,

  
Terri M. Hopkins

DAVID P. ROY  
MICHELE M. ROY

9949 N.W. Kaiser Road  
Portland, Oregon 97231

August 13, 1990

*CU 19-90*  
*Opposition to*  
*Exhibit B,*  
*Dated 8/13/90*  
*ps*  
*(1)*

Multnomah County Department of  
Environmental Services  
Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214

Reference: Conditional Use Request No. CU 19-90, #90  
(Transfer of Nursery Related Products)

Ladies and Gentlemen:

This letter will constitute our objection to the above-referenced Conditional Use Request (the "Request").

The Request has been made by Mr. and Mrs. Bowlus Chauncey of 9825 N.W. Kaiser Road (Tax Lot 45), Portland. We are the owners of the 28.73-acre parcel that is immediately west of the Chaunceys' property. The use they are requesting is clearly not consistent with the character of our area.

The entire area surrounding the Chaunceys' property is farm and residential. There are no industrial-type uses of any nature. Our particular parcel is used for forestry (approximately seven acres), Christmas tree farming (approximately seven acres) and pasture, hay, creeks and residential purposes (approximately 14 acres).

The proposed operation is not a minor operation in any sense of the word. The equipment we have seen used there includes a large front loader, two tractor-trailer semi-units, at least two dump trucks and a large mulcher/chipper device. All of this equipment is out of character for the area and contributes excessive noise pollution for both the human and wildlife inhabitants of the area. In addition, the mulcher/chipper creates a significant amount of fine bark dust that spreads throughout the area with the slightest breeze.

If granted, the Request will create a number of hazardous traffic conditions. The truck traffic generated by the operation is not common to the area, and the roads are not designed to accommodate their use. The ingress and egress from the Chaunceys' parcel has terrible sight lines that make traffic

Multnomah County Department of  
Environmental Services  
August 13, 1990 - Page 2

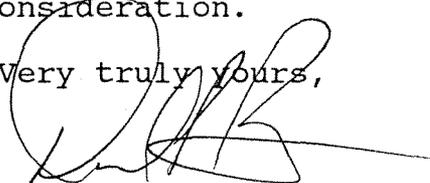
traveling north and south on Kaiser Road unable to see cars entering or leaving that parcel until they are right at their driveway. While this poses a dangerous situation for motor vehicle leaving that driveway, it is extremely dangerous with a trailer-tractor or large dump truck which takes considerably more time to leave and enter Kaiser Road.

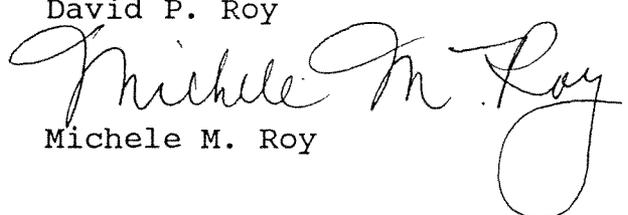
The truck traffic generated by their business also travels along that portion of Kaiser Road which intersects with Brooks Road. That is an very bad intersection that requires utmost caution by all vehicles. The short stretch between Cornelius Pass and Brooks Road (approximately one-third mile) contains five residences with at least two children per house. Children in the area often use the road for bike riding purposes. There are no sidewalks in the area and the stretch of road is considered to be quiet. Increased traffic by trailer-tractors and dump trucks pose a serious danger to children riding their bikes on the road, and could ultimately result in a very tragic accident.

We have reviewed a copy of the statements submitted with the Request by the Chaunceys and find much of the information to be incorrect. We ask that the Chaunceys' Conditional Use Request be denied.

Thank you for your consideration.

Very truly yours,

  
David P. Roy

  
Michele M. Roy

CU 19-90,  
Opponent's  
Exhibit B,  
8-13-90

Traffic encounters with  
Barkdust Trucks

Dated  
8/13/90

So)  
(4)

On Brooks Rd at Skyline

I was behind the Semi-truck  
it rolled backwards enough that I  
had to back up quite some distance  
to keep from getting hit.

On Brooks where it meets Kaiser Rd

There is a blind corner. I came  
into the corner and met the semi-  
truck which was  $\frac{1}{3}$  to  $\frac{1}{2}$  over into  
my lane, making me have to hit  
into the gravel.

On Kaiser Rd leaving my drive way

One of the smaller bark delivery  
trucks came speeding by, going much  
to fast. This really concerns me  
due to the fact there are a number  
of children in the area playing and  
riding bikes, including mine.

Gerry Morehouse

Multnomah County  
Department of Planning and Development

*C21 19-98  
Opponent's  
Exhibit B  
Dated 8/13/90  
JH  
(5)*

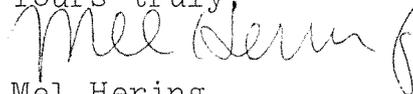
RE: Conditional use request from Bowlus and Lynne D. Chauncey

Planning Commission Members:

I live directly across and slightly up a hill from the Chauncey barkdust business. My home is about 1400 feet from their business. The noise pollution from their use of heavy equipment is extremely disruptive to our country living. At times I am able to observe a dust cloud hanging over the Chauncey property and the properties of the surrounding neighbors.

I strongly object to the continuance of this business which has nothing whatsoever to do with exclusive farm use zoning. To approve their request is a violation of present zoning laws.

Yours truly,



Mel Hering  
9852 N.W. Kaiser Road

August 1, 1990

Daniel McCallum  
9847 NW Kaiser Road  
Portland, OR 97231

Multnomah County  
Planning and Development  
2115 S.E. Morrison  
Portland, OR 97214

Attn: Mr. Mark Hess

RE: Case Cu 19-90 (9825 NW Kaiser)

Dear Mr. Hess,

On behalf of my wife, Tara Ann Deodhar, our three year old son, Justin McCallum, and myself, please consider our most serious objections to the presently illegal activities being undertaken by the Chauncey family in the subject case, and to their attempt to legitimize their activities with a conditional use request.

In short, these people have created an industrial enterprise within 100 feet of my son's bedroom. The pastoral values which brought us to our home have been destroyed. We are plagued with noise, dirt, and danger. We can no longer use our land. We have vacated our pasture, gardens, patio, and lawns. We own five of Oregon's most beautiful acres, and are forced to stay indoors, with windows shut, and even then endure, daily, noise sufficient to disrupt sleep and intrude in all elements of the day.

The true activity of the Chauncey enterprise is the transport and further processing of sawmill byproducts and log yard residues. Using two 40' bin trailers hauled by a diesel tractor, bark and sawdust is hauled into the property and dumped. The material is then piled and moved using on large front end loader, and several smaller loaders. Material containing large chunks or rocks is sorted using a machine which is a diesel driven tub of approximately 10' in diameter. This equipment spins and shakes until the chunks become mulched, and heavier objects are segregated, a process requiring several hours daily. Finally, the material is reloaded to three standard dump trucks which haul away to landscaping projects. An average day might be two large loads in, ten dump trucks out, and several hours of moving material in and out of the power sorter/sizer. Activity starts between 6:00 a.m. and 7:00 a.m., and can often continue into early evening. Operations are generally six days per week, but have also occurred on Sundays. All this heavy equipment is operated with maximum power and minimum muffling. Often several machines are operating simultaneously.

*Cu 19-90  
Opponent's  
Exhibit B,  
Dated 8/13/90  
pc  
(2)*

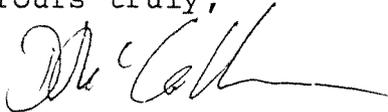
This activity occurs on a strip of land approximately 40' x 200' which is in the long dimension parallel to and approximately 20' from our land. It is located such that on Mr. Chauncey's property, it could not be nearer my house, not further from his. In fact, our house and property serve to shelter the Chaunceys from the intense noise and billowing clouds of wood dust and dirt which arise from their industry.

Noise, dust, and dirt, are emitted at levels which are invasive, pervasive, and eminently dangerous to eyes mouth and lungs. We have been forbearant with the situation to this point because Mr. Chauncey has repeatedly told us that he intends to move his worksite soon. The use request would seem to contradict that commitment.

Other neighbors will undoubtedly have more to say about the road hazards associated with a heavy transport business on Kaiser Road, which is a series of blind corners, blind hills, and a narrow roadways used by farmers, horseriders, joggers, cyclists, and residential traffic. For us, the situation is more emergent. Our dwelling and lands have been rendered uninhabitable by and during Mr. Chaunceys works. If these works were taking place in an appropriately zoned industrial site, we would likely not be permitted to dwell or farm there, because of the associated hazards. How then can our residential and agricultural values be usurped by industrial development which has forged ahead without consideration of person, property, or process of law?

We implore that you bring this outrage to an end.

Yours truly,



Daniel John McCallum

DJM/ap



# MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## INFORMAL BRIEFINGS

### JOINT CITIZEN INVOLVEMENT COMMITTEE/ BOARD OF COUNTY COMMISSIONERS INFORMATIONAL BRIEFINGS ON THE MAGNITUDE OF BALLOT MEASURE 5 IMPACTS

Tuesday October 23, 1990 7:30 p.m. 2 World Trade Center  
121 S.W. Salmon Street  
Mezzanine, Room 2  
Portland, Oregon

Thursday October 25, 1990 7:30 p.m. Gresham City Hall  
Council Chambers  
1333 N.W. Eastman Parkway  
Gresham, Oregon

## A G E N D A

1. Impact Analysis Process  
Jack Horner, Richard Levy
2. Citizen Budget Advisory Committee (CBAC) Chairs' Reports:  
Library Advisory Board  
District Attorney  
Sheriff  
Department of Community Corrections  
Human Services Citizen Advisory Board  
Environmental Services  
General Services  
Nondepartmental
3. Central Citizen Budget Advisory Committee's Concluding Remarks
4. Citizen Involvement Committee (CIC)/Board of County Commissioner's Discussion
5. Adjourn

**PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS**

*Handout #1  
10-23-2014  
Joint Mtg.*

**MULTNOMAH COUNTY**  
**CITIZEN BUDGET ADVISORY COMMITTEES**  
**REPORT ON**  
**IMPACT OF MEASURE 5 ON COUNTY SERVICES**

Department of Community Corrections  
Citizen Budget Advisory Committee  
Larry McCagg, Chair

Department of Environmental Services  
Citizen Budget Advisory Committee  
Richard Leonard, Chair

Department of General Services  
Citizen Budget Advisory Committee  
Delores Judkins, Chair

District Attorneys Office  
Citizen Budget Advisory Committee  
Michael Williams, Chair

Sheriffs Office  
Citizen Budget Advisory Committee  
Robert Weaver, Chair

Non-Departmental  
Citizen Budget Advisory Committee  
Gordon Hunter, Chair

Department of Human Resources  
Central Advisory Board  
Steve Fullmer, Chair

Multnomah County Library  
Library Advisory Board  
William Naito, Chair

Submitted by the Central Citizen Budget Advisory Committee  
Richard Levy, Chair



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY CORRECTIONS  
421 S.W. 5TH, SUITE 600  
PORTLAND, OREGON 97204  
(503) 248-3701

GLADYS McCOY  
COUNTY CHAIR

## CITIZEN BUDGET ADVISORY COMMITTEE

September 24, 1990

The Budget Advisory Committee met with Grant Nelson, Dept of Community Corrections Acting Director, and Mark Campbell of the Budget Office to discuss the impact of cuts necessitated by the possible passage of Ballot Measure #5 on the Department of Community Corrections.

We proceeded on the basis of some fundamental assumptions:

1. That the County would in fact lose 17% or \$24 million in General Fund Revenue as a result of Measure 5 passing;
2. The cuts would be distributed among the departments proportionally to their individual share of general funds;
3. The cuts would be distributed within the department proportional to each division's share of general funds received.

Therefore the magnitude of the numbers we dealt with was as follows:

Across the board cut DCC share (Represents 17% of net GF to DCC)	\$749,667
Administration	57,630
Women's Transition Services	80,279
Parole and Probation Services	247,850
Alternative Community Services	24,933
Program Services	280,294
Medical Examiner	79,369
Family Services	-0-

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There are no easy cuts left to make. The constraint budget process which produced the 1990-91 budget required most divisions cut back on training, materials, services and capital to meet the constraint requirements. A cut of \$57,630 in the Administration area would require a cut of 1.5 FTE. These cuts will reduce the coordination and management of the divisions of the department. They will also reduce the department's ability to provide the Board of County Commissioners with information useful for making public policy in the criminal justice services area.

The Women's Transition Services Division provides intensive case management for female offenders and brokers necessary services for women offenders and their children. A general fund reduction of \$80,279 would have to be absorbed by cutting dollars now available for treatment by \$50,000 as well as 1.0 FTE. Fewer women and their children would be served, more female offenders would continue to have crime, employment and substance abuse problems. More of the children of female offenders would be denied treatment for developmental, educational, abuse victimization, and a variety of other problems. These would continue over the lifetime of these children and increase the likelihood that the next generation would in turn suffer similarly.

Probation and Parole Division's share of cuts amounts to \$247,850. This level of reduction would result in the loss of 6 FTE, one clerical person and five probation officers. Probation officers that would be cut now supervise and counsel 360 offenders, prepare 30 investigatory reports annually and perform other duties as required. The materials and services now budgeted to support these personnel would also be reduced proportionately. Probation supervision and counseling at the level now provided by Multnomah County gives the sentencing court a useful and cost effective option to bench probation, with little or no supervision or counseling. It is also an alternative to expensive and often unavailable jail beds. Multnomah County is struggling to expand the sanction and treatment options available to deal effectively with the wide variety of offenders and the needs they present. A reduction in our criminal justice options endangers the progress that has been made and lessens community safety. Probation and Parole cuts will put more unsupervised offenders on our streets.

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Alternative Community Services Division would lose \$24,933 in general funds which would result in a 1.0 FTE loss in a Community Projects Leader position. We would cut back to running a Community Projects crew only on weekends. We would go from 180 available slots to only 40 available service slots. The community would lose 560 hours of community service work each week. Since the City of Portland would also be making major cuts, we would lose our contract with them. That contract with the Parks Bureau provides community service work crews to work in the parks doing a variety of labor intensive tasks. The elimination of that contract would not only limit our options for sanctioning offenders it would also leave the Portland parks system less well maintained. The Courts and Probation Services would see one sanction/treatment option greatly impaired. This would result in either no treatment or no sanction or alternatively would require expense jail time.

Program Services Division receives a large portion of the funds it expends through the State Community Corrections Act. However, two major portions of Program Services budget are supported by general fund dollars. A levy passed by the voters in 1989 is slated to provide approximately \$5.3 million during the period beginning July 1, 1990, through July 1, 1993. These dollars were to purchase residential alcohol and drug treatment for offenders. The first 40 bed residential treatment center for men will begin operating in October of 1990. A women's residential treatment center is due to begin operation July 1, 1991, and an additional 40 beds for men would become available on January 1, 1992. A 17% across the board cut in general funds, totalling \$280,294, would result in the loss of a little more than one year's worth of operation of 40 residential treatment beds. A likely scenario if cuts were forced would be the reduction of the women's treatment beds by one fourth, i.e., 30 instead of 40. It would also produce a delay and reduction in the final 40 bed treatment segment for men. Since levy resources do not represent full funding of needed residential alcohol and drug treatment for offenders on presumptive probation, the reductions required by Measure 5 increase the drug treatment deficit which has existed for so long in this community. The lack of drug treatment contributes significantly to the overall crime problem as well as numerous other social ills.

The other area within Program Services Division which would have to be cut as a result of Measure 5 is the Pretrial Release and Supervision Program. This program allows the court to release appropriate defendants from jail pending trial. Defendants are released to supervision which monitors their activities, helps connect them with needed services, and reduces the likelihood of failing to appear for court hearings and trial.

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The program was initiated to relieve population pressures on the jail. Because the federal court has imposed a population cap on the jail, releases will still have to be made. Supervision will decrease. Public safety and criminal justice system efficiency will drop. Not as many defendants will appear for trial wasting expensive court time and delaying justice for crime victims.

State statute defines types of death which must be investigated by the Medical Examiner. The Medical Examiner must investigate any and every death which falls within that statute. Since approximately 90% of the Medical Examiner's budget goes for personnel, an across the board general fund cut of 17% or \$79,369 would require the reduction of 2 or more FTE. Such a reduction would cut staffing below the minimum for a 24 hour per day operation. Employees on other shifts would have to be called in. These individuals would be paid overtime wages. Cutting almost \$80,000 would be offset by the need for emergency funds to continue statutorily mandated operations.

It is well known that the Department of Community Corrections receives more than \$2 million in state money for a variety of Community Corrections activities including Corrections Health and the Restitution Center. If Measure 5 passes the State's obligation to replace school funds would require reductions in CCA funds. At this time we cannot guess what these will be.

To summarize it can be said of Community Corrections programs, as for all programs in the criminal justice area, that the public needs to realize that the kinds of cuts necessitated by Measure 5 would significantly reduce our ability to deal effectively with crime and criminality at a time when doing so is what the public demands.



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
2115 S.E. MORRISON  
PORTLAND, OREGON 97214  
(503) 248-5000

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

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

**TO:** CENTRAL CITIZEN BUDGET ADVISORY COMMITTEE  
CITIZEN INVOLVEMENT COMMITTEE and  
MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

**FROM:** RICHARD LEONARD, CHAIR *Richard Leonard*  
DEPARTMENT OF ENVIRONMENTAL SERVICES, CITIZEN  
BUDGET ADVISORY COMMITTEE

**SUBJECT:** POTENTIAL IMPACT OF MEASURE 5 ON D.E.S.

**DATE:** OCTOBER 4, 1990

The C.B.A.C. for the Department of Environmental Services (DES) met twice, on September 19 and October 3, to review the potential impact on DES should the property tax limitation Measure 5 be approved by the voters in November.

Our understanding is that the total revenue loss to Multnomah County in the General Fund, should Measure 5 pass, would be approximately \$24 million annually. If this revenue reduction were distributed "across-the-board" among all County departments, the loss to Department of Environmental Services General Funded programs would be around \$2.5 million per year.

Should Measure 5 pass, the DES CBAC urges the Board of County Commissioners to minimize funding reductions in DES. As prior reports will indicate, the DES CBAC has consistently recommended **additional** funding in most General Fund programs in this department in recent years, in particular in Parks, Facilities Management and Animal Control.

If, however, General Fund programs must be cut in the Department of Environmental Services, the DES CBAC recommends that reductions be made in the following priority order:

DES CBAC  
Measure 5 Recommendations  
Page Two

1) Reduce funding in the area of capital construction and capital acquisition, for new development or expansion of programs or other non-essential, non-profit-producing improvements.

Examples of funding in this area include projects budgeted in DES General Fund programs such as **Parks Development, the Capital Improvement Program, and the Recreational Facilities Fund (Glendoveer Golf Course).**

Please note, however, that the DES CBAC does not recommend reduced funding in capital for those projects necessary to protect public and/or employee health or safety, projects essential to preserve existing structures and/or maintain the structural integrity of County facilities, or continued development/improvement of profitable County facilities such as the Expo Center and the Glendoveer Golf Course. In fact, the DES CBAC, even in the face of Measure 5, would urge the County to continue ongoing short-term investment in facilities such as these in order to produce increased long-term revenues for the County's General Fund.

It is difficult to predict with any accuracy the savings to the County by implementing the recommendation above, as funds budgeted for capital improvements vary considerably from year to year. A reasonable estimate, however, of annual savings would be approximately \$1 million.

2) Defer non-essential facility maintenance, in particular maintenance which affects primarily the areas of aesthetics and comfort. Examples of reductions of this sort include deferred replacement of **carpets and draperies**, reduced level of **janitorial service**, deferred **repainting** of County offices, reduced level of **grounds maintenance and landscaping**, adjustments in **lighting, office temperatures**, and other such environmental factors.

Please note, however, that the DES CBAC does not recommend reduced funding in facility maintenance necessary to protect health or safety or to preserve the structural integrity and/or provide cost efficient operation of County assets.

Potential annual savings in this area are estimated at approximately \$400,000.

3) To whatever extent possible, utilize staff attrition (staff vacancies) as an opportunity to restructure the way programs operate and reduce operating costs. We also recommend that attrition be used to the extent possible to transfer employees in positions identified for elimination into other, ongoing vacant positions, to minimize the adverse human impact on County employees.

It is again difficult to predict how much could be saved by this approach, given that only about half of DES positions are funded by the General Fund and turnover in those positions is relatively low. However, it is estimated that savings from this approach could approximate \$100,000.

4) Before making any additional program reductions, the DES CBAC recommends that the County consider alternative revenue sources to replace revenues lost as the result of Measure 5. Examples of possible new revenue sources include a pet food tax to maintain animal control services and new and/or increased fees in other service delivery areas such as Parks and Land Use Planning. It is not possible for this committee to even "guesstimate" how much could be generated from additional revenue sources, but it seems probable that at least enough revenue could be produced to continue essential services in General Fund programs.

5) Of the estimated across-the-board reduction of \$2.5 million allocated to the Department of Environmental Services, the above recommendations would produce savings estimated at a total of only \$1.5 million, \$1 million short of the required \$2.5 million.

The remaining reduction would have to be made in direct service delivery by such General Fund programs as Parks Services, Animal Control, Emergency Management and Land Use Planning. With the time available, the DES CBAC is in no position to recommend specifically what those service reductions should be. It should be noted, however, that \$1 million represents a major reduction in the General Fund dollars remaining in DES; and service reductions to the public in the above areas would likely be significant.

Thank you for the opportunity to review the potential impact of the passage of Measure 5 on the Department of Environmental Services. There is no question that a funding reduction of this magnitude would have a severe impact on DES General Fund programs.

DES CBAC  
Measure 5 Recommendations  
Page Four

Of particular concern to the DES CBAC are those programs that we have identified in recent years as being inadequately funded already, such as maintenance of County facilities, the need to relocate Animal Control, the importance of further investment in assets such as the Glendoveer Golf Course, and the protection of natural areas and the environment.



# MULTNOMAH COUNTY OREGON

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BOARD OF COUNTY COMMISSIONERS	DEPARTMENT OF GENERAL SERVICES	OFFICE OF THE DIRECTOR	(503) 248-3303
GLADYS McGOY	PORTLAND BUILDING	EMPLOYEE SERVICES	(503) 248-5015
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	AT OTHER LOCATIONS:	ADMINISTRATIVE SERVICES	(503) 248-5111
		ASSESSMENT & TAXATION	(503) 248-3345
		ELECTIONS	(503) 248-3720
		INFORMATION SERVICES	(503) 248-3749

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## MEMORANDUM

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TO: Central CBAC and County Commissioners

FROM: General Services CBAC  
Dick Broussard  
Marlene Byrne  
Paul Eisenberg  
Frank Howatt  
Delores Judkins

DATE: October 16, 1990

SUBJECT: Impact of Measure 5 and Budget Cuts

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### BACKGROUND

We have been asked to make recommendations as to how to reduce the DGS budget by \$1,788,973 as part of an Across The Board Cut (ATBC) resulting from the anticipated loss of \$24 million of revenue should Measure 5 be enacted by the voters.

As a committee of citizens, we will not accept the assignment as presented. Despite considerable urging from staff and Central CBAC to do otherwise, we do not believe the ATBC approach is responsible. There are several reasons for this position.

First, it is not smart to cut in this fashion. ATBC assumes that the impact on County efficiency and on the County's ability to operate are proportionally distributed throughout the County's organization and that it can survive proportional amputations of parts of each area. This is simply not true. While a person can survive and function after the amputation of a limb, that person cannot survive and function after the removal of the head. We do not wish to participate in or lend credence to the notion that ATBC has any merit whatsoever.

Second, we have spent five years in DGS CBAC advocating to the Commissioners the importance of central infrastructure to the accomplishment of the County's missions, and we have repeatedly emphasized that the cost to re-create infrastructure is far greater than the cost to maintain it. Reductions in the wrong areas could, in the long run, cost many, many times the amount of money initially saved.

Third, we are not convinced that the reduction in revenue will be permanent. We think that some of the political pressure driving the initiative is not total reduction of taxes but the perception of the unfairness of the present system. It is widely believed that the final outcome of passage of Measure 5 will be implementation of a state sales tax or other new revenue generators. Therefore, we believe all cuts and adjustments must be evaluated in terms of protecting the County's ability to restart and resume the activities that may at least temporarily need to be curtailed. Any plan must protect the County's ability to resume its functions at the conclusion of the crisis. ATBC will simply ensure that this cannot occur.

#### RECOMMENDATION

In light of the above, we offer the following advice regarding how the County should manage this situation. The time proven approach to managing a fiscal crisis is to 1) increase revenues, and 2) cut expenses that contribute the least and have the least long-term negative consequence to the organization's mission.

The following is a three point approach to increase revenue:

1. Examine County services to see which ones can legitimately charge the recipient for all or a portion of the cost of the service. This should be a broad look at all categories of activities.
2. For the first time, Measure 5 will tie tax revenue to the variable total of assessed property valuation instead of to a specific tax base. The County should immediately add the staff and resources to maximize the taxable assessed values within the definition of the law. This includes properly identifying and adding to the tax rolls all personal property that can be taxed, and re-examining the appraised value of all real property in the County and aggressively ensuring that it is as close to 100% of true market value as is possible. This will require staffing up the Appeals Board and A & T staff to handle increased appeals.
3. Ask the State Legislature for immediate emergency authority to charge fees for those functions that the County is required to provide without a corresponding source of revenue. Hopefully these fees can be structured to reflect the real and total costs of providing the services. For example, fees to the taxing authority for general and primary elections, recovery of costs of collecting and distributing taxes, fees for copies of the computerized mapping data, higher fees for recording, limits on the costs of providing chambers and facilities for the Judicial system, cost sharing for County Medical and social services based on ability to pay.

There are a considerable number of potential sources of revenue to be examined under 1 and 3 above. Revenue should be the number one priority.

The following is a recommended ten point approach for implementing expense reductions:

1. Consolidate and centralize as many administrative functions throughout the County as practicable. For example, purchasing is currently being done at different levels of efficiency in different departments. There are other similar administration and management functions that could be brought into DGS for significant savings.
2. Postpone all capital expenditures from non-dedicated General Fund money except those that will produce 24 month or less payback.
3. Externalize impacts of work force reductions and shutdowns by terminating contracts with outside service providers where those services are being paid for out of the General Fund. It will be easier to restart service delivery when revenues once again become available. Savings will be both greater and more immediate by avoiding the fiscal costs of internal layoffs and internal cuts (such as relocation and termination benefits).
4. Request temporary concessions in wages and benefits in lieu of layoffs from the County labor unions.
5. Terminate all relationships or contracts under which the County provides services for outside agencies unless the County also receives full overhead and administrative reimbursements from those agencies along with the direct program expenses.
6. Temporarily suspend expenditures for training, education and travel except emergency needs.
7. Review work load indicators for departments and programs that will continue and insist on efficiency improvements where low output is indicated.
8. Protect key employees, resident expertise, technology, and automation investments to keep the County operating efficiently and ready to resume full function.
9. Concentrate cuts in those portions of the organization where they can be most cheaply and easily replaced when possible, and avoid cuts where long term, difficult-to-restore damage will be done.
10. After the above has been accomplished, then re-examine DGS in light of its altered role, increased central administrative functions, revised numbers of County employees and contracts to be administered, redefined labor relations workload, redefined Assessment and Taxation mission, and any other factors. As a result of such re-examination determine the revised level of staffing and expense required to support the revised County organization.

## CONCLUSION

We recognize that the solidity of the County infrastructure is not a popular political theme. We also recognize that the County Commissioners will be tempted to make hidden cuts, or to "catastrophize" the situation for political reasons. The results of either approach will be tremendous long term damage and a gross disservice to the County's residents.

This is a time for the most professional, most carefully planned and best executed crisis plan the County is capable of conceiving. We do not envy the Commissioner's position nor the very real pain they will feel at having to cut desperately needed services at this time, but that is in fact what will need to be done if the voters pass Measure 5. The second most important thing to be done is to preserve the County's ability to resume those services as soon as alternative revenue sources become available.

We hope our voice is clearly heard and provides guidance and direction for you in undertaking this most difficult and important process.

244A/js

REPORT TO THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

SUMMARY OF IMPACT OF BALLOT MEASURE 5

Multnomah County District Attorney's Office

SUBMITTED BY: The District Attorney's Citizen  
Budget Advisory Committee

BACKGROUND

The Multnomah County District Attorney's Citizen Budget Advisory Committee met on September 20th and October 4th for the purposes of reviewing what possible impacts a successful Ballot Measure 5 might have on the activities of the District Attorney's Office. Attending those meetings, in addition to the CBAC, were members from the Multnomah County Planning and Budget Division, the Citizen Involvement Committee, the District Attorney and his staff.

CBAC COMMENTS REGARDING BALLOT MEASURE 5

Long Term: The CBAC acknowledges that the Board of Commissioners will be under severe pressure in the short-term to reduce services to meet Ballot Measure 5 revenue reduction. While reductions in service will by necessity have to be implemented in the short term, it is important that the Board begin to develop long-term strategy to contain costs to the general fund and begin to implement managerial strategies which will meet the new economic climate.

Because over 40% of the costs of personnel in the District Attorney's Office are associated with fringe benefits, particularly health and retirement, any plan on the part of the County to better understand the dynamics behind the explosive growth of these costs and successful ways of managing those expenses ought to be encouraged. While the CBAC does not endorse reductions in employee benefits, it does believe that a better understanding of the components of these increases would lead to administrative practices which could successfully contain those costs.

The CBAC also suggests that the Board explore the possibility of "early retirement" provisions that could be adopted which would assist in achieving an overall reduction in the County's work force which would of necessity be required by Ballot Measure 5.

Ballot Measure 5 will cause cuts in a variety of essential public services in Multnomah County. The depth of those cuts and their impact will ultimately be determined by the Board of Commissioners. The CBAC fears the possibility that once these reductions are made, they will be applied unevenly, falling harder on some agencies than others. In criminal justice, agencies linked systemically are not linked financially. Police agencies derive their budgets from City Councils, courts are funded at the state level, and prosecutors and jail personnel have their budgets determined by the County. Conceivably, cuts in court staffing and services may be minimal but reductions in the District Attorney's Office might mean no prosecutors to staff courtrooms. A corrections program could be eliminated while a police department remains unaffected. The CBAC urges the Board of Commissioners to avoid these situations by coordinating its criminal justice system decisions with other public bodies.

IMPACTS ON DISTRICT ATTORNEY'S OFFICE'S OPERATIONS

The CBAC notes that the District Attorney's budget is composed of 90% personnel costs, thus limiting any potential reductions by the time-honored tradition of cutting miscellaneous materials and services and equipment. As the average employee in the District Attorney's Office costs about approximately \$44,000 (base and fringe), the CBAC estimates that a 17% across the board reduction will equate to \$1,250,000, and a reduction of about 25 employees. Confronted with this large scale cut in personnel, the District Attorney of Multnomah County would be forced to make choices among classes of offenses with which the office would still maintain vigorous prosecution. Certain groups of activities within the office would be deferred, transferred, deleted or reduced.

The following list of activities and functions would be reviewed and their continuation subject to question if Ballot Measure 5 is enacted and the office is directed to reduce its staff by \$1,250,000.

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Continuation of the Following Functions or Organizational Activities would be under review:	Reduction In Staffing	Impact
Civil Commitment	2	Eliminate Function

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Continuation of the Following Functions or Organizational Activities would be under review:	Reduction In Staffing	Impact
Forfeiture	2	Cut by 50%
Domestic Violence Unit	3	Eliminate Function
Recovery of Costs for Providing Discovery	1	Eliminate revenue recovery
DUII Diversion Requests and Review of Traffic Crimes	1	Eliminate Function
Documentation of Restitution Losses	1	Reduce by 50%
Anti-Gang Prosecution	2	Reduce by 50%
Multi-Disciplinary Team	2	Eliminate MDT Function
Administration	2	Due to down sizing of staff
Non-Violent Misdemeanors	3	Prosecution of non-violent misdemeanors: (Theft II, III, Criminal Mischief, Trespass, Certain Drug and Alcohol Offenses)

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Continuation of the Following Functions or Organizational Activities would be under review:	Reduction In Staffing	Impact
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Eliminate,  
"defelonize"  
and redistribute  
Trial Team A's  
(Property) caseload

7

The following  
types of  
criminal cases  
would be  
affected

Bribery I, II  
Burglary (non-residential)  
Criminal Mischief I  
Criminal Possession of a Forged Instrument I  
Criminal Possession of a Forgery Device  
Criminal Possession of Rented/Leased  
Personal Property (felony)  
Endangering Aircraft  
Extortion  
\*Felony Driving While Suspended/Revoked  
Felony Fish  
\*Felony Hit & Run  
Forgery I  
Fraudulent Use of Credit Card (felony)  
Negotiating a Bad Check (felony)  
Perjury  
Possession Fraudulent Communications  
Devices  
Sports Bribery  
Sports Bribe Receiving  
Tampering with a Witness  
Theft I  
\*Theft of Services (felony)  
\*Unauthorized Use of Vehicle  
Welfare Fraud

\* The CBAC recommends that these offenses still be prioritized for prosecution

CONTINUED OPERATION OF THE PROSECUTOR'S OFFICE

The CBAC would like to note that while most property offenses would be affected by the reduction in staff, cases involving person felonies, as outlined in Oregon's sentencing guidelines would continue to be a priority. (See attachment). However, the CBAC cannot let this opportunity

pass without commenting on the disservice done to this community if the cuts described in this report become real. Although emphasis and energy will continued to be placed on violent, person-to-person felony crimes, the broader "quality of life" offenses that are committed in this county will go unprosecuted. The CBAC believes there is purpose to city, county and state criminal statutes and ordinances, that lawful behavior is to be encouraged and illegal behavior ought to have consequences. Passage of Ballot Measure 5 would seriously erode this principle.

KB:jl  
10/15/90

**Date:** October 2, 1990  
**To:** Multnomah Board of County Commissioners  
**From:** Multnomah County Sheriff's Office CBAC Group  
**Subject:** Budget Reduction Study

The implementation of Proposition 5 will impose a \$7 million impact on the Sheriff's budget. That would be devastating to the citizens of the entire Portland metropolitan area. The probable closing of jail beds, reduction of neighborhood mobile patrols, reduction of counseling and parole services to released prisoners and the reduction of inspection and investigative services will cause the citizens to lose their neighborhoods to crime systems.

Referring to our earlier CBAC budget report, we indicated our recognition of needs throughout the county system. But it cautioned that cutting substantial sums from the sheriff's office budget would cause the citizens to lose their streets to crime. We again urge the Commission to consider these reductions as a result of Proposition 5.

As you review the opinions of this CBAC, we remind you that you will be forced to reduce budgets that are already slashed. We pray that your good judgement, should it be required as a result of the voting process, be directed to providing safety to the county and the metropolitan area.

The citizens, in their frustrations with government's alleged failure to listen, are using the initiative process to send a message. We fear that the process will have a severe impact, and we urge you to be sensitive to these budget reductions.

Should Proposition 5 pass, the programs instituted and supported by the citizens over the past few years will be lost, and our neighborhoods returned to unsafe conditions. You will want to listen to the citizens as you address the priorities of need, not only for law enforcement but also for safety and family living in the metropolitan area.

The Sheriff's office CBAC determined that neighborhood safety holds the highest priority. Criminal warehousing through jails held the second highest priority. Rehab activities, while important, is a lesser priority. It is recognized that not all crimes can be given the same priority. Therefore, this CBAC ranks violent crime and drug related crime as top priority over all other crimes.

If there is any detectable duplication of service provided by the City of Portland, the State or Oregon, and Multnomah County, this is the appropriate time for the activity to be combined. For example, duplication of State of Oregon services for the criminal-release program and similar services provided by Multnomah County might be combined to make a more efficient operation. We are concerned that the \$30 million reduction, as a result of Proposition 5 in the City of Portland, will also reduce the city law enforcement service and compound the danger in the metropolitan area.

CBAC acknowledges the excellent assistance of Larry Aab and Richard Showalter of the Sheriff's budget unit. Without their help this CBAC could not have completed its task.

Listed below are the suggested areas that should be exposed to budget reduction as a result of the passing of Proposition 5. The major impact of these reductions is the probable closing of one jail along with the return of prisoners to the streets with no provision for monitoring or rehabilitating.

Sheriff's Executive Office	6% reduction	\$ 30,000
Inspection Unit	Disband the unit	\$ 216,000
Services Branch Admin. Unit		\$ 10,000
Personnel Unit	Reduce expenditures	\$ 130,000
Training Unit	50% reduction	\$ 150,000
Word Processing Unit	50% reduction in- cluding jail levy fund	\$ 90,000
Planning & Budget Unit	50% reduction	\$ 240,000
Equipment Unit	\$110,000 PS reduction plus a \$800,000 materials and supplies reduction plus 20% off the jail levy fund	\$ 960,000 \$ 50,000
Law Enforcement	40% reduction	\$ 35,000
Operations Administration	50% reduction	\$ 300,000
Special Investigation Unit	40% reduction	\$ 200,000

Multnomah Board of County Commissioners  
October 16, 1990  
Page 3

Intelligence Unit		\$ 20,000
SEDE Unit	No reduction	\$ -0-
River Patrol	Cut all expenses except the monies received from the State Marine Board or charge through increased user fee	\$ 300,000
Housing Authority	Contract provides revenues for cost	\$ -0-
Patrol Section	30% reduction	\$ 600,000
Crime Section	20% reduction	\$ 180,000
Canine Unit	50% reduction	\$ 150,000
PUC/HAZMET	33% reduction	\$ 100,000
Crime Prevention and Analysis	Disband the unit	\$ 260,000
Civil Process	30% reduction	\$ 250,000
Alarm Ordinance	Disband expenses and charge users for full cost	\$ 225,000
Police Records Unit	30% reduction	\$ 150,000
Corrections Branch	30% reduction	\$ 100,000
Facility Division Administration	A reduction of 17% plus 50% of jail levy	\$ 475,000
Facility Operations	20% reduction	\$1,000,000
Transport and Court Services Unit	20% reduction	\$ 400,000
Property/Commissary/Laundry	18% reduction	\$ 90,000
Warrant and Detection Records Unit	25% reduction	\$ 225,000

Facility Security Unit	6% reduction	\$ 50,000
Program Division	Reduce the unit	\$ 219,000 M&S
Administration		\$ 162,000 PS
Facility Counselors	Close the unit	\$ 560,000
Close Street Supervision	15% reduction	\$ 75,000
Population Release	20% reduction	<u>\$ 50,000</u>
		\$7,000,000

*GRW*

G.R.W.

GRW:pm

m-cbac.924/grw

## NON-DEPARTMENTAL CITIZEN BUDGET ADVISORY COMMITTEE

Enclosed is the report of the Non-Departmental Citizen Budget Advisory Committee on the impact of Measure 5 on the Non-Departmental organizations of Multnomah County.

Our task was to remove \$1,430,868 from the \$7,953,345 budget.

Among these organizations are several funds which are mandated by State law or County ordinance, or by contract agreements.

### Recommendations:

The Non-Departmental CBAC recommends no capital expenditures for fiscal year 1991-1992, which would be a savings from these budgets of \$34,500. The CBAC further recommends that membership in the Oregon Association of Counties and the National Association of Counties be suspended, with a dues savings of \$64,725.

The Non-Departmental CBAC recommends removal of the \$60,000 payment to the City of Portland for promotion of annexation.

With these items removed from the budget, the accross-the-board reductions absorbed by the non-departmental organizations would be approximately 8.6%.

Since many of the Non-departmental organizations have small budgets and any reductions would badly damage their effectiveness, we hope that cost savings may be made in the larger departments that will reduce the need for these deductions. To this end we have not recommended cuts in the Youth Today and the Civic Action Teams youth.

The CBAC recommends that these savings be made in telephone costs; fax machines and other small equipment that can be shared; printing, mailing and supplies; non-essential professional dues; out-of-state travel, conferences and conventions. Although many of the travel, conference, convention and professional dues activities are desirable, they should be sacrificed in the interest of maintenance of programs that provide essential services to the public.

We recommend that every effort be made not to reduce personnel since the employees who will provide the essential services and some of the non-departmental organizations are so small that staff reduction would make them inoperable.

7/13/11

**NON-DEPARTMENTAL ORGANIZATIONS**

COUNTY CHAIR -

Administers all county programs (except those under the Sheriff, Auditor, District Attorney, and Board of County Commissioners), prepares annual budget, develops policy, and oversees departmental programs.

Remove: \$60,000 annexation support funds  
57,000 Association of Oregon Counties dues  
9,725 National Association of Counties dues  
Reduce remaining budget by 8.6% = \$60,303.

BOARD OF COUNTY COMMISSIONERS

Plans, Finances and delivers services to all citizens and property in the county.

Remove: \$9,500 in capital expenditures  
Reduce remaining budget 8.6% = by \$72,932.

CLERK OF THE BOARD

Prepares agendas, notices for upcoming board meetings.  
Maintains records and reports of all matters.

Remove: \$15,000 capital expenditures  
Reduce remaining budget by 8.6% = \$14,920.

COUNTY COUNSEL

Provides legal advice & representation to prevent or minimize county liability in achieving it's goals.

Remove \$20,000 capital expenditures  
Reduce remaining budget by 8.6% = \$75,752.

CITIZENS INVOLVEMENT COMMITTEE

Develops and maintains citizen involvement programs & procedures to facilitate direct communication between citizens and county government.

Reduce budget by 8.6% = \$11,093.

TAX SUPERVISING AND CONSERVATION

Responsible for reviewing, coordinating and supervising budgeting and taxing activities of local governments within the county.

Budget total determined by State of Oregon.

(Allotments to non County Agencies:)  
City/County Organizations

Metropolitan Arts Commission

Promotes & encourages education and appreciation of public art.

Reduce budget by 8.6% = \$32,560.

Metropolitan Human Relations Commission

Evaluates city & county programs for compliance with federal, state and local civil rights laws; promotes better human relations.

Reduce budget by 8.6% = \$10,633.

Multnomah Portland Commission On Aging

Provides advice to city & county governments on issues of concern to the elderly & disabled.

Reduce budget by 8.6% = \$6,789.

County Supplements

East & West Multnomah Soil & Waste Conservation District

Develops and directs programs assisting landowners regarding environmentally accepted practices that conserve, enhance, and protect land, water, and wild life resources.

Reduce budget by 8.6% = \$3,278.

Extension Service

Provides education and information to help Oregonians solve problems & develop skills related to youth, family, community, farm, forestry, energy and marine resources.

Reduce budget by 8.6% = \$13,003.

Oregon Historical Society

Provides partial support for maintenance of James F. Bybee House and it's contents.

Reduce budget by 8.6% = \$2,194.

Youth Today

Performs advocacy and policy development in the area of youth services.

No reduction

Charter Commission

Provides for continued staff support to the Charter Review Commission for five weeks into the fiscal year.

Is not funded for 1991-1992

Oregon Tourism Alliance

Markets & administers services programs to promote Oregon tourism. Fund is used as Multnomah County's share of local match for lottery dollars.

Required by initiative petition.

Civic Action Teams

Promotes involvement of Portland metro area young adults in a year of service to the community.

No reduction

AFS Food Stamp Payment

Cost of Administration of State Food Stamp program within the county.

Cost established by State of Oregon.

Assessment Organizations

Metropolitan Service District

Funds the zoo and regional policy services.

Mandatory assessment.

Portland Metro Area Local Government Boundary Commission

Mandatory assessment by ORS 199.457

## Pass Through Appropriations

### Business Income Tax

25% of .6% tax is paid to cities other than Portland, majority going to Gresham.

Reduce payments by 8.6% = \$152,211.  
(Will require renegotiation of contract)

### Convention Center

Covers cost for development of the center, unfunded operation expenses, promotion and securing of convention business.  
(3/8 proceeds of 8% transient lodging tax)

Established by ordinance.

### County School Funds

Maintains school funds to provide County schools with \$10.03 from the General fund revenues for each child within Multnomah County between the ages of four and twenty.

Established by state law.

### Greater Portland Convention & Visitors Association

Promotes tourism in greater Portland area. (Receives 1% of the 6% transient lodging tax).

Established by ordinance.

### Special Appropriations Program

Exists so appropriations may be set aside for special computer based projects. Acts as repository for all General Fund Processing service requirements.

Reduce general fund non-committed share by \$800,000.



CENTRAL ADVISORY BOARD

Department of Human Services  
426 SW Stark, 7th Floor  
Portland, OR 97204  
248-3782

MEMORANDUM

TO: Gladys McCoy, Chair  
Board of County Commissioners

FROM: DHS Central Advisory Board

VIA: Duane Zussy, Director *Duane Zussy (ae)*  
Department of Human Services

DATE: October 11, 1990

SUBJECT: Proposed Cuts

OVERVIEW

If Ballot Measure 5 passes, Multnomah County will lose \$24 million in property tax revenue next fiscal year. In our effort to identify the sorts of program reductions and outright eliminations that would be necessary in order for the Department of Human Services to absorb its share of this loss, staff and the citizen's Central Advisory Board were guided by the following principles:

- o Whenever possible, we sought to maintain the local matching funds required to earn all available state, federal, and private grants. (To do otherwise would be to take a two, three, or more dollar cut in service for each one dollar cut in county general funds.)
- o Whenever we have a legally mandated service component (i.e., epidemiology, vital statistics, restaurant inspections, etc.), we sought to maintain funding at the level needed to continue delivery.

The effect of having to maintain minimal funding levels in these areas forced us to place a disproportionately heavy burden of cuts on the remaining activities, which are wholly county general fund supported. Unfortunately, the more heavily hit programs (those funded with discretionary dollars) are more often than not those this Board of County Commissioners has recently chosen to create and sustain.

While this could be interpreted as a deliberate attempt to single out "popular" programs for adverse treatment, it was, in fact, a consequence of our effort to minimize the loss of leveraged state and federal revenues and to meet legal mandates.

Memo to Commissioner McCoy  
October 11, 1990  
page 2

Unfortunately, this leaves us with a mix of services more heavily skewed toward policy priorities established by outside funders, i.e., the federal government, state government, and private foundations - to the detriment of programs and service initiatives established by our local policy makers, i.e., the Board of County Commissioners.

Clearly this is a policy decision the Chair and the Board may wish to re-examine. The problem associated with any such re-examination is that shifting cuts to other program areas (though still possible up to a certain dollar level) will soon reach the point at which we will begin to compromise legal mandates and to sacrifice grant funding.

With that in mind, the following is a summary of the potential program reductions and eliminations which our Central Advisory Board will be presenting to you.

ADMINISTRATION SUMMARY

Proposed DHS Administration cuts total \$180,000 with a loss of 3.0 FTE staff.

Public Information office	\$66,000
Management Information coordination	59,000
Coordinated case management/referral services at Columbia Villa	55,000

HEALTH DIVISION SUMMARY

Proposed HD cuts total \$3,198,000 with a loss of 59.2 FTE.

Two School Based Clinics	\$285,000
Corrections Health	\$440,000
Mid-County Primary Care	\$883,000
Outside Contracts	\$253,000
Burnside Clinic	\$440,000
Vector Control	\$233,000
GF Support for Emergency Medical Services	\$112,000
Field Services	\$552,000



FORMAL REPORT OF THE  
CITIZEN BUDGET ADVISORY COMMITTEE  
FOR MULTNOMAH COUNTY LIBRARY

October 16, 1990

Members of the Multnomah County Library Advisory Board also serve as the Citizen Budget Advisory Committee (CBAC) for Multnomah County Library. It is in their capacity as the Library's CBAC that they respectfully submit this report to the Citizen Involvement Committee.

At their October 9 meeting, board members learned about the potential cuts to the library's budget by 17 percent or more should the property tax measure pass on Nov. 6 from Dave Warren of the County's Budget and Planning Department.

Mr. Warren reported that the library's 1990-91 budget of \$15 million would be reduced by \$2.8 million during the first year and in larger amounts during the next four years. The library's current three-year serial levy, approved by voters in March 1990, would be subject to the same cuts as other property taxes, Warren told CBAC members. Approximately two-thirds of library funding comes from the serial levy with the remaining third coming from the County General Fund.

Ginnie Cooper, director of libraries, said, "The immediate effects on library service would be catastrophic. The long-term effect would be to do irreparable damage to our good library."

The reduction figures are based on an estimated across-the-board reduction for all Multnomah County services that are not mandated by the state, Cooper said.

Ms. Cooper reported to CBAC that potential reductions include cutting capital improvements planned for Midland and Central libraries, reducing the amount to be spent for books and other library materials by 33 percent and laying off approximately 48 full-time staff members from the library's present staff of 359 full-time equivalent positions.

She followed the reduction in improvements with a reduction in hours at all libraries and some library branches

AGING SERVICES DIVISION SUMMARY

Proposed ASD cuts total \$420,000 with a loss of 17.55 FTE staff.

Reduction of Community Action contracted funds for case management services	\$109,200
Reduction of client case management and administrative staff in five branch senior centers	209,400
Reduction of Deputy Guardian and administrative staff for Public Guardian/Conservator clients	34,800
Reduction in case management services for District Center clients	66,600

## JUVENILE JUSTICE DIVISION SUMMARY

Proposed JJD cuts total \$840,000 with a loss of 15.6 FTE staff.

Youth Gang Downsizing funding contribution	\$ 27,399
Alcohol/drug prescreening services expansion	80,000
Elimination of Accountability Work Project alternative to detention	38,826
Elimination of staffing for Detention - Second Boys Unit	353,982
Elimination of North Office, which serves Columbia Villa neighborhood youth	115,000
Elimination of Close Supervision as alternative to detention	83,084
Elimination of year-round job training and summer employment program	66,484
Elimination of support to C.A.S.A.	17,135
Elimination of contract for Project Payback restitution program	25,673
Reduction in mental health assessments	20,000
Reduction of client tracking equipment purchase	7,417
Reduction of funding for staff training	5,000

SOCIAL SERVICES DIVISION SUMMARY

Option 1: Proposed cuts in contracts with Youth Service Service Centers total \$1,411,433 with no loss of County staff.

Eliminate over 75,000 hours of service to youth	\$1,411,433
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Option 2: Proposed cuts in services contracted through the Mental/Emotional Disabilities, Alcohol and Drug, and Youth Program Office programs total \$1,300,000 with no loss of County staff.

Reduction in CSD day treatment services	\$100,000
Reduction in detox/sobering services	600,000
Reduction in Youth Service Center services	400,000
Elimination of gang outreach funding	200,000

might be closed. Specific reduction in services will be determined by this board and by the Board of County Commissioners.

The CBAC asked how the cuts could be expected to affect the average library user. Ms. Cooper listed the following examples:

- o Central Library and Gresham Regional Library would be closed two days a week, probably Mondays and Saturdays.
- o Some branch libraries would be open as few as two days per week; all libraries would open later and close earlier.
- o Reading programs for children and young people would be curtailed or eliminated, including pre-school story hours.
- o Library van service to nursing homes and retirement facilities would be eliminated.
- o Bookmobile service to outlying areas of Multnomah County would be eliminated.
- o A one-third reduction in purchasing would mean fewer books and other library materials for all library users; fewer large-print books, books-on-tape and picture books for children would be available.

At the conclusion of her report, Ms. Cooper said, "Waiting times for new materials that are now 2-3 weeks could become 3-18 months. As materials become scarce, libraries have to limit the number of items checked out at each visit. Since we'd purchase fewer copies, the book that your child needs for a homework assignment might not be available."

It was moved and seconded by the this CBAC to strongly oppose passage of Ballot Measure #5. The motion passed unanimously.

Respectfully submitted

BILL NAITO, CHAIR

Public Testimony before Multnomah County Board of Commissioners  
RE: Impact of Measure 5 - Given October 23 and 25, 1990

Handout #2  
10-23-90 AM

Madam Chair, my name is [Steve Fulmer/Carole Murdock] and I live in [southeast/east] Multnomah County. I am here [today/this evening] representing the Central Advisory Board for Human Services, a group of sixteen citizens, many of whom represent other citizen advisory boards, totaling nearly 140 citizens in all. Together, we have spent many, many hours struggling with the complexities of Ballot Measure 5. You have already received a summary of the approach we have taken and a summary of the impact on this county's human services if it passes.

We are citizens much like those who will be voting in less than two weeks on this issue. Most of us are middle class home owners or renters. None of us are rich. None of us are legislators, and none of us are experts on taxation. But all of us are committed to keeping Multnomah County livable. None of us are happy about the property taxes we pay as homeowners or renters; we, too, are frustrated by the inability of our state legislators to reduce our property tax burdens. Nevertheless, having examined the issues with care, we unanimously recommend that this Board and all the voters of Multnomah County reject Ballot Measure 5.

In the time allotted us today, we cannot successfully summarize the impact of cutting six million dollars from the Human Services budget, much less the broader impact of cutting \$24 million from the County, and \$26 million from the City of Portland, and \$20 to \$50 million from the Portland school district. We can only speak in general terms to an issue that deserves detailed attention.

As you know, the impact of such a sudden collapse in property revenues will have differing effects on county departments. Because Human Services receives a large portion of its revenues from state, federal, and city funds, an "across-the-board" percentage cut in county general funds appears at first glance to have less impact on our programs. Unfortunately, however, we anticipate dramatic reductions in funds from these other levels of government, as well. Moreover, in an effort to preserve federal "matching" funds, we concur that programs which qualify for them should be protected from reductions insofar as possible. Finally, many of Human Services' programs are mandated - either by federal and state law, or by court order; these "entitlement" programs are not subject to cuts.

Consequently, the programs which *are* eligible for reductions are those which have been adopted *locally*, in response to *local* problems. They are the programs aimed at troubled children, at the homeless, and at our elderly or infant poor. They are also our most important *strategic* initiatives - those programs best characterized as a "hand up" rather than a "hand out" - those programs with the greatest promise for saving precious tax dollars in the future. You have before you a list of six million dollars in potential cuts. They include:

- Closing the Burnside clinic which attends to more than 4000 visits each year by infants and the inner-city homeless, and eliminating the new mid-county primary care clinic which anticipates responding to 12,000 visits per year. Day treatment services for severely abused preschoolers will be restricted in the process.
- Loss of more than 8,000 outreach visits to the elderly, to pregnant and parenting teens, and to children needing immunizations.
- Deep cuts or even elimination of 75,000 hours of service through our Youth Service Centers and the loss of two Teen Health Clinics which have been shown to provide cost-effective care to our youth in accessible settings.
- Severe reductions in gang outreach, youth detention capacity, and detention alternatives - cuts which are certain to result in higher rates of crime and the transition of more youth to lives as chronic felons.

(over)

- Major reductions in detox and sobering services, as well as emergency medical services.
- Severe cutbacks or elimination of contract services by community based agencies like Albina Ministries, Cascade AIDS Project, the YWCA, and Boys and Girls Aid. These are very low cost programs which make the best use of our citizen volunteers.
- Similar cuts in Community Action programs, the Public Guardian's office, the Long Term Care program and case management services at our Senior Centers will eliminate tens of thousands of hours of service to elderly people who most need *and deserve* our community's support.

These losses represent only the "first wave" - those associated with a \$6 million cut in county general funds. In addition, nearly \$6 million in state and city revenues is expected to be lost in the first year, escalating to more than \$16 million dollars *per year* by 1995. Federal cutbacks are also anticipated in the human services sector.

Madam Chair, as our group of citizens examined the enormity of Measure 5's impact on the livability of this county, we looked more closely at its provisions and asked, "Who will *benefit* from this measure?" We were outraged at what we found. We understood its intent to be tax relief for the common *homeowner* and family farmer. But we found that while it does provide this relief, far *greater* benefits will be reaped by commercial developers and owners of private timber, and that there are no provisions for ensuring that landlords pass on savings to renters. We also found that the *vast majority* of the spending cuts required by Measure 5 will affect Multnomah County, the City of Portland, and the Portland School District. It is *local citizens* who will be forced to bear the brunt of this blood-letting.

In summary, we believe that this initiative will dramatically reduce the livability of this County for all of our citizens, and most especially our most vulnerable residents - our infant poor, our disabled, abused and troubled children, and our struggling elderly. By forcing us to maintain precious federal dollars, and by giving more authority over school funding to the legislature, it will severely *limit our local control*. It will also eliminate many, if not most, of our new strategic programs which have been designed to promote intergovernmental cooperation and long term savings.

Madam Chair, we find that very few people we talk with fully understand this issue. Many voters are frustrated by increasing economic pressures, especially from taxes on their homes, and want to "send a message" to legislators. We share their frustration, *but Measure 5 is not a "helping hand" which Multnomah County citizens can afford*. Its impact is cruel and unfair and at best offers short term gains with long term losses. We believe that it will have a negative effect on economic growth in *this* county; after all, who will want to locate in an area with poor human services and underfunded schools?

Put most simply, we believe that if the voters of Multnomah County have time to examine Measure 5 carefully, they will not be fooled. They will understand how difficult it will be to change this constitutional amendment once it is in place. And they will realize that its passage will border on self-abuse. This is a measure which takes badly needed tax dollars that have helped to make this county a decent place to live and *gives most of that money to corporate land barons, many of whom don't even live in Oregon!*

Madam Chair, Measure 5 punishes our poor, our children, and our elderly for the sins of our legislators and should be rejected. We may be losing faith with our legislators, but we trust the backers of this measure even less. As homeowners we demand tax relief, but we're not willing to sacrifice the livability of this area for the sake of commercial profiteers. We simply can't be fooled or bribed that easily. **Measure 5 should be defeated.**

Thank you for the opportunity to testify on this issue of vital importance to our community.



# MULTNOMAH COUNTY OREGON

*Handout #3  
10-23-90 AM  
Joan Mfg*

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY  
PAULINE ANDERSON  
GRETCHEN KAFOURY  
RICK BAUMAN  
SHARRON KELLEY

DEPARTMENT OF GENERAL SERVICES  
PORTLAND BUILDING  
1120 SW FIFTH, 14TH FLOOR  
PORTLAND, OR 97204-1934

OFFICE OF THE DIRECTOR (503) 248-3303  
EMPLOYEE SERVICES (503) 248-5015  
FINANCE (503) 248-3312  
LABOR RELATIONS (503) 248-5135  
PLANNING & BUDGET (503) 248-3883

AT OTHER LOCATIONS:

ADMINISTRATIVE SERVICES (503) 248-5111  
ASSESSMENT & TAXATION (503) 248-3345  
ELECTIONS (503) 248-3720  
INFORMATION SERVICES (503) 248-3749

## Magnitude of Ballot Measure 5 Impacts on Multnomah County

The enactment of State Ballot Measure 5 would have severe consequences for Multnomah County. The total revenue loss would be approximately \$24 million, which, coincidentally, is one quarter of the amount the County expects to receive in property taxes.

The estimate was developed based on the most current data available. It computes the tax rates in each of over 200 levy codes and reduces the revenue to the County proportionately whenever the tax bill is more than \$10 per \$1,000 valuation, as the Measure requires.

To get an estimate of the impact of the revenue loss agencies reporting to the Chair, the District Attorney, and the Sheriff developed a list of potential reductions. These, in turn, have been reviewed by the County's Citizen Budget Advisory Committees (CBACs).

A summary of the departmental and CBAC analyses follows. These are examples of budget cuts. Specific reductions in services will be determined by the Board of County Commissioners working with other elected officials.

**\* In activities dealing with Health and Human Services:**

- Two school based health clinics closed, and the Burnside low income health clinic program reduced or eliminated;
- Mid-County primary care clinics severely cut;
- All youth service centers eliminated;
- Senior citizen client assistance reduced and services curtailed at five senior centers;
- Dead animal removal and stray dog impoundment eliminated, and animal nuisance control severely restricted;
- Vector control activities reduced or eliminated, and
- Legally required autopsies slowed or reduced to

cursory levels.

**\* In Public Safety activities affecting the Sheriff, the District Attorney, Juvenile, and Community Corrections programs:**

- Juvenile detention alternative programs reduced or eliminated; staffing of detention units reduced below current "at risk" levels;
- Crime prevention and analysis activities eliminated;
- Alarm fees increased;
- Overall deputy training and preparedness activity reduced to critical levels;
- Special investigations, river patrol, and canine unit operations reduced;
- Patrol, hazardous material inspection, civil process, and warrant service reduced;
- One jail closed;
- The domestic violence, civil commitment, DUII diversion and traffic crimes prosecution units eliminated;
- The unit which confiscates drug dealer property critically reduced along with the anti gang prosecution unit;
- Prosecution reduced for such non-violent crimes as trespass and criminal mischief, and prosecution of serious criminal offenses slowed;
- Probation and parole supervision curtailed;
- Alternative (to jail) programs and pre trial supervision of accused persons reduced;
- Bed space for residential alcohol and drug treatment reduced, and
- Female offender programs reduced.

**\* Library and Other Customer Service Activities:**

- Hours reduced at all libraries;
- Multiple branches closed and service reduced at remaining branches;
- Book and periodical purchases reduced by 1/3;
- Capital improvements for the Midland and Central branches dropped, and
- Bookmobile services to outlying areas, service to nursing homes and retirement facilities eliminated.

**Management, Administrative, and Liaison Activities:**

- Reductions would restrict ability to meet legal requirements for: affirmative action, financial reporting, budgeting, public bidding, labor negotiations, public records

maintenance, and processing workers compensation claims;

- Reduced ability to monitor unemployment and insurance, manage cash, provide financial and program analysis, update and improve computer systems, and comply with audit and financial requirements to maintain bond ratings, and

- Reduce or eliminate County support to Extension Service, Historical Society, Metropolitan Arts, Human Relations, and Aging Commissions.

Detail Impact of Measure 5 Reductions for Multnomah County

	1990-91 General Fund Budget Total*	1990-91 General Fund FTE TOTAL*	1990-91 General Fund Proportion	Measure 5 Target Reduction Budget Total	Measure 5 Target Reduction FTE	Measure 5 Target Reduction Proportion
	127,760,648	1,931	100%	23,552,764	356	100.00%
DES	20,353,921	169	16%	2,450,000	25	10.40%
DHS	11,530,571	220	9%	6,079,433	95	25.81%
DGS	16,220,658	256	13%	1,800,000	35	7.64%
NOND	12,428,773	61	10%	1,430,868	0	6.08%
LIBRARY	15,306,481	342	12%	2,792,796	48	11.86%
SHERIFF	40,735,248	653	32%	7,000,000	95	29.72%
DA	7,351,905	149	6%	1,250,000	25	5.31%
DCC	3,833,091	81	3%	749,667	33	3.18%

\*Includes Library and Jail Serial Levies. Also includes mandated A&T and Elections activities excluded from reduction by BCC.

October 23, 1990

-4-

**Department of Environmental Services**

- Eliminate dead animal removal and impoundment of stray dogs.
- Severely curtail animal nuisance ordinance enforcement
- Eliminate Parks Development program
- Reduce level of operations and maintenance of regional parks
- Increase land use planning fees by 50%

**Department of Human Services**

- Close two school based clinics
- Severe cuts in Mid-County primary care
- Reduce or eliminate Burnside Clinic
- Reduce or eliminate Vector Control
- Eliminate Youth Service Centers
- Reduction of client assistance for Aging Services clients
- Curtailment of five branch senior centers
- Severe reduction in staffing for Juvenile detention
- Elimination or reduction of Juvenile detention alternative programs

**Sheriff**

- Eliminate Inspection unit
- Eliminate Crime Prevention and Analysis Unit
- Increase fees for Alarm permits
- Critical reductions (50% or more) in
  - Training
  - Operations Administration
  - Special Investigation
  - River Patrol
  - Canine unit

**(Sheriff continued)**

- Severe Reductions (25-50%) in
  - Patrol Unit
  - PUC/Hazardous Materials Inspections
  - Civil Process
  - Police Records
  - Corrections Branch - Close one jail
  - Warrant and Detection Records Unit

**Library**

- Reduce library hours at all libraries.
- Possible permanent closure of multiple Library branches.
- Reduce book and periodical acquisitions by 33%
- Eliminate planned capital improvements for Midland and Central libraries.
- Layoff 15 to 20% of library staff
- Eliminate Bookmobile services to outlying areas of the County
- Eliminate Library van service to nursing homes and retirement facilities
- Eliminate or curtail reading programs for children

**District Attorney**

- Eliminate Domestic Violence unit
- Eliminate Civil Commitment function
- Eliminate DUII Diversion Requests and Traffic Crimes function
- Critically reduce (by 50%)
  - Forfeiture personnel
  - Anti-Gang Prosecution
- Reduce prosecution of non-violent misdemeanors
- Reduce staffing for serious criminal offense cases

**Department of Community Corrections**

- Reduce Women's Transition Services
- Reduce Probation and Parole staff by 6 FTE
- Reduce Alternative Community Services unit
- Reduce Pretrial Release and Supervision
- Reduce available beds for residential alcohol and drug treatment for offenders
- Reduce Medical Examiner staff

**Department of General Services**

- Failure to meet legal requirements in the following areas:
  - Affirmative action
  - Financial Reporting and Expenditure Tracking
  - Budget preparation and control
  - Public Bidding
  - Labor negotiation and contract maintenance
  - Public records maintenance and accessibility
  - Workers Compensation Claims
- Severe reductions in ability to
  - Monitor unemployment and other insurance claims
  - Monitor cash
  - Analyze potential financing and program proposals
  - Comply with audit requirements and recommendations
  - Maintain bond rating

**Nondepartmental**

- Eliminate most computer system development
- Eliminate county support for City annexation program
- Reduce or eliminate county support to non-county agencies, such as Extension Service, Oregon Historical Society, and Metropolitan Commissions on Arts, Human Relations,