

ANNOTATED MINUTES

Tuesday, June 23, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 *Mental and Emotional Disabilities Program Office Implementation Plan Briefing. Presented by Rex Surface.*

GARY SMITH, REX SURFACE, DEB YOUNG, LIAM CALLEN AND JUNE DUNN PRESENTATION, RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD CONSENSUS DIRECTING STAFF TO CONTINUE IMPLEMENTATION OF PROPOSED PLAN AND TO WORK WITH CHAIR'S OFFICE TO DEVELOP THE NEXT PROCEDURAL STEP, TO BE PLACED ON REGULAR MEETING AGENDA.

- B-2 *Tuberculosis Management Update, Including a Discussion of the Nature of Tuberculosis; Multnomah County's TB Program for TB Management; Local TB Trends and Anticipated Developments. Presented by Dave Houghton.*

DAVE HOUGHTON PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

Tuesday, June 23, 1992 - 10:45 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

Vice-Chair Sharron Kelley convened the meeting at 11:10 a.m., with Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present, and Chair Gladys McCoy excused.

IN RESPONSE TO A PROCESS QUESTION OF VICE-CHAIR KELLEY, COUNTY COUNSEL JOHN DuBAY SUGGESTED LANGUAGE CLARIFICATION FOR AGENDAS REGARDING PLANNING DECISIONS REPORTED TO THE BOARD.

The Following June 1, 1992 Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Affirmation:

- P-1 CS 7-92 APPROVE, SUBJECT TO CONDITIONS, Change in Zone Designation from MUA-20, SEC to MUA-20, SEC, C-S, Community Service, for the Expanded Golf Course and Proposed Accessory Uses; and
SEC 13-92 APPROVE, SUBJECT TO CONDITIONS, SEC Permit for the New Butler Road Alignment, for Property Located at 7233 SE 242ND AVENUE (HOGAN ROAD)

DECISION READ, NO APPEAL FILED, DECISION

AFFIRMED.

P-2 CU 8-92 *DENY Conditional Use Request for a 9,000 Square Foot Warehouse and Office Structure, for Property Located at 28885 SE DODGE PARK BLVD*

PLANNING DIRECTOR SCOTT PEMBLE ADVISED A NOTICE OF REVIEW REQUESTING ADDITIONAL EVIDENCE WAS FILED. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT A HEARING BE HELD ON TUESDAY, JULY 28, 1992, ON THE RECORD, WITH TESTIMONY LIMITED TO 10 MINUTES PER SIDE. STAFF DIRECTED TO ADVISE APPLICANT OF LACK OF A FULL BOARD FOR HEARING.

P-3 LD 8-92 *APPROVE, SUBJECT TO CONDITIONS, Requested 2-Lot Land Division in Accordance with the Provisions of MCC 11.45.080(D); and*
MC 1-92 *APPROVE, SUBJECT TO CONDITIONS, Request to Use an Easement as a Means of Access to New Lots Instead of Providing Frontage on a Dedicated Street as Required in the MUF-38, Multiple Use Forest District per MCC 11.15.2188, to Permit the Sale of a 38-Acre Portion of the Described Property to be Retained in its Natural Conditions, for Permanent Easements for Pedestrian Access from Highway 30 (Trail Right-of-Way) and Vehicular Access (Emergency and Maintenance Only) from NW McNamee Road, for Property Located at 16900 NW McNAMEE ROAD*

DECISION READ, NO APPEAL FILED, DECISION AFFIRMED.

P-4 PRE 3-92 *APPROVE, SUBJECT TO CONDITIONS, a Single-Family Residence in Conjunction with an Existing Farm Use, to be Occupied by a Son, for Property Located at 9825 NW KAISER ROAD*

MR. PEMBLE ADVISED A NOTICE OF REVIEW REQUESTING ADDITIONAL TESTIMONY WAS FILED. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT A HEARING BE HELD ON TUESDAY, AUGUST 11, 1992, ON THE RECORD, WITH TESTIMONY LIMITED TO 10 MINUTES PER SIDE.

P-5 ZC 2-92 *APPROVE, SUBJECT TO CONDITIONS, Amendment of Sectional Zoning Map #415, Changing the Described Property from LR-10, Low Density Residential District (Minimum Lot Size, 10,000 Square Feet) to LR-5, Low Density Residential District (Minimum Lot Size, 5,000 Square Feet); and*
LD 16-92 *APPROVE, SUBJECT TO CONDITIONS, Requested 6-Lot Land Division and the Modification of a Future Street Plan Adopted in 1980 (LD 3-80), for Property Located at 13955 SE CORA STREET*

DECISION READ, NO APPEAL FILED, DECISION

AFFIRMED.

The Following June 1, 1992 Decision of the Planning Commission is Reported to the Board for Review and Affirmation:

- P-6 C 8-91 RESOLUTION C 8-91 (Amended) in the Matter of Amending the Recommended East Multnomah County Bikeway Plan Map and Recommending Adoption of an Ordinance Which Amends the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C; and
- P-7 First Reading of an ORDINANCE Amending the Bikeways Plan Map of the Comprehensive Framework Plan Policy 33C

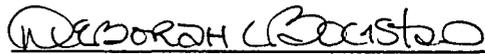
MR. PEMBLE ADVISED THAT P-6 AND P-7 ARE THE SAME AND THAT COUNTY COUNSEL HAS RECOMMENDED CERTAIN REVISIONS TO PROPOSED ORDINANCE. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT THE FIRST READING BE RESCHEDULED FOR TUESDAY, AUGUST 11, 1992.

- P-8 In the Matter of a Request for an Auto Wrecker's License Renewal with Recommendation for Approval, for David L. Lucky, dba Desbiens Classic Auto Wrecking and Towing, Inc., 28901 SE DODGE PARK BLVD, GRESHAM

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, P-8 WAS UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 11:30 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON


Deborah L. Bogstad

Tuesday, June 23, 1992 - 1:30 PM
Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-4 Review of Agenda for Regular Meeting of June 25, 1992.
- R-1/R-2 PRESENTATION BY HAL OGBURN, BILL MORRIS, NAN WALLER AND MURIEL GOLDMAN. ALTERNATE RESOLUTION SUBMITTED.
- R-12 STAFF REPORTED THE PROPOSED NOMINEES LIST HAS

BEEN REVIEWED BY A SCREENING COMMITTEE AND WILL BE REVIEWED FOR ADDRESS AND SIGNATURE VERIFICATION AND PROCESS COMPLETION FOR BOARD CONSIDERATION BY THURSDAY, OR TUESDAY, JUNE 30 IF NECESSARY. DISCUSSION REGARDING LOCAL DONATIONS, CONCERN OVER LACK OF LOCAL 88 SUPPORT AND NON-COUNTY FUNDING REQUIREMENT.

- R-14 BOARD DISCUSSION REGARDING APPROPRIATENESS OF PROPOSED LANGUAGE. STAFF TO REVISE RESOLUTION AND COMMISSIONERS HANSEN AND KELLEY TO DRAFT A BOARD TRANSMITTAL LETTER TO METRO CHARTER COMMITTEE BY THURSDAY.**
- R-16 STAFF TO PROVIDE DISTRIBUTION APPROPRIATION SCHEDULE TO VICE-CHAIR KELLEY. STAFF DIRECTED TO INITIATE A COMPLETE FORFEITURE BRIEFING IN THE NEAR FUTURE.**
- R-18/R-19 COUNTY COUNSEL AND TAX TITLE PRESENTATION AND RESPONSE TO BOARD QUESTIONS.**
- R-20 STAFF TO PROVIDE COMMISSIONER HANSEN WITH SPECIFIC INFORMATION BY THURSDAY.**
- R-21 STAFF SUBMITTED SUBSTITUTE PAGES 5 AND 7.**
- R-24 STAFF TO PROVIDE COMMISSIONER HANSEN WITH SPECIFIC INFORMATION BY THURSDAY.**

*Tuesday, June 23, 1992 - 11:00 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING

- B-3 Discussion of Metro's Region 2040: Choices for the 21st Century Program Relating to Future Urban Forms and How They Would Accommodate Growth. Presented by Scott Pemble.**

BRIEFING RESCHEDULED TO FOLLOWING AGENDA REVIEW. AT 3:08 PM SCOTT PEMBLE PRESENTED BRIEFING, SLIDES, AND INITIATED BOARD DISCUSSION. QUESTIONNAIRE SURVEY SUBMITTED FOR BOARD REVIEW AND RESPONSE WITHIN THE NEXT FEW DAYS.

*Thursday, June 25, 1992 - 8:30 AM
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

E-1 *The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Collective Bargaining Negotiations Pursuant to ORS 192.660(1)(d). 8:30 AM TIME CERTAIN, 1 HOUR REQUESTED.*

EXECUTIVE SESSION HELD.

*Thursday, June 25, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley and Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-18 *ORDER in the Matter of Contract 15679 for the Sale of Certain Real Property to STEPHEN M. OLSON [WOODLAWN TERRACE CONDOMINIUM UNITS 15, 19, 20, 22 AND 23]*
- R-19 *In the Matter of the Request for Approval of an ASSIGNMENT OF CONTRACT Between Multnomah County and STEPHEN M. OLSON, to MATTHEW S. AND EMANUELLA E. ESSIEH*

JOHN DuBAY EXPLANATION IN RESPONSE TO BOARD QUESTIONS. ROB WALKER, DORIS BRUCE, TAMMY McDANIELS AND MARY CASEY TESTIMONY IN SUPPORT OF ROB WALKER REQUEST FOR ASSIGNMENT OF OLSON CONTRACT AND RESPONSE TO BOARD QUESTIONS. CAROL LOFGREN TESTIMONY IN OPPOSITION TO BOARD APPROVAL OF OLSON CONTRACT. LARRY BAXTER AND MR. DuBAY RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD COMMENTS. COMMISSIONER BAUMAN MOVED AND COMMISSIONER HANSEN SECONDED, TO POSTPONE R-18 AND R-19 INDEFINITELY. MR. BAXTER AND MR. DuBAY RESPONSE TO BOARD QUESTIONS. MOTION UNANIMOUSLY APPROVED. COUNTY COUNSEL DIRECTED TO ATTEMPT TO RECOVER RENTAL RECEIPTS FROM JANUARY AND TO DETERMINE ENTIRE COMPLEX OWNERSHIP. TAX TITLE DIRECTED TO IMMEDIATELY AND AGGRESSIVELY MANAGE COUNTY OWNED UNITS AND LOOK INTO SALE OF THE PROPERTY AS QUICKLY AS POSSIBLE, AND TO CONTAIN THE STIPULATED AGREEMENT AS PART OF THE CONDITIONS OF SALE. TAX TITLE STAFF DIRECTED TO PROVIDE A STATUS REPORT CONCERNING THE 5 UNITS ON TUESDAY, JUNE 30, 1992.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-25) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointment of Basil N. Panaretos, Jr. to the BOARD OF RATIO REVIEW*
- C-2 *In the Matter of the Appointment of Sharon Timko to the HISTORIC COLUMBIA RIVER ADVISORY BOARD*

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-3 *Ratification of Intergovernmental Agreement and Addendum #1 to Contract #800163 Between Multnomah County Sheriff's Office and the City of Wood Village, Providing Law Enforcement Services and Additional Patrols, for the Period July 1, 1992 to June 30, 1993*

COMMUNITY CORRECTIONS

- C-4 *Ratification of an Addendum to Intergovernmental Agreement Contract #900372 Between Multnomah County and the State of Oregon, Department of Corrections, Providing for Parole Transition Funding From the State to Allow Receipt of Additional Funding Provided for Housing, Food, Transportation and Medications for Subsidy Parolees Returning to the Community, for the Period Upon Execution to June 30, 1993*

DEPARTMENT OF HEALTH

- C-5 *Ratification of Intergovernmental Agreement Contract #200163 Between Multnomah County and the City of Portland Water Bureau, Providing Laboratory Services Necessary to Meet the Monitoring Requirements for Microbiological Contaminants in Drinking Water, for the Period July 1, 1992 to June 30, 1993*
- C-6 *Ratification of Intergovernmental Agreement Contract #200652 Between Multnomah County and the State of Oregon Public Health Laboratory, Providing Hepatitis Testing Services for County Clients at No Charge for Screening (Prenatal and Refugee) and Communicable Disease (Food Handlers), for the Period July 1, 1992 to June 30, 1993*
- C-7 *Ratification of Intergovernmental Agreement Contract #200772 Between the School of Nursing of Oregon Health Sciences University and Multnomah County, Providing Nursing Students with Clinical Learning Experiences at County Clinics and Field Nursing Offices, for the Period July 1, 1992 to June 30, 1993*

- C-8 *Ratification of Intergovernmental Agreement Contract #200792 Between Multnomah County and Oregon Health Sciences University, Providing Dental Care to 500 Low Income County Residents at the Russell Street Dental Center, with Funds Provided by the Primary Care "330" Federal Grant, for the Period July 1, 1992 to June 30, 1993*
- C-9 *Ratification of Intergovernmental Agreement Contract #200802 Between Multnomah County and the City of Portland, Providing Services Necessary to Monitor and Control Rats within and Originating from the City's Wastewater Collection System, for the Period July 1, 1992 to June 30, 1993*
- C-10 *Ratification of Intergovernmental Agreement Contract #200902 Between Multnomah County and Multnomah Education Services District, Providing Physician Consultation, Training and Review of Health Education Materials Necessary to Identify, Test and Track Students Born in Countries with High Rates of Tuberculosis, for the Period July 1, 1992 to June 30, 1993*

DEPARTMENT OF SOCIAL SERVICES

- C-11 *Ratification of Intergovernmental Agreement Contract #100073 Between Multnomah County Social Services, Office of Child and Adolescent Mental Health and Clackamas County, Providing Day Treatment Services to Partners Project Clients, for the Period July 1, 1992 to June 30, 1993*
- C-12 *Ratification of Intergovernmental Agreement Contract #100083 Between Multnomah County Social Services, Office of Child and Adolescent Mental Health and University Hospital, Providing Psychiatric, Psychological and Medical Evaluations and Outpatient Services to Partners Project Clients, for the Period July 1, 1992 to June 30, 1993*
- C-13 *Ratification of Intergovernmental Agreement Contract #100093 Between Multnomah County, Youth Program Services and Gresham School District, Providing Student Resource/Support Services for Middle School Youth, for the Period July 1, 1992 to June 30, 1993*
- C-14 *Ratification of Intergovernmental Agreement Contract #100103 Between Multnomah County, Youth Program Services and Multnomah Education Service District, Providing Nutritional Education Services to Pregnant or Parenting Teens at North Powellhurst Alternative School, for the Period July 1, 1992 to June 30, 1993*
- C-15 *Ratification of Intergovernmental Agreement Contract #100113 Between Multnomah County, Youth Program Services and School District No. 1, Portland Public Schools, Providing Prevention and Retention Services to North/Northeast Portland Youth, for the Period July 1, 1992 to June 30, 1993*
- C-16 *Ratification of Intergovernmental Agreement Contract #100123 Between Multnomah County and the Oregon Commission for the Blind, Providing Work Activity Center, Supported Employment and Employment Transportation Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993*

- C-17 *Ratification of Intergovernmental Agreement Contract #100133 Between Multnomah County and Oregon Health Sciences University - CDRC, Providing Work Activity Center and Supported Employment Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993*
- C-18 *Ratification of Intergovernmental Agreement Contract #100143 Between Multnomah County and Portland Employment Project - PCC, Providing Work Activity Center, Sheltered Services and Supported Employment Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993*
- C-19 *Ratification of Intergovernmental Agreement Contract #100153 Between Multnomah County and the City of Portland Parks and Recreation, Providing Work Activity Center Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993*
- C-20 *Ratification of Intergovernmental Agreement Contract #100163 Between Multnomah County and TRI-MET, Providing Employment Transportation Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993*
- C-21 *Ratification of Intergovernmental Agreement Contract #100173 Between Multnomah County and Portland Public Schools District No. 1, Providing Early Intervention and Prevention Services to Alcohol and Drug Program Clients, for the Period July 1, 1992 to June 30, 1993*
- C-22 *Ratification of Intergovernmental Agreement Contract #100183 Between Multnomah County and Oregon Health Sciences University, Providing Psychiatric Consultation and Child and Adult Non-Residential Mental Health Services to Mental and Emotional Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993*
- C-23 *Ratification of Amendment No. 3 to Intergovernmental Agreement Contract #102152 Between State of Oregon, Department of Human Resources, Children's Services Division and Multnomah County, Providing Continued Services to High Risk Juvenile Offenders through the Gang Resource and Intervention Team, the Assessment, Intervention and Transition Program, the House of Umoja and Other Downsizing Related Services, for the Period July 1, 1991 to June 30, 1993*
- C-24 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract #103422 Between State of Oregon, Department of Human Resources, Children's Services Division and Multnomah County, Providing Continued Operation of the House of Umoja, the Gang Resource and Intervention Team and the Assessment, Intervention and Transition Program, for the Period July 1, 1991 to June 30, 1993*
- C-25 *Ratification of an Amendment to Intergovernmental Agreement Contract #103512 Between Multnomah County, Area Agency on Aging and the State Senior and Disabled Services Division, Representing \$206,003 in Decreased Revenues from State and Federal Sources, for the Period July 1, 1991 to June 30, 1992*

REGULAR AGENDA

DEPARTMENT OF SOCIAL SERVICES

- R-1 *RESOLUTION in the Matter of Multnomah County Participating as a Pilot County in the Implementation of House Bill 3438*

COMMISSIONER HANSEN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-1. COMMISSIONER BAUMAN MOVED TO AMEND RESOLUTION. FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 92-114 WAS UNANIMOUSLY APPROVED, AS SUBSTITUTED.

- R-2 *In the Matter of a Request for Approval of a Notice of Intent Allowing the Juvenile Justice Division to Apply to the State Children's Services Division for a HB 3438 Pilot Program Grant, to Participate as a Pilot County and Provide Transition Services from Probation through Parole*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-2 WAS UNANIMOUSLY APPROVED.

- R-3 *Ratification of Intergovernmental Agreement Contract #101983 Between Multnomah County and Oregon Health Sciences University, for the Weekly Operation of a Satellite Alzheimer's Disease Diagnostic and Treatment Clinic at the NE Multi-Cultural Senior Center, for the Period Upon Execution to June 30, 1993*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-3 WAS UNANIMOUSLY APPROVED.

- R-4 *In the Matter of a Request for Approval of a Notice of Intent Allowing the Housing and Community Services Division to Apply to the U.S. Department of Health and Human Services, Office of Community Services, for a Two Year, \$350,000 Family Stabilization and Self Sufficiency Project Grant*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-4 WAS UNANIMOUSLY APPROVED.

- R-5 *In the Matter of a Request for Approval of a Notice of Intent Allowing the Housing and Community Services Division to Apply to the U.S. Department of Health and Human Services, Office of Community Services, for an 18 Month, \$209,774 Homeless Youth Self Sufficiency Project Grant*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, R-5 WAS UNANIMOUSLY APPROVED.

- R-6 *Budget Modification DSS #76 Requesting Authorization to Appropriate and Adjust a*

Net Total of \$2,901,718 from State Mental Health Division Contract Amendment Nos. 1 through 13, within the Social Services Division MED Program

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-6 WAS UNANIMOUSLY APPROVED.

R-7 *Budget Modification DSS #77 Requesting Authorization to Reclassify a Program Development Specialist to a Program Development Specialist Lead Position and Adjust Budget Line Items to Reflect Projected Fiscal Year End Expenditures, within the Juvenile Justice Division*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, R-7 WAS UNANIMOUSLY APPROVED.

R-8 *Budget Modification DSS #78 Requesting Authorization to Add \$18,474 City of Portland Youth Employment Revenue to the Juvenile Justice Division's Federal/State Program*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, R-8 WAS UNANIMOUSLY APPROVED.

R-9 *Budget Modification DSS #79 Requesting Authorization to Add \$25,000 City of Portland Funds to the Housing and Community Services Division/Community Action Program Budget to Increase Pass-Through*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-9 WAS UNANIMOUSLY APPROVED.

R-10 *Budget Modification DSS #80 Requesting Authorization to Adjust Juvenile Justice Division Budget Line Items to Reflect Projected Fiscal Year End Expense*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-10 WAS UNANIMOUSLY APPROVED.

JUSTICE SERVICES

COMMUNITY CORRECTIONS

R-11 *In the Matter of a Request for Approval of a Notice of Intent Allowing the Specialized Programs Division to Apply to the Federal Office of Substance Abuse Prevention for a Female Offender and Family Residential Treatment Grant, to Provide Case Management, Health and Child Development Services to Female Offenders and their Children*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-11 WAS

UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-12 *In the Matter of Approval of County Chair Appointments to the CITIZEN STEERING COMMITTEE for the CITIZEN CONVENTION Pursuant to Multnomah County Ordinance No. 714*

MERLIN REYNOLDS REQUESTED A POSTPONEMENT IN ORDER TO PROVIDE DIVERSE COMMITTEE NOMINEES. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, IT WAS UNANIMOUSLY APPROVED THAT R-12 BE POSTPONED TO TUESDAY, JUNE 30, 1992.

- R-13 *RESOLUTION in the Matter of Authorizing the City of Portland to Utilize Metro's 1991-92 Waste Reduction Challenge Grant*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, RESOLUTION 92-115 WAS UNANIMOUSLY APPROVED.

- R-14 *RESOLUTION in the Matter of Communicating the Views of the Board of Commissioners to the Metro Charter Committee*

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-14. ROBERT TRACHTENBERG EXPLANATION. COMMISSIONER KELLEY MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF SUBSTITUTE RESOLUTION. COMMISSIONERS HANSEN AND KELLEY TO PRESENT RESOLUTION AND TRANSMITTAL LETTER TO METRO CHARTER COMMITTEE TONIGHT. RESOLUTION 92-116 UNANIMOUSLY APPROVED, AS SUBSTITUTED.

- R-15 *Ratification of Intergovernmental Agreement Contract #500822 Between Multnomah County and Oregon Disabilities Commission, Providing Sign Language Interpreter Services to County Clients and Employees at Various County Meetings, Hearings and Other Governmental Meetings, for the Period July 1, 1992 to June 30, 1993*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-15 WAS UNANIMOUSLY APPROVED.

- R-16 *Budget Modification NOND #31 Authorizing Forfeited Property Sales Revenue Pass-Through*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, R-16 WAS UNANIMOUSLY APPROVED.

R-17 *Second Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code Chapter 2.60, Relating to the Risk Management Program, to Enable the County to Obtain an Exemption from the Security Deposit Requirement of ORS 656.407(2) (Workers' Compensation Law) and Making Other Changes to Update Organizational References in the Code*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, ORDINANCE 725 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

R-20 *In the Matter of a Request for Approval of a Notice of Intent Allowing the Primary Care Division to Apply to the U.S. Public Health Service for a Reducing Language and Cultural Barriers to Care Grant, to Benefit Multnomah County Hispanic Community Members*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-20 WAS UNANIMOUSLY APPROVED.

R-21 *First Reading of an ORDINANCE to Provide Fee Schedule Changes for the Environmental Health Section of the Department of Health [Increases License Fees for All Restaurant Categories, Tourist Accommodations, Swimming Pools and Spas and Plan Reviews of Pools, Spas and Food Service Facilities]*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. ART BLOOM REPORTED CONCERNS OF OREGON RESTAURANT ASSOCIATION, AND RESPONDED TO BOARD QUESTIONS. FOLLOWING BOARD DISCUSSION, MR. BLOOM WAS DIRECTED TO LOOK INTO MORE EQUITABLE RESTAURANT FEE STRUCTURE. COMMISSIONER BAUMAN MOVED AND COMMISSIONER HANSEN SECONDED, SUBSTITUTION OF PAGES 5 AND 7 AND APPROVAL OF THE FIRST READING. ROBERT GILPIN, EMMETT HERZOG AND CARL SMITH TESTIMONY IN OPPOSITION TO FEE INCREASE. MR. BLOOM RESPONSE TO BOARD QUESTIONS. FIRST READING OF AMENDED ORDINANCE UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, JULY 2, 1992.

R-22 *Budget Modification MCHD #2 Authorizing Increased Appropriations in the HIV Program Division, HIV Outreach Services, to Reflect the Award of a National Institute on Drug Abuse Grant for Targeted HIV Risk Reduction in Drug Treatment Drop-Outs*

UPON MOTION OF COMMISSIONER ANDERSON,

SECONDED BY COMMISSIONER KELLEY, R-22 WAS UNANIMOUSLY APPROVED.

R-23 *Budget Modification MCHD #6 Authorizing Increased Appropriations in the Health Department, Pharmacy Section, to Reflect Increased Refugee Early Employment Program Prepaid Revenues*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-23 WAS UNANIMOUSLY APPROVED.

R-24 *Budget Modification MCHD #7 Authorizing Transfer of Appropriations from Health Department, Federal State Fund, to Health Department, General Fund, to Balance Year End Expenditures with Appropriations*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-24 WAS UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

R-25 *Ratification of Intergovernmental Agreement Contract #500792 Between Multnomah County and the Multnomah Education Service District, Allowing the District to Purchase Herman Miller Furnishings in Accordance with Contract No. 500262*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-25 WAS UNANIMOUSLY APPROVED.

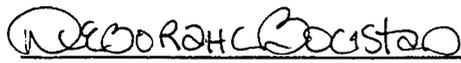
R-26 *Ratification of Intergovernmental Agreement Contract #500812 Between Multnomah County and the Multnomah Education Service District, Allowing the District to Purchase LAN Software in Accordance with Contract No. 400851*

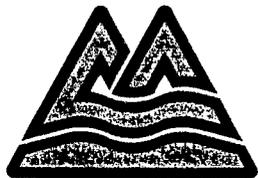
UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-26 WAS UNANIMOUSLY APPROVED.

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

There being no further business, the meeting was adjourned at 10:45 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH 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	• 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JUNE 22 - JUNE 26, 1992

- Tuesday, June 23, 1992 - 9:30 AM - Board Briefings.Page 2
- Tuesday, June 23, 1992 - 10:45 AM - Planning Items.Page 2
- Tuesday, June 23, 1992 - 11:00 AM - Board Briefing.Page 3
- Tuesday, June 23, 1992 - 1:30 PM - Agenda Review.Page 3
- Thursday, June 25, 1992 - 8:30 AM - Executive SessionPage 4
- Thursday, June 25, 1992 - 9:30 AM - Regular MeetingPage 4

Thursday Meetings of the Multnomah County Board of Commissioners are taped 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 22 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, June 23, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Mental and Emotional Disabilities Program Office Implementation Plan Briefing. Presented by Rex Surface. 9:30 AM TIME CERTAIN, 30 MINUTES REQUESTED.
- B-2 Tuberculosis Management Update, Including a Discussion of the Nature of Tuberculosis; Multnomah County's TB Program for TB Management; Local TB Trends and Anticipated Developments. Presented by Dave Houghton. 10:00 AM TIME CERTAIN, 45 MINUTES REQUESTED.
-

Tuesday, June 23, 1992 - 10:45 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following June 1, 1992 Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review and Request for Approval by Board Order:

- P-1 CS 7-92 APPROVE, SUBJECT TO CONDITIONS, Change in Zone Designation from MUA-20, SEC to MUA-20, SEC, C-S, Community Service, for the Expanded Golf Course and Proposed Accessory Uses; and SEC 13-92 APPROVE, SUBJECT TO CONDITIONS, SEC Permit for the New Butler Road Alignment, for Property Located at 7233 SE 242ND AVENUE (HOGAN ROAD)
- P-2 CU 8-92 DENY Conditional Use Request for a 9,000 Square Foot Warehouse and Office Structure, for Property Located at 28885 SE DODGE PARK BLVD
- P-3 LD 8-92 APPROVE, SUBJECT TO CONDITIONS, Requested 2-Lot Land Division in Accordance with the Provisions of MCC 11.45.080(D); and MC 1-92 APPROVE, SUBJECT TO CONDITIONS, Request to Use an Easement as a Means of Access to New Lots Instead of Providing Frontage on a Dedicated Street as Required in the MUF-38, Multiple Use Forest District per MCC 11.15.2188, to Permit the Sale of a 38-Acre Portion of the Described Property to be Retained in its Natural Conditions, for Permanent Easements for Pedestrian Access from Highway 30 (Trail Right-of-Way) and Vehicular Access (Emergency and Maintenance Only) from NW McNamee Road, for Property Located at 16900 NW McNAMEE ROAD
- P-4 PRE 3-92 APPROVE, SUBJECT TO CONDITIONS, a Single-Family Residence in Conjunction with an Existing Farm Use, to be Occupied by a Son, for Property Located at 9825 NW KAISER ROAD

- P-5 ZC 2-92 APPROVE, SUBJECT TO CONDITIONS, Amendment of Sectional Zoning Map #415, Changing the Described Property from LR-10, Low Density Residential District (Minimum Lot Size, 10,000 Square Feet) to LR-5, Low Density Residential District (Minimum Lot Size, 5,000 Square Feet); and
LD 16-92 APPROVE, SUBJECT TO CONDITIONS, Requested 6-Lot Land Division and the Modification of a Future Street Plan Adopted in 1980 (LD 3-80), for Property Located at 13955 SE CORA STREET
-

The Following June 1, 1992 Decision of the Planning Commission is Reported to the Board for Review and Request for Approval by Board Order:

- P-6 C 8-91 APPROVE RESOLUTION C 8-91 (Amended) in the Matter of Amending the Recommended East Multnomah County Bikeway Plan Map and Recommending Adoption of an Ordinance Which Amends the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C
-

P-7 First Reading of an ORDINANCE Amending the Bikeways Plan Map of the Comprehensive Framework Plan Policy 33C

- P-8 In the Matter of a Request for an Auto Wrecker's License Renewal with Recommendation for Approval, for David L. Lucky, dba Desbiens Classic Auto Wrecking and Towing, Inc., 28901 SE DODGE PARK BLVD, GRESHAM
-

Tuesday, June 23, 1992 - 11:00 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-3 Discussion of Metro's Region 2040: Choices for the 21st Century Program Relating to Future Urban Forms and How They Would Accommodate Growth. Presented by Scott Pemble and Dave Prescott. 1 HOUR REQUESTED.
-

Tuesday, June 23, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-4 Review of Agenda for Regular Meeting of June 25, 1992.
-

Thursday, June 25, 1992 - 8:30 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Collective Bargaining Negotiations Pursuant to ORS 192.660(1)(d). 8:30 AM TIME CERTAIN, 1 HOUR REQUESTED.
-

Thursday, June 25, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Appointment of Basil N. Panaretos, Jr. to the BOARD OF RATIO REVIEW
- C-2 In the Matter of the Appointment of Sharon Timko to the HISTORIC COLUMBIA RIVER ADVISORY BOARD

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-3 Ratification of Intergovernmental Agreement and Addendum #1 to Contract #800163 Between Multnomah County Sheriff's Office and the City of Wood Village, Providing Law Enforcement Services and Additional Patrols, for the Period July 1, 1992 to June 30, 1993

COMMUNITY CORRECTIONS

- C-4 Ratification of an Addendum to Intergovernmental Agreement Contract #900372 Between Multnomah County and the State of Oregon, Department of Corrections, Providing for Parole Transition Funding From the State to Allow Receipt of Additional Funding Provided for Housing, Food, Transportation and Medications for Subsidy Parolees Returning to the Community, for the Period Upon Execution to June 30, 1993

DEPARTMENT OF HEALTH

- C-5 Ratification of Intergovernmental Agreement Contract #~~200802~~²⁰⁰⁸⁰³ Between Multnomah County and the City of Portland Water Bureau, Providing Laboratory Services Necessary to Meet the Monitoring Requirements for Microbiological Contaminants in Drinking Water, for the Period July 1, 1992 to June 30, 1993

- C-6 Ratification of Intergovernmental Agreement Contract #200652 Between Multnomah County and the State of Oregon Public Health Laboratory, Providing Hepatitis Testing Services for County Clients at No Charge for Screening (Prenatal and Refugee) and Communicable Disease (Food Handlers), for the Period July 1, 1992 to June 30, 1993
- C-7 Ratification of Intergovernmental Agreement Contract #200772 Between the School of Nursing of Oregon Health Sciences University and Multnomah County, Providing Nursing Students with Clinical Learning Experiences at County Clinics and Field Nursing Offices, for the Period July 1, 1992 to June 30, 1993
- C-8 Ratification of Intergovernmental Agreement Contract #200792 Between Multnomah County and Oregon Health Sciences University, Providing Dental Care to 500 Low Income County Residents at the Russell Street Dental Center, with Funds Provided by the Primary Care "330" Federal Grant, for the Period July 1, 1992 to June 30, 1993
- C-9 Ratification of Intergovernmental Agreement Contract #200802 Between Multnomah County and the City of Portland, Providing Services Necessary to Monitor and Control Rats within and Originating from the City's Wastewater Collection System, for the Period July 1, 1992 to June 30, 1993
- C-10 Ratification of Intergovernmental Agreement Contract #200902 Between Multnomah County and Multnomah Education Services District, Providing Physician Consultation, Training and Review of Health Education Materials Necessary to Identify, Test and Track Students Born in Countries with High Rates of Tuberculosis, for the Period July 1, 1992 to June 30, 1993

DEPARTMENT OF SOCIAL SERVICES

- C-11 Ratification of Intergovernmental Agreement Contract #100073 Between Multnomah County Social Services, Office of Child and Adolescent Mental Health and Clackamas County, Providing Day Treatment Services to Partners Project Clients, for the Period July 1, 1992 to June 30, 1993
- C-12 Ratification of Intergovernmental Agreement Contract #100083 Between Multnomah County Social Services, Office of Child and Adolescent Mental Health and University Hospital, Providing Psychiatric, Psychological and Medical Evaluations and Outpatient Services to Partners Project Clients, for the Period July 1, 1992 to June 30, 1993
- C-13 Ratification of Intergovernmental Agreement Contract #100093 Between Multnomah County, Youth Program Services and Gresham School District, Providing Student Resource/Support Services for Middle School Youth, for the Period July 1, 1992 to June 30, 1993
- C-14 Ratification of Intergovernmental Agreement Contract #100103 Between Multnomah County, Youth Program Services

and Multnomah Education Service District, Providing Nutritional Education Services to Pregnant or Parenting Teens at North Powelhurst Alternative School, for the Period July 1, 1992 to June 30, 1993

- C-15 Ratification of Intergovernmental Agreement Contract #100113 Between Multnomah County, Youth Program Services and School District No. 1, Portland Public Schools, Providing Prevention and Retention Services to North/Northeast Portland Youth, for the Period July 1, 1992 to June 30, 1993
- C-16 Ratification of Intergovernmental Agreement Contract #100123 Between Multnomah County and the Oregon Commission for the Blind, Providing Work Activity Center, Supported Employment and Employment Transportation Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993
- C-17 Ratification of Intergovernmental Agreement Contract #100133 Between Multnomah County and Oregon Health Sciences University - CDRC, Providing Work Activity Center and Supported Employment Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993
- C-18 Ratification of Intergovernmental Agreement Contract #100143 Between Multnomah County and Portland Employment Project - PCC, Providing Work Activity Center, Sheltered Services and Supported Employment Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993
- C-19 Ratification of Intergovernmental Agreement Contract #100153 Between Multnomah County and the City of Portland Parks and Recreation, Providing Work Activity Center Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993
- C-20 Ratification of Intergovernmental Agreement Contract #100163 Between Multnomah County and TRI-MET, Providing Employment Transportation Services to Developmental Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993
- C-21 Ratification of Intergovernmental Agreement Contract #100173 Between Multnomah County and Portland Public Schools District No. 1, Providing Early Intervention and Prevention Services to Alcohol and Drug Program Clients, for the Period July 1, 1992 to June 30, 1993
- C-22 Ratification of Intergovernmental Agreement Contract #100183 Between Multnomah County and Oregon Health Sciences University, Providing Psychiatric Consultation and Child and Adult Non-Residential Mental Health Services to Mental and Emotional Disabilities Program Clients, for the Period July 1, 1992 to June 30, 1993
- C-23 Ratification of Amendment No. 3 to Intergovernmental Agree-

ment Contract #102152 Between State of Oregon, Department of Human Resources, Children's Services Division and Multnomah County, Providing Continued Services to High Risk Juvenile Offenders through the Gang Resource and Intervention Team, the Assessment, Intervention and Transition Program, the House of Umoja and Other Downsizing Related Services, for the Period July 1, 1991 to June 30, 1993

C-24 Ratification of Amendment No. 1 to Intergovernmental Agreement Contract #103422 Between State of Oregon, Department of Human Resources, Children's Services Division and Multnomah County, Providing Continued Operation of the House of Umoja, the Gang Resource and Intervention Team and the Assessment, Intervention and Transition Program, for the Period July 1, 1991 to June 30, 1993

C-25 Ratification of an Amendment to Intergovernmental Agreement Contract #103512 Between Multnomah County, Area Agency on Aging and the State Senior and Disabled Services Division, Representing \$206,003 in Decreased Revenues from State and Federal Sources, for the Period July 1, 1991 to June 30, 1992

REGULAR AGENDA

DEPARTMENT OF SOCIAL SERVICES

R-1 RESOLUTION in the Matter of Multnomah County Participating as a Pilot County in the Implementation of House Bill 3438 (9:30 AM TIME CERTAIN REQUESTED)

R-2 In the Matter of a Request for Approval of a Notice of Intent Allowing the Juvenile Justice Division to Apply to the State Children's Services Division for a HB 3438 Pilot Program Grant, to Participate as a Pilot County and Provide Transition Services from Probation through Parole (9:30 AM TIME CERTAIN REQUESTED)

R-3 Ratification of Intergovernmental Agreement Contract #101983 Between Multnomah County and Oregon Health Sciences University, for the Weekly Operation of a Satellite Alzheimer's Disease Diagnostic and Treatment Clinic at the NE Multi-Cultural Senior Center, for the Period Upon Execution to June 30, 1993

R-4 In the Matter of a Request for Approval of a Notice of Intent Allowing the Housing and Community Services Division to Apply to the U.S. Department of Health and Human Services, Office of Community Services, for a Two Year, \$350,000 Family Stabilization and Self Sufficiency Project Grant

R-5 In the Matter of a Request for Approval of a Notice of Intent Allowing the Housing and Community Services Division to Apply to the U.S. Department of Health and Human Services, Office of Community Services, for an 18 Month, \$209,774 Homeless Youth Self Sufficiency Project Grant

- R-6 Budget Modification DSS #76 Requesting Authorization to Appropriate and Adjust a Net Total of \$2,901,718 from State Mental Health Division Contract Amendment Nos. 1 through 13, within the Social Services Division MED Program
- R-7 Budget Modification DSS #77 Requesting Authorization to Reclassify a Program Development Specialist to a Program Development Specialist Lead Position and Adjust Budget Line Items to Reflect Projected Fiscal Year End Expenditures, within the Juvenile Justice Division
- R-8 Budget Modification DSS #78 Requesting Authorization to Add \$18,474 City of Portland Youth Employment Revenue to the Juvenile Justice Division's Federal/State Program
- R-9 Budget Modification DSS #79 Requesting Authorization to Add \$25,000 City of Portland Funds to the Housing and Community Services Division/Community Action Program Budget to Increase Pass-Through
- R-10 Budget Modification DSS #80 Requesting Authorization to Adjust Juvenile Justice Division Budget Line Items to Reflect Projected Fiscal Year End Expense

JUSTICE SERVICES

COMMUNITY CORRECTIONS

- R-11 In the Matter of a Request for Approval of a Notice of Intent Allowing the Specialized Programs Division to Apply to the Federal Office of Substance Abuse Prevention for a Female Offender and Family Residential Treatment Grant, to Provide Case Management, Health and Child Development Services to Female Offenders and their Children

NON-DEPARTMENTAL

- R-12 In the Matter of Approval of County Chair Appointments to the CITIZEN STEERING COMMITTEE for the CITIZEN CONVENTION Pursuant to Multnomah County Ordinance No. 714
- R-13 RESOLUTION in the Matter of Authorizing the City of Portland to Utilize Metro's 1991-92 Waste Reduction Challenge Grant
- R-14 RESOLUTION in the Matter of Communicating the Views of the Board of Commissioners to the Metro Charter Committee
- R-15 Ratification of Intergovernmental Agreement Contract #500822 Between Multnomah County and Oregon Disabilities Commission, Providing Sign Language Interpreter Services to County Clients and Employees at Various County Meetings, Hearings and Other Governmental Meetings, for the Period July 1, 1992 to June 30, 1993
- R-16 Budget Modification NOND #31 Authorizing Forfeited Property Sales Revenue Pass-Through
- R-17 Second Reading and Possible Adoption of an ORDINANCE Amend-

ing the Multnomah County Code Chapter 2.60, Relating to the Risk Management Program, to Enable the County to Obtain an Exemption from the Security Deposit Requirement of ORS 656.407(2) (Workers' Compensation Law) and Making Other Changes to Update Organizational References in the Code

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-18 ORDER in the Matter of Contract 15679 for the Sale of Certain Real Property to STEPHEN M. OLSON [WOODLAWN TERRACE CONDOMINIUM UNITS 15, 19, 20, 22 AND 23]
- R-19 In the Matter of the Request for Approval of an ASSIGNMENT OF CONTRACT Between Multnomah County and STEPHEN M. OLSON, to MATTHEW S. AND EMANUELLA E. ESSIEH

DEPARTMENT OF HEALTH

- R-20 In the Matter of a Request for Approval of a Notice of Intent Allowing the Primary Care Division to Apply to the U.S. Public Health Service for a Reducing Language and Cultural Barriers to Care Grant, to Benefit Multnomah County Hispanic Community Members
- R-21 First Reading of an ORDINANCE to Provide Fee Schedule Changes for the Environmental Health Section of the Department of Health [Increases License Fees for All Restaurant Categories, Tourist Accommodations, Swimming Pools and Spas and Plan Reviews of Pools, Spas and Food Service Facilities]
- R-22 Budget Modification MCHD #2 Authorizing Increased Appropriations in the HIV Program Division, HIV Outreach Services, to Reflect the Award of a National Institute on Drug Abuse Grant for Targeted HIV Risk Reduction in Drug Treatment Drop-Outs
- R-23 Budget Modification MCHD #6 Authorizing Increased Appropriations in the Health Department, Pharmacy Section, to Reflect Increased Refugee Early Employment Program Prepaid Revenues
- R-24 Budget Modification MCHD #7 Authorizing Transfer of Appropriations from Health Department, Federal State Fund, to Health Department, General Fund, to Balance Year End Expenditures with Appropriations

PUBLIC CONTRACT REVIEW BOARD

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

- R-25 Ratification of Intergovernmental Agreement Contract #500792 Between Multnomah County and the Multnomah Education Service District, Allowing the District to Purchase Herman Miller Furnishings in Accordance with Contract No. 500262

R-26 Ratification of Intergovernmental Agreement Contract #500812 Between Multnomah County and the Multnomah Education Service District, Allowing the District to Purchase LAN Software in Accordance with Contract No. 400851

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

PLEASE NOTE NEW OFFICE ADDRESSES:

Chair Gladys McCoy
1120 SW Fifth Avenue, Room 1410

Vice-Chair Sharron Kelley
1120 SW Fifth Avenue, Room 1500

Commissioner Pauline Anderson
1120 SW Fifth Avenue, Room 1500

Commissioner Rick Bauman
1120 SW Fifth Avenue, Room 1500

Commissioner Gary Hansen
1120 SW Fifth Avenue, Room 1500

Office of the Board Clerk
1120 SW Fifth Avenue, Room 1510

0201C/64-73/db
6/18/92



GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-3308

MEMORANDUM

TO: Commissioner Pauline Anderson
Commissioner Rick Bauman
Commissioner Gary Hansen
Commissioner Sharron Kelley

FROM: Gladys McCoy *GM*
Multnomah County Chair

DATE: June 12, 1992

RE: Absence from Boardroom

I will be attending a day long Community Roundtable meeting on Tuesday June 23, 1992 and will not be at the Board meeting that day.

GM:ddf
cc: McCoy Staff
Office of the Board Clerk ✓

1992 JUN 15 PM 6:14
MULTNOMAH COUNTY
OREGON

Meeting Date: JUN 23 1992

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: MED Implementation Plan

BCC Informal June 23, 1992 BCC Formal _____
(date) (date)

DEPARTMENT Human Services DIVISION Social Services

CONTACT Rex Surface TELEPHONE 248-3691

PERSON(S) MAKING PRESENTATION Rex Surface

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

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

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

To brief the Board on the Mental and Emotional Disabilities Program Office Implementation Plan. The Implementation Plan was forwarded to the Board on June 2, 1992. It is a first step toward implementation of the recommendations of the MED Task Force Report accepted by the Board on May 7, 1992.

REQUESTING TIME CERTAIN 9:30 AM.

SIGNATURES:

ELECTED OFFICIAL _____

OR
DEPARTMENT MANAGER *Arday Craghead for Gary Nekao*

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 JUN 18 AM 8 27
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
SOCIAL AND FAMILY SERVICES DIVISION
ADMINISTRATIVE OFFICES
426 S.W. STARK ST., 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3691
FAX (503) 248-3379

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

MEMORANDUM

TO: Gladys McCoy, Multnomah County Chair

FROM: Gary Smith, Director, Social Services Division *GS*

VIA: Ardys Craghead, Acting Director, Department of Social Services

DATE: June 1, 1992

SUBJECT: MED Implementation Plan

We are very pleased to submit the MED Implementation Plan. We have been very busy in the three weeks since the Board of Commissioners accepted the MED Task Force Report and asked for a Plan.

We have been gratified by the intense participation of consumers, advocates, advisors, and contractors. A listing of all participants has been included.

Obviously, an Implementation Plan prepared in just three weeks about such critical and complex matters cannot be complete in every detail. This Plan is quite detailed, and should give you a clear picture of the direction we're going. Our next step upon your acceptance of our Plan will be to convene a Transition Work Group with MED and administrative staff, current investigators and liaisons, employee services, contractor management staff, labor relations and others. We can, with their help, achieve the final details of services transition.

You will find attention has also been paid to gearing up for strategic planning with system wide involvement. The Implementation Plan includes time lines for expansion of the MED Advisory Council, formation of the Operations Group, and the start of strategic planning.

Some quadrant contractor staff have many concerns about the transfer of services which they still see as a loss. Others anxiously await the transfer. Their comments are being forwarded to you along with the Implementation Plan. The quadrant staff have participated fully, always sending representatives to the many meetings. We are very appreciative of this. As we work through the process, it is clearer and clearer that the staff transfer makes good sense. We are confident as the contractors continue to be engaged in this process that workable solutions to any perceived problem will be found, and that consumer services will be improved and organizational efficiency increased. We believe this is already beginning to occur as we spend time together clarifying our plans.

Attachment

MED IMPLEMENTATION PLAN BASED ON
MED TASK FORCE RECOMMENDATIONS

Recommendation 1. Board Endorsements

- * MED convened a meeting of consumers, advocates, service providers and other interested parties 5/18;
- * MED forwarded written updates of planning to stakeholders on 5/22, and 5/29;
- * MED requested written comments from interested parties by 5/21 and attached all comments received in a glossary to the Implementation Plan;
- * The Board of County Commissioners is receiving the Implementation Plan June 1, 1992.
- * A time line is attached regarding implementation of recommendations on strategic planning and another on recommended transition of services to the County. MED Program Office believes these processes meet the endorsed positions on stakeholder participation.
- * MED Program Office will develop, with stakeholder input by July 1, 1992 an interim communication model for use in instances where parties in the mental health system disagree with the Program Office's implementation of authority as endorsed in Recommendation 1B.

Recommendation 2. MED Administration and Program Office Roles

- * The MED Program Office will carry out in coordination with MED Advisory Council and the Operations Group the functions specified by the Task Force. A time line for implementation of the two groups is attached.
- * MED Administration by March 1, 1993 will clarify roles and lines of authority with development of a decision flow chart document. This document will finalize and replace the interim communication model proposed above.
- * The MED Advisory Council will set the time line for the annual report. Work will begin September 1, 1992 when the Council will have expanded including contract provider membership and a planning facilitator. The MED Program Office will develop the annual report and annual update in coordination with the Advisory Council and Operations Group. The reports will be submitted to the Mental Health Advisory Council. The eight specific issues mandated for attention by the MED Task Force will be addressed.

Recommendation 3. Coordinated Planning

- * Please see the Time Line for Expansion of the MED Council. Activities are set to complete expansion to membership as recommended by the Task Force.
- * Upon endorsement by the Board of Commissioners for this Implementation Plan, Administration will modify the MED Budget to fund a facilitator.
- * The Operations Group will be implemented by the contract providers, the MED Advisory Council, and the MED Program Office by July 31, 1992.

Timelines for Expanding the MED Advisory Council for Strategic Planning

Task	Persons	Completion Date	Timelines											
			May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan			
MEDAC meet to plan	RS, AC	5/12	X											
Minutes distributed	RS	5/18	X											
Potential members' list	RS -> prov	5/22	X											
Outline facilitator time frame	AC, RS	5/26	X											
Propose time for expanded MEDAC	AC, RS	5/26	X											
Propose Operations Group time	AC, RS	5/26	X											
Propose start strategic planning	AC, RS	5/26	X											
Suggest names for facilitator	AC, RS	6/15		XXX										
Select, notify of contractor members	prov -> RS	6/15		XX										
Select Operations Group members	AC, RS	6/16		X										
Contact potential facilitators	RS	7/15		XX	X									
Orient new contractor members	AC, RS	7/16		X										
Recruit Operations Group members	AC, RS	7/20		X	XX									
Orient Operation Group members	AC, RS	7/21			X									
Discuss facilitation responses	AC, RS	7/21			X									
Expanded MEDAC meets	AC, RS	2nd Tu/Mo			X	X	X	X	X	X	X	X	X	
Operations Group meets	OG	4th wk/mo			X	X	X	X	X	X	X	X	X	
Select Facilitator	AC, RS	8/1				X								
Offer to Facilitator	RS	8/4				X								
Facilitation contracting	AC, RS	9/1				XXX	X							
Facilitator begins planning process	Facil, AC	9/15						XXXXXXXXXXXXXXXXXXXX						
Strategic planning	AC, OG	10/1						XXXXXXXXXXXXXXXXXXXX						

AC = Acute Care
 Facil = Facilitator
 OG = Operations Group

prov = providers
 RS = Rex Surface

Recommendation 4. Contract Clarification

- * RFP's are currently issued routinely for non-exempted services. RFP's for exempted services will be issued in 1993-94. RFP content will be based on the outcomes of strategic planning.
- * The strategic planning results will be used to develop jointly agreed upon contract performance standards, performance measurements, and outcomes for use in the July 1, 1993 contracting cycle. Contracts will be negotiated with each contractor prior to finalization for the 1993 contracting.
- * The MED Program Manager will assign a single liaison to each contractor by July 1, 1992.
- * The MED Program Office in conjunction with MED Administration will document a process for amending or modifying contracts. This will be accomplished by July 1, 1993.
- * The MED Program Office and Administration will participate in and abide by the results of the planned County wide review of awarding and monitoring contracts.

Recommendation 5. County Direct Services

- A. Given the County's fiscal and statutory obligation for coverage of the Involuntary Commitment process, the County should assume direct operation of this program.

Historical Budget for Involuntary Commitment Process (ICP):

- a) Current contracts (within MHS 20) for ICP = \$769,454
- b) ICP funds for 1992-93 = \$801,002
- c) 90-91 Actual Expenditure Reports = \$827,454
- d) Subcontractor Projected 91-92 for Implementation Plan = \$532,286

Subcontractor Explanation of Difference Between a and d:

They were really blending ICP and Crisis services. Thus, according to the Quadrants, if all ICP is lost, Crisis will be cut.

Precommitment Service Description (ICP) at the Time of the Actual Expenditure Reports:

Precommitment Services Include: 1) screening petition requests to determine the advisability of filing petitions alleging mental illness; 2) investigation of petition allegations, peace officer, CMHP director and two physician holds; 3) making recommendations to the courts about the need for a hearing; 4) providing testimony at commitment hearings; and 5) making recommendations for disposition and treatment.

Target Population: Persons who are alleged by citizens, peace officers, physicians, health officers or judges to be "mentally ill" and are unwilling to seek voluntary treatment.

It is difficult from the MED Program Office's vantage point to see how this definition was construed to automatically encompass "blended" services, particularly at a point in time when Holds are still increasing, County expenditures for hospital stays are in the \$2,000,000 range, and there are additional service opportunities to be pursued by Investigators to divert involuntary consumers to voluntary services.

Number of Current ICP Staff as Identified by Quadrants:

N/NE 2.4 FTE ICP, 1.05 FTE support staff, .1 supervisor: \$4,550 (37 1/2 hour work week)
MHSW 2.8 FTE ICP, clerical: .5 FTE (\$6,000), .3 Supervisor: \$15,000 (36 hour work week)
MT. Hood 2.28 FTE ICP, .58 FTE clerical, supervision not separated (37 1/2 hour work week)
SEMHN 2.0 FTE ICP, .5 FTE clerical (37 1/2 hour work week)
Total = 9.48 FTE ICP

No costs are shown by Quadrants for psychiatric consultation and training. These figures are as the agencies reported. The County will need to clarify the exact scope and duties of ICP and the details of work which will be performed by the County. These clarifications could impact the number of staff which will need to transfer. The MED program has determined it should provide all aspects of Precommitment Services as described in the definition above.

Current Investigator Salary Ranges as Identified by Quadrant Contractors:

22,003 to 31,090 for MT Hood (range not actual salaries)
20,972 to 25,327 for SEMHN (beginning salaries of two relevant ranges not actual salaries)
"low mid 20's to low 30's" (for MHSW actual salaries)
22,800 to 31,800 for N/NE (actual salaries); 20,000 to 37,000 (range)

Some Quadrant contractors use variable payouts in addition to base salary. The County will need to clarify the effects of variable payout on salary transfer.

MED Staff Classification Recommendation:

Employee Services will make the final decision for classification. Existing classifications that seem comparable to Investigators are: Senior Case Manager (\$26,956 - 31,691), and Mental Health Consultant (\$29,691 - 34,431), Program Development Specialist (\$27,478 - 33,596) seems comparable for Liaison staff. A new classification may be needed. Budget projections are based upon the most costly of these ranges. The County shall be sensitive to the effect of County salaries on contractor programs.

MED Program and Administration will form a Transition Work Group made up of contractor management staff, employee services, current investigators, and labor relations to advise the County on the details of employee and programmatic transfer.

MED Precommitment Services Staff Recommendation (Maximum):

10 FTE ICP, 1 FTE OAI (clerical), 1 FTE Supervisor, \$35,000 psychiatric consultation

MED Recommended Budget for Precommitment Services:

\$649,196, includes \$31,695 capital outlay. This budget does not include indirect costs. There will be no indirect costs charged to the services funding of the State Mental Health Grant.

The budget has been developed using the maximum anticipated cuts. we expect to find savings as we clarify actual salaries and possible purchase of existing capital items.

B. The County should assume direct operation for Dammasch State Hospital liaison functions which contribute to managing Multnomah County's bed utilization.

Hospital or Commitment Discharge Current Expenses Identified by Quadrant Contractors:

The Quadrants are recommending a very limited role for County discharge planners. They are estimating the limited role they see at Dammasch outside what they consider their internal intake duties to be worth only about \$13,000 per Quadrant or \$52,000 County wide. Thus, they only see 30% of their half time Liaisons involved in actual liaison activities.

Number of Current Liaison Staff Identified by Quadrant Contractors:

SEMHN .5 FTE
Mt Hood .18 FTE
N/NE .3 FTE
MHSW .8 FTE

Current Liaison Salary Ranges as Identified by Quadrant Contractors:

SEMHN: \$20,836 - \$22,927 (not actual salary of current staff)
Mt Hood: \$22,003 - \$28,870
N/NE: \$25,000
MHSW: \$18,368 current salary

As with the investigators, work weeks are 36 - 37.5 hours and there may be other forms of compensation such as variable pay outs at two of the contractors.

MED's Hospital Discharge Planner (Liaison) Recommendation:

2.0 FTE

The hospital discharge function has been handled by the contractors in a similar fashion as the precommitment investigation. The similarity is that a high priority is given to treatment services as fits the contractors' missions. The MED Task Force identified both functions as critical County management functions. Through our direct experience with liaison activities as well historical expectations of .5 FTE per quadrant contractor, we believe 2 FTE is required to carry

out the County's management of ADP. Washington County uses 1.0 FTE with a hospital enrollment of 20 compared to our enrollment of 160 to 170.

MED Recommended Budget for Hospital and Commitment Discharge Planning:

\$101,975 does not include indirect cost, includes \$7,983 capital outlay. The MED Program will utilize the Transition Work Group described above to flesh out the detail of this Implementation Plan for liaison as well as precommitment services.

Timelines for Transferring Precommitment and Liaison Functions to the County

Task	Persons	Completion Date	Timelines											
			May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan			
Meet with quadrants	RS, NM	5/14	X											
Provide current contract info	RS, NM	5/14	X											
Request PCS info from quads	RS, NM	5/14	X											
MED meet with stakeholders	RS, MED	5/18	X											
Stakeholders submit comments	all	5/21	X											
Quads provide PCS data	qds	5/20	X											
MED update stakeholders w. comment	RS, NM	5/22	X											
MEDAC, quads review progress	MED	5/27	X											
MED update stakeholders w. comment	RS, NM	5/29	X											
Submit budget/timelines/eval plan	RS->BCC	5/30	X											
Anticipated approval of plan	BCC->RS	6/15		X										
Convene Transition Work Group	RS	6/29			X									
Transition Work Group meet	TWG	2/mo			X	X	X	X	X	X	X	X	X	
Develop organizational chart	RS	7/10			X									
Develop liaison policy, procedures	MED	7/15->			XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX									
Develop liaisons job descriptions	RS, NM	7/20			XXX									
Inform interested liaisons	NM	7/25			X									
Liaison transfer decisions	lias	8/1				X								
Recruit needed liaisons	NM	9/1					XXXX							
Revise data systems	MED	9/1				XXXXXX								
Inform interested investigators	NM	9/1					X							
Transfer interested liaisons	NM	9/15					XX							
Hire needed liaisons	NM	9/15					XXXXXX							
Orient liaisons	NM, CH	9/30					XX							
Investigator transfer decisions	nvstg	9/30						X						
Perform liaison functions	lias	10/1							XXXXXXXXXXXXXXXXXXXXXXXXXXXX					
Recruit for needed investigators	MED	10/1						XXXXX						
Hire Precommitment Supervisor	RS	11/1								X				
Hire needed investigators	MED	11/15							XXXXXX					
Orient investigators	MED	12/30										X		
Transfer interested investigators	MED	12/31										X		
Begin performing PCS	nvstg	1/1											XXXX	

BCC = Board of County Commissioners
 CH = Cathy Hilger
 lias = liaisons

MED = MED Program
 NM = Norman Miller
 nvstg = investigators

qds = quadrants
 RS = Rex Surface
 TWG = Transition Work Group

- C. Methods must be developed to monitor and evaluate the County's performance in these services capacities.

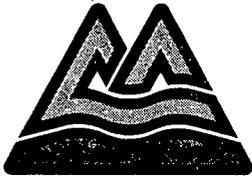
MED Office Goals (what will be accomplished by change):

- * Increase documentation of referrals and follow up of allegedly mentally ill persons and committed persons to community services.
- * Increase the number of allegedly mentally ill persons and committed persons referred to community services.
- * Examine the county-wide effect of service cuts on Holds.
- * Decrease Hold recidivism. Increase community tenure for persons in precommitment and commitment.
- * Decrease expenditure of County General Fund for Holds.
- * Meet the Acute Care Plan goals for length of consumer stay in precommitment and commitment services as determined by the funding sources.
- * Increase the number of persons assessed for Holds but then served by Ryles Center and in crises respite services. Increase the number of outpatient commitments.
- * Use the allocation of State General Funds intended to investigate Holds for that purpose. Control expenditures carefully. Recommend transferring savings to community services which meet system-wide priority consumer needs.
- * Assure that the quantity and quality of contracted treatment services do not diminish as a result of assuming ICP and liaison functions.

The County's interest is best served by considering that precommitment funds are a system wide resource which should follow the investigation workload and be used to reduce the burden of County financial exposure and safeguard consumers' civil liberty. Agencies' interests naturally focus on their treatment mission so precommitment funds have been used to subsidize treatment.

Next Steps:

- I. The Board of County Commissioners will review the Implementation Plan.
- II. MED will convene a Transition Work Group, including investigators, liaisons, providers, employee services, and labor relations.
- III. The Oversight Group will interface with the entire transition process
- IV. Time frame:
 - a) Discharge planning (liaison) transition to the County will be completed October 1, 1992.
 - b) ICP transition to the County will be completed January 1, 1993.



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(503) 248-3691 FAX (503) 248-3379

GLADYS McCOY
COUNTY CHAIR

MEMORANDUM

TO: Advocates, Consumers, and MED Subcontractors
FROM: Rex Surface, MED Program Manager *Rex Surface*
DATE: May 13, 1992
SUBJECT: MED Task Force Implementation Plan

The MED Program Office has begun a very special implementation plan. This plan is to inform the Board of County Commissioners and the mental health community about how we will implement the recommendations of the MED Task Force which recently completed its work.

We are on a very fast track so this invitation to you is on short notice. I would greatly appreciate you joining our discussion on Monday, May 18, 1992 from 9:00am - noon in Room B of the Portland Building. I look forward to seeing you there.

Attached you will find the outline of process we will follow over the next three weeks.

CC: Kathy Millard
Bob Nikkel
Gary Smith
Norman Miller
Gloria Wang
James Edmondson



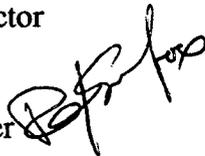
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GLADYS McCOY
COUNTY CHAIR

MEMORANDUM

TO: June Dunn, Executive Director
Rod Calkins, Executive Director
Liam Callen, Ph.D., Executive Director
John Parker, Executive Director

FROM: Rex Surface, MED Program Manager 

DATE: May 13, 1992

SUBJECT: MED Task Force Implementation Plan

Attached is an outline of the process that the MED Program Office will follow to develop the MED Task Force Implementation Plan.

I look forward to meeting with you tomorrow, Thursday, May 14, 1992 at 3:00pm in Room A on the 7th floor of the Gill Building.

CC: Kathy Millard
Gary Smith
Norman Miller
Gloria Wang
James Edmondson



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GLADYS McCOY
COUNTY CHAIR

MEMORANDUM

TO: Gary Smith and Susan Clark
FROM: Rex Surface *Rex Surface*
DATE: May 13, 1992
SUBJECT: MED Task Force Implementation Plan Process

It will be the MED Program Office's responsibility to write an implementation plan due June 1, 1992 pursuant to the recommendations of the MED Task Force as approved by the Board of County Commissioners May 7, 1992. I would like to outline my understanding of the Plan purpose and also stakeholders input to the Plan.

Preparation time frame is 3 weeks, May 8 - June 1, 1992.

PURPOSES OF THE IMPLEMENTATION PLANNING PROCESS FOR RECOMMENDATIONS 1 - 5

- * Inform the Board, subcontractors, consumers, and other stakeholders of MED Program, Advisory Council and Administration timelines and work plans and budget to implement and operate the Board approved recommendations;
- * Receive written stakeholders input, share input publicly and incorporate into the Plan as prudent;
- * Identify budget, staffing, workload, and programmatic impact data needed from Quadrants and receive the data;
- * Attempt to reach consensus with the realization that consensus in the current climate is difficult;
- * Establish the responsibilities of stakeholders to implement the decision of the Board; and
- * Assign consumer/advocate driven oversight group to assure transition of the commitment investigation and liaison functions meets consumer needs.

PROCESS

Process for Recommendations 1A - 1F (Board Endorsements):

- * MED will convene a meeting of consumers, advocates, service providers and other interested parties 5/18;
- * MED will forward written updates of planning progress to stakeholders on 5/22, and 5/29;
- * MED requests written comments from interested parties by 5/21 and will attach all comments received in a glossary to the Implementation Plan; and
- * The Board of County Commissioners will receive the Implementation Plan June 1, 1992 which will be based on the basic positions 1A through 1F.

IMPLEMENTATION PLAN PROCESS

Process for Recommendations 2A - 2D (Administration and Program Office Roles):

- * MED Program Office will communicate participation roles by May 22 with the planning groups (MED Advisory, Mental Health Advisory, Strategic Planning, County Administration, MED Operations) which will be involved in the review of each function delineated by the MED Task Force. Time frames and process will be finalized by each group after June 1.

Process for Recommendations 3A - 3C (Coordinated Planning):

- * MED Advisory Council will meet 5/12 to begin the process of expanding the Council with Minutes to be distributed 5/18;
- * MED Program Office will propose and distribute lists of subcontract providers which fit the categories of representation recommended by the MED Task Force;
- * Selection process and time frame for a facilitator for strategic planning will be outlined;
- * Subcontract providers will choose their representatives for MED Advisory Council and MED Operations Group;
- * A time frame for implementation of the expanded MED Advisory Council and MED Operations Group will be proposed; and
- * A time frame for implementation of strategic planning will be proposed.

Process for Recommendations 4A - 4F (Contract Clarification):

- * MED Program Office and Administration will provide time frames for each area as part of the Implementation Plan.

Process for Recommendations 5A - 5C (County Direct Services):

- * MED Program Office will convene a meeting with Quadrants 5/14, 3:00 to 5:00;
- * MED will provide assumptions of current subcontracted funds for liaison and investigation activities;
- * MED will provide a list of data needs to Quadrants 5/14;
- * MED Program Office access to current Investigators and Liaisons to receive input on transition planning issues will be discussed 5/14;
- * Quadrant staff will provide data by 5/20/92;
- * MED will convene an initial stakeholders meeting of (consumers, advocates, service providers and other interested parties) 5/18;
- * MED will forward written updates of planning to stakeholders on 5/22, and 5/29;
- * MED requests written comments from interested parties by 5/21 and will attach all comments received in a glossary to the Implementation Plan;
- * MED will convene a meeting 5/27 where MED Advisory Council representatives and Quadrant representatives can review progress to date and give input; and
- * MED will submit the Implementation Plan to Administration 5/30/92 with preliminary budget, time frames, and evaluation responsibilities included.

CC: Norman Miller
Gloria Wang

ATTENDANCE AT IMPLEMENTATION PLAN MEETINGS

May 12, 1992

The MED Advisory Council reviewed the process for the Implementation Plan. Attending: members - Kevin Fitts, Marge Gallahan, David Green, Greg Henson, Bob Joondeph, Dorie Lash; guests - Kathy Millard, Office of the Chair; Karen Belsey, Commissioner Bauman's Office; Carol Boos, Alliance for Mentally Ill (AMI)

May 14, 1992

Meeting with Quadrant representatives to review the process for the Implementation Plan, requested data from the Quadrants and reviews budget assumptions. Attending: Sue Beattie, Mental Health Services West (MHSW); Liam Callen, Garlington Center; Leslie Ford, Southeast Mental Health Network (SEMHN); Gary McConahay, Garlington; Phyllis Paulson, Garlington; Scott Richards, Mt Hood; and Deb Young, Mt Hood.

Staff: Susan Clark, Administration; Kathy Millard, Office of the Chair; Norman Miller, MED; Rex Surface, MED; and Jerry Wang, MED

May 18, 1992

Meeting with mental health system wide stakeholders to review the process and brainstorm goals. Attending: Carol Boos, Alliance for Mentally Ill (AMI); Cris Busch, advocate; Liam Callen, Garlington Center; June Dunn, MHSW; Nellie Fox-Edwards, Mental Health Association (MHA); Michael Hlebechuk, consumer and Ryles Center staff; Laura Jeibmann, METRO; Bob Joondeph, MED Advisory Council; Kham One Keopraseuth, Indochinese Psychiatric Program; Bob Kostove, Dammasch State Hospital; Chris Krenk, Kerr Center; Claudia Kreuger, MHSW; Carol Laine, Advocate; Dorie Lash, MED Advisory Council; Lee Madison, Center for Community Mental Health; Bernie Mandich, AMI; Kathy Millard, Office of the Chair; Dennis Murphy, Hoodview; Bob Nikkel, State Office of Mental Health; Jack Pauley, Delaunay; Emmy Sloan, CARES; Garrett Smith, Mine Empowered; Norma Weller, AMI; and Deb Young, Mt Hood Mental Health Center

MED staff: David Edwards, Cathy Hilger, Paula Marfia, Lynn Meyo, Norman Miller, Rex Surface, and Jerry Wang

May 19, 1992

MED Advisory Council - specially scheduled meeting to discuss expansion of membership to accomplish strategic planning, attending members: Cris Busch, Nellie Fox Edwards, Vivian Grubb, Greg Henson, Bob Joondeph, Dorie Lash, and Doug Montgomery; guests: Bernie Mandich, AMI; Kathy Millard, Office of the Chair; and Norma Weller, AMI

May 26, 1992

MED Advisory Council Subgroup on Bylaws - Cris Busch, Kevin Fitts, Marge Gallahan, Norma Weller and Rex Surface

May 27, 1992

Quadrant representatives and Consumer/Advocate Oversight Group to review the MED Program Office's Draft of the Implementation Plan - attending: Sue Beattie, MHSW; Mary Byrkit, Consumer/MEI Board; Liam Callen, Garlington Center; June Dunn, MHSW; Leslie Ford, SEMHN; Mike Hlebechuk, Consumer/Ryles Center staff; Bob Joondeph, MED Advisory Council; Claudia Krueger, MHSW; Carol Laine, MHA; Phyllis Paulson, Garlington Center; and Deb Young, Mt Hood.

Staff: Susan Clark, Administration; Norman Miller and Rex Surface of MED; Kathy Millard, Office of the Chair



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GLADYS McCOY
COUNTY CHAIR

MEMORANDUM

TO: MED Advisory Council
Mental Health Advisory Committee
MED Task Force
Other Planning Participants

FROM: Rex Surface, MED Program Manager *Rex Surface*

DATE: May 22, 1992

SUBJECT: Implementation Plan Update Materials

I am forwarding updated materials for the Implementation Plan. Included are the minutes of the May 18, 1992 System Wide meeting, a list of agencies who will choose representatives to the MED Advisory Council and the MED Operations Group, a table of precommitment services data, a copy of the State Statutes on transferring of public employees, and a list of draft indicators of the MED Program Office goals for precommitment and liaison services.

This information is being forwarded to persons who participated in the planning meetings, MED Advisory Council, Mental Health Advisory Committee, the MED Task Force, and the precommitment investigators who's names I have received.

Input will be included. We need it as soon as possible in or to consider it for the content of the Implementation Plan, which I must have completed by May 28, 1992. All comments will be attached as a glossary to the Implementation Plan. Quadrant staff and MED Advisory Council representatives will review the Plan with me on May 27, 1992. I will forward copies to all of you by May 29, 1992.



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GLADYS McCOY
COUNTY CHAIR

SYSTEM WIDE MED TASK FORCE IMPLEMENTATION PLAN MEETING

May 18, 1992

MINUTES

PRESENT:

Carol Boos, Cris Busch, Liam Callen, June Dunn, David Edwards, Nellie Fox-Edwards, Cathy Hilger, Michael Hlebechuk, Laura Jeibmann, Bob Joondeph, Kham One Keopraseuth, Bob Kostove, Chris Krenk, Claudia Krueger, Carol Laine, Dorie Lash, Lee Madison, Bernie Mandich, Paula Marfia, Lynn Meyo, Kathy Millard, Norman Miller, Dennis Murphy, Bob Nikkel, Jack Pauley, Emmy Sloan, Garrett Smith, Rex Surface, Jerry Wang, Norma Weller, Deb Young

I. MED TASK FORCE REPORT:

Rex Surface and Kathy Millard reviewed the MED Task Force Report recommendations. Everyone at The Task Force Report is available by calling Sue Strutz at 248-3691.

II. MED PROGRAM OFFICE PLANNING PROCESS DOCUMENT:

Rex reviewed the process as outlined in the 5/13/92 Memo. There were few comments to make changes.

Rex clarified the stated date of 5/20/92 to submit input is changed to 5/26/92 for the Program Office to assure consideration for the Implementation Plan content. However, all input is encouraged and if received by May 29 will be attached to the glossary of the MED Implementation Plan.

Liam Callen asked about the membership of the Oversight Group. Rex said that so far Bob Joondeph, Carol Laine, David Green, and Mike Hlebechuk have agreed to serve on the Group. Their purpose is to oversee that the transition of precommitment and liaison services is sensitive to consumer needs. Liam asked if he could suggest someone to serve. Rex's response was that more members would be welcome including advocates or Board members of subcontractors but not subcontractor and County staff.

III. BRAINSTORMING GOALS AND OBJECTIVES:

Rex gave the participants a discussion draft of Goals to begin providing information and generating discussion about the MED Program Office's objectives for direct services recommended by the MED Task Force. These are:

- 1). System treatment services will be subcontracted, gatekeeping will be County direct;
- 2). Directly assuming County responsibilities to assure protection of personal liberty in the involuntary hold process, fiscal integrity for payment of Hold costs, coordination with other governmental services and resources (police, courts, State Hospital, State Funds, Health, Corrections);
- 3). Manage entry of most vulnerable consumers (homeless, transients, substance abusers, people in Corrections System, State Hospitals) into the public mental health system linking County contracting and budgeting of resources with gatekeeping; and
- 4). Transition of ICP and Liaison services will be cost neutral the first year with savings the second year.

Liam Callen questioned why we were discussing goals when he believes the principles are flawed. Rex and Bob Joondeph and Norm Miller spoke to their operating assumption that the Board of Commissioners received public input. Now the Board has assigned the task of writing a Plan to the MED Program Office. There was a clear message from the Board to include public input. That is what we are doing at this point.

The participants discussed the meaning of gatekeeping. Bob Kostove suggested triage better describes his understanding of what the County plans. Further discussion clarified three components to MED's goals for precommitment and liaison services. The components are: 1) investigation, 2) triage, 3) linkage. Through the investigation process the County will triage persons on involuntary holds by providing linkage to needed services. Linkage includes contracting for services, performance standards, prioritizing the people and services publicly funded, and working with other County and State systems to secure services.

Rex stated that MED can assure that the Office intends to continue to subcontract treatment services. In response to Laura Jeibmann's question Rex clarified that crises services are treatment services and will be subcontracted.

Rex discussed that revenues to bring precommitment services under County direct provision will be based on historical contract allocations and monthly submitted subcontractor public funds expenditure reports. Up through June 30, 1991, contracts clearly delineated Precommitment Services (PCS-MED 29). For the current year, MED subcontracted Precommitment Services as one of several block granted services. MED Operations staff met September 1, 1991 with all subcontractors to explain the new system and provide written computation and verbal review of the available funds for each service based on previous allocations and expenditures. These revenues will no longer be subcontracted to the Quadrants but will remain with the MED Program Office.

This was an issue at the May 14, 1992 meeting with staff of the Quadrants. The Quadrant representatives state that services have been blended so actual Investigation expenses are less than allocation. Rex stated dismay that subcontractors are now estimating precommitment services expenses that are lower than the allocations and lower than the previously submitted expenditure reports.

Quadrant representatives stated the blending of services is good and efficient. Rex recognized that the agency blending and reallocation of funds probably meet laudatory goals from the subcontractors' perspective. Rex emphasized that County goals are somewhat different. Differences are due to ever growing County liability for Hold expenditures as well as the need to divert people to scarce least restrictive and most humane services across a services system that is larger than the Quadrants. Norm Miller stated concern over not knowing what the County was buying this year. Liam Callen believes the County was getting extra value from the way his agency blends services.

Rex's conclusion on the funding issue remains that the MED Program Office in the future will budget to start up the direct services in the County using historical allocation figures. Now an objective will be set to, through efficiencies, return 5 to 10 percent of funds from precommitment allocations to community services in the following year.

An Objective will also be set on reducing County expenditures for Involuntary Hold hospitalization expenses. It is anticipated their can be successful advocacy to use savings to meet the needs of persons with mental illness.

Rex asked advocates to provide input as to their desired goals for the services.

Carol Laine wants measures developed on how many people get from Holds and the hospital to which services and how many fall into the gaps. Carol also wants clear identification of who to call and what they can get done for people having problems.

Carol Boos saw the need for the County to be a clearing house for consumer issues.

Rex thanked the participants for their thoughtful and helpful input.

MAY 08 1992

"sexual orientation" means heterosexuality, homosexuality or bisexuality.

(2) No state official shall forbid the taking of any personnel action against any state employee based on the sexual orientation of such employee.

(3) This section shall not be deemed to limit the authority of any state official to forbid generally the taking of personnel action against state employees based on non-job related factors. [1989 c.3 §2, 3, 4]

TRANSFER OF PUBLIC EMPLOYEES

236.605 Definitions for ORS 236.605 to 236.650. As used in ORS 236.605 to 236.650:

(1) "Public employee" means an employee whose compensation is paid from public funds.

(2) "Public employer" includes the state, or cities, or counties, or special districts but not including school districts, or an Oregon nonprofit corporation any of which has accepted the transfer of a public program from a public employer in this state for maintenance and operation. [1991 c.918 §2]

236.610 Rights of employee when duties assumed by different public employer. (1) No public employee shall be deprived of employment solely because the duties of employment have been assumed or acquired by another public employer, whether or not an agreement, annexation or consolidation with the present employer is involved. Notwithstanding any statute, charter, ordinance or resolution, but subject to ORS 236.605 to 236.650, the public employee shall be transferred to the employment of the public employer which assumed or acquired the duties of the public employee, without further civil service examination.

(2) The transferred public employee shall not have the employee's salary reduced as a result of a transfer under this section. It is the responsibility of the transferring employer to liquidate accrued compensatory time at the time of transfer, consistent with any applicable statute or collective bargaining agreement. The employee shall retain any accrued sick leave. The employee may elect to retain up to 80 hours of vacation leave at the time of the transfer. Additional vacation leave may be retained if agreed to by the transferring employer, the receiving employer and the employee. After the transfer, the receiving employer shall grant any leaves according to its rules or any bargaining agreement governing use of leaves.

(3) In the event that any transferred employee is subject to a waiting period for coverage of preexisting conditions under the

health insurance plan of the receiving employer, the receiving employer shall arrange for a waiver of such waiting period with its health insurer. The transferring employer shall reimburse the receiving employer for the additional premium costs, if any, resulting from such waiver, for a period of not to exceed 12 months.

(4) In transferring a public employee under subsection (1) of this section, the employer shall furnish the employment records of that employee to the receiving employer at the time of transfer. The time of transfer shall be by written agreement between the public employers involved. [1963 c.204 §1, 2; 1971 c.500 §1; 1991 c.918 §3]

236.620 Status of transferred employee. A public employer who receives a transferred employee under ORS 236.610 (1), including an employee whose transfer is provided for by an agreement under ORS 190.010, shall place that employee on its employee roster, subject to the following:

(1) If the employee was serving a probationary period with the employer at the time of transfer, the past service of the employee on probation shall apply on the regular probation requirements of the receiving employer.

(2) Notwithstanding any other provision of law applicable to a retirement system for employees of the prior employer or of the receiving employer, the employee at the option of the employee may elect to continue under any retirement system in which the employee was participating prior to transfer or, if the employee meets the qualifications therefor, the employee may elect to participate in the retirement system available to employees of the receiving employer. The employee's election shall be in writing and made within 30 days after the date of transfer. If the employee elects to continue under the retirement system in which the employee was participating prior to transfer, the employee shall retain all rights and be entitled to all benefits under that system, the employee shall continue to make contributions to that system and the receiving employer shall make contributions on behalf of the employee to that system as required of employers participating in that system, as if the transfer had not occurred.

(3) The employee shall retain the seniority the employee accrued under prior employment, but no regular employee of the receiving employer shall be demoted or laid off by reason of that seniority at the time the transfer occurs. Thereafter, the employee's seniority from the transferring employer shall be regarded as seniority acquired under the receiving employer.

(4) The employee otherwise shall enjoy the same privileges, including benefits, hours and conditions of employment, and be subject to the same regulations as other employees of the receiving employer. [1963 c.204 §3; 1967 c.550 §10; 1991 c.918 §4]

236.630 Authority of new employer over transferred employee. A public employer who receives a transferred employee under ORS 236.610 (1) shall place that employee in a position comparable to the position the employee enjoyed under prior employment, subject to the following:

(1) The receiving employer, in determining a comparable position, shall consider the employee's educational and physical qualifications, experience, and the salary, duties and responsibilities of prior employment.

(2) If the receiving employer finds that no comparable position exists under subsection (1) of this section, the employee shall be offered a lesser position, if such position is available, according to the qualifications of the employee, by the receiving employer. The finding and action of such employer under this subsection, and subsection (3) of this section shall be subject to a hearing upon the employee's request and subject to review under ORS 34.010 to 34.100.

(3) If the receiving employer finds that no position exists, the employee shall be listed as a regular laid-off employee and shall have priority to appointment over other persons eligible for any position for which the employee is qualified, subject to any applicable collective bargaining agreement. [1963 c.204 §4; 1991 c.918 §5]

236.640 Reemployment right of employee at end of cooperation agreement. At the end of a cooperation agreement the employee transferred shall be entitled to the position of the employee with the transferring employer prior to transfer, if the employee has remained an employee of the transferee employer in good standing to the termination of the agreement. [1963 c.204 §5]

236.650 Construction of ORS 236.605 to 236.650. The provisions of ORS 236.605 to 236.650 shall be liberally construed. [1967 c.550 §9]

PENALTIES

236.990 Penalties. Violation of ORS 236.145 is punishable, upon conviction, by a fine not to exceed \$1,000. [1953 c.594 §2]

CORE AGENCIES

- 1). Center for Community Mental Health
- 2). Delaunay Mental Health Center
- 3). Garlington (N/NE)
- 4). Mental Health Services West
- 5). Mt. Hood Community Mental Health Center
- 6). Southeast Mental Health Network, Inc.

NON-CORE AGENCIES

- | | |
|------------------|---|
| 1). Bruner | 6). Mind Empowered, Inc. |
| 2). Cameron | 7). Oregon Helath Science
University (Indochinese) |
| 3). Hoodview | 8). Providence Medical Center |
| 4). Ryles Center | 9). Wm. Elaine Corporation |
| 5). Metro | |

HOSPITALS

- 1). Portland Adventist Medical Center
- 2). Holladay Park Hospital
- 3). Oregon Helath Sciences University

MED Implementation Plan Process Update
May 22, 1992

D R A F T

As MED Program Office staff have discussed goals and objectives to use to measure success of future County handling of Precommitment and Liaison Services, we have generated the following list of indicators. They are still in discussion and will be stated in quantitatively by May 29, 1992.

- * Documented referrals and follow up of persons to community services after being on involuntary holds will increase. There will be increased follow up of involuntary hold consumers.
- * Number of consumers placed on Holds will be examined county wide as an outcome of service cuts due to revenue changes.
- * Number of people who are placed on repeat Holds (recidivists) will decrease.
- * Expenditures of County General Fund for Holds will decrease.
- * Acute Care Plan goals for length of consumer stay in services will be reexamined and met as determined by the funding sources.
- * Number of persons who have been assessed for Holds but then served by Ryles Center and in crisis respite services.
- * Allocation of State General Funds intended to investigate Holds will be used for that purpose. Expenditures will be carefully controlled. There will be savings which the MED Program will recommend transferring to community services which meet system wide priority consumer needs.
- * The MED Program will track the number and response time of critical incidence calls by consumers and advocates to the MED staff. The MED Program will publicize its availability to take such calls.
- * The MED Program will assure that mental health consumers discharged from Involuntary Hold and Commitment services will be priority recipients of MED system resources and will be linked by the MED Program to services in which they agree to participate.

PRECOMMITMENT SERVICES INFORMATION
May 22, 1992

	GARLINGTON (N/NE) CENTER FOR COMM. MENTAL HEALTH	MENTAL HEALTH SERVICES WEST	SOUTHEAST MENTAL HEALTH SERVICES NETWORK	MT HOOD CENTER FOR COMM. MENTAL HEALTH	TOTAL
90-91 CONTRACT	220,059	216,531	189,189	143,343	769,122
90-91 ACTUAL EXPENDITURE REPORT	238,478	208,443	189,785	190,748	827,454
CURRENT YEAR CONTRACTED	220,158	216,630	189,275	143,390	769,454
91-92 PROVIDER ESTIMATED EXPENDITURES	140,062	149,335	127,004	120,865	532,268
91-92 REPORTED INVESTIGATOR POSITIONS	2.40	2.80	2.00	2.28	9.48
HOLD DAYS * 7/90 - 3/91	5,101	4,119	2,818	2688	14,726
HOLD DAYS 7/91 - 3/92	4,555	4,338	3,245	2775	14,913
HOLDS * 7/90 - 3/91	761	572	518	405	2,256
HOLDS 7/91 - 3/92	752	578	680	496	2,506
AVERAGE LENGTH OF STAY 90-91	6.70	7.20	5.44	6.60	6.53
AVERAGE LENGTH OF STAY 91-92	6.05	7.50	4.77	5.60	5.95

* 9 Month figures are used to compare with available data for current year.

April 28,

**MENTAL AND EMOTIONAL DISABILITIES
SYSTEM REVIEW TASK FORCE REPORT
TO
THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS**

APRIL 1992

MENTAL AND EMOTIONAL DISABILITIES SYSTEM REVIEW
TASK FORCE

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MED SYSTEM REVIEW TASK FORCE REPORT

T A B L E O F C O N T E N T S

Executive Summary 1

Summary of Recommendations 2

Background. 4

Process 5

Summary of Written Input 6

Trends 7

Recommendations 8

 1. Board Endorsements 8

 2. MED Administration and Program Office Roles 9

 3. Coordinated Planning 10

 4. Contract Clarification 12

 5. County Direct Services 13

Appendices

- A. Letters to System Participants Inviting Responses
- B. List of Respondents
- C. Summary of Responses
- D. Documents Reviewed
- E. Glossary

EXECUTIVE SUMMARY

On October 23rd, 1991 the Board of County Commissioners (BCC) held an all day work session to learn about and discuss the issues impacting the Mental and Emotional Disabilities (MED) system. As a result of testimony and discussion, the Board recommended the formation of a task force to develop recommendations that would clarify roles and responsibilities within the MED system.

The seven member task force met once a week for three and a half months. During that time they met with local MED system participants, solicited written input from them, and gathered information about national research related to mental health systems.

As a result of the input received, it became clear that there is disagreement in the MED system about the roles, responsibilities, and authority of the various system players.

The task force also became aware that local and national trends may bring further disruption to the MED system. Issues such as continued Measure 5 cuts, the Department of Human Resources (DHR) reorganization, the Oregon Basic Health Plan, the State shift toward block grant funding, and the increased support for managed care need to be carefully monitored and integrated into future planning.

While it is clear that several adjustments to the system are necessary, the task force believes many changes will best come from within the system. The task force has developed a series of recommendations delineating basic roles and responsibilities of system participants, which are intended to lay the framework for future dialogue and growth.

These recommendations, for the most part, relate to the broad MED system. The programs for childrens mental health and adult mental health have become independent. In some areas they are operating, developing, and evolving along different programatic paths. However, the task force recommends that both programs adhere to the same continuity of policy, operation, and organization wherever possible. We further recommend that the Office of Child and Adolescent Mental Health Service continue to work towards implementation of recommendations set forth September 1991 by the Child and Adolescent Mental Health Planning Group; and a similar advisory board, like that suggested in this report for the adult system, be organized for childrens mental health.

SUMMARY OF RECOMMENDATIONS

1. Board Endorsements

- A. The Board of County Commissioners should endorse several basic principles which set forth their position as the mental health authority; their commitment to contract for most mental health services; their commitment to appropriate, culturally relevant, quality services; their belief in consumer involvement in all levels of the service system; and their investment in strategic planning for the MED system.

2. MED Administration and Program Office Roles

- A. The MED Program Office should serve the following specific functions within the MED system: assess community needs; coordinate planning; manage contracts; provide technical assistance; provide specific mental health services; generate resources; and advocate for and encourage the development of services for unserved populations.
- B. The MED Administration should evaluate and clarify staff roles and lines of authority to improve coordination with community subcontract providers and the Board of County Commissioners.
- C. The MED Program Office and MED Advisory Council should prepare an annual system status report for the Board of County Commissioners.
- D. The MED Program Office should work with community subcontract providers to present an annual system update and receive feedback from system participants.

3. Coordinated Planning

- A. A systemwide Strategic Planning Body should be established for the MED system by expanding the existing Mental and Emotional Disabilities Advisory Council and including community subcontract providers.
- B. The Board of County Commissioners should provide ongoing funds to the MED Program Office for contracting with an independent facilitator skilled in mediation and strategic planning to direct MED Advisory Council meetings.
- C. An MED Operations Group should be established which meets monthly to address day-to-day problem issues of the MED Program Office and community subcontract providers.

4. Contract Clarification

- A. Requests for Proposals (RFPs) should be issued every 3-6 years for services in the MED system.
- B. Contracts should spell out clear detailed performance standards, performance measurements, and outcomes that have been jointly agreed upon by the MED Program Office and the selected community subcontract provider.
- C. Contracts should be finalized and distributed by the outset of the fiscal year.
- D. Each community subcontract provider should be assigned a single liaison from the adult MED Program Office who is responsible for facilitating and clarifying contract requirements for that agency.
- E. A mutually agreed upon process for amending or modifying contracts must be developed and included in all contracts so that the rights and responsibilities of the respective parties are clear and explicit.
- F. A consistent method must be developed for awarding, monitoring, and evaluating service contracts across divisions and departments.

5. County Direct Services

- A. Given the County's fiscal and statutory obligation for coverage of the Involuntary Commitment Process, the County should assume direct operation of this program.
- B. The County should assume direct operation for Dammasch State Hospital liaison functions which contribute to managing Multnomah County's bed utilization.
- C. Methods must be developed to monitor and evaluate the County's performance in these service capacities.

The task force believes these recommendations will improve and clarify the operations of the MED system. Members urge system participants to use the opportunities created by these recommendations to build a more effective MED system; and urge the Board of County Commissioners to encourage system participants to use the strategic planning process and the operations group as vehicles for addressing concerns.

These recommendations are a first step toward resolving some of the current issues impacting the MED system. Since the system is in a constant state of flux, it could benefit from a review of this nature every ten years.

The ultimate aim of the MED system is quality service to the consumer. As financial resources diminish, there is an intensified struggle for control over the limited dollars and authority to decide who receives service. The MED System Review Task Force hopes these recommendations can provide greater clarity for members of the system so their attention and efforts can be focused on service to clients.

BACKGROUND

On October 23, 1991 the Board of County Commissioners held an all day work session to learn about and discuss issues affecting the current operation of the Mental and Emotional Disabilities system. The need for this session arose from concerns raised by system participants about the system's structure and operation.

The concerns of community subcontract providers were articulated in a June 12, 1991 "Critical Issues" white paper to the Board of County Commissioners and a subsequent paper in September 1991. The County's MED Administration responded to the white paper, set forth the County's position, and further articulated the concerns between the administration and community subcontract providers. The concerns were based upon differing views concerning the authority, roles, and responsibilities of various organizations, and accessibility of services in the decade old decentralized service system.

Prior to the 1980's, for the most part, the County ran its own mental health program. In the early 1980's, following the introduction of David Lawrence's White Paper recommending the reorganization of the Department of Human Services and the decentralization of MED services, the community based quadrant system was developed. In today's decentralized system, there are six core service agencies that provide basic mental health services to the eligible priority one adult clients in their geographic areas. The County MED Program Office administers smaller contracts with an additional 30 agencies for specialized services.

According to the Lawrence paper, the role of the County, after 1980, was to assess community problems, identify response capabilities, monitor contracts, generate resources, and operate only those direct services that the office could provide "well and uniquely." Community subcontract providers were meant to assume responsibility for development, maintenance, and management of direct service delivery.

In order to have the time and flexibility necessary to develop quality programs, the core service providers were granted a seven year exemption from the request for proposal (RFP) process. This exemption expires June 30, 1994.

Adjusting to the decentralized system and to the community's changing mental health needs has placed a strain on the MED system. In order to address some of the issues of concern and to clarify roles and responsibilities within the system, the BCC recommended the development of a special task force during its October 23, 1991 meeting. The Chair of the BCC convened the MED System Review Task Force on November 20, 1991.

PROCESS

The initial meeting of the MED task force was convened by the County Chair in late November 1991. Task force members selected Dr. Joseph Gallegos to serve as Chair and Dr. Gerald Frey to serve as Co-chair. The task force operated on a fairly quick time line, returning to the BCC with recommendations in late April 1992.

In an attempt to understand the differing views which exist concerning the MED system, the task force requested interested participants to submit brief papers expressing their thoughts on how a revised service system should be structured following a prescribed format (see Appendix A.) In addition to the structured responses, participants included introductions or summaries which gave an overall description of the system they envisioned.

System participants were encouraged to work on their papers together with others who share the same viewpoint, and to freely involve consumers, advocates, community residents and others impacted directly or indirectly by the MED system.

The task force met for 2-3 hours weekly and for one full day retreat. During that time members:

- * Reviewed and discussed research regarding mental health systems nationwide as well as materials generated by and about the local MED system;
- * Reviewed the response papers received from members of the MED service system;
- * Solicited additional information by inviting various system participants representing the State, County, community subcontract provider agencies, consumers and advocates to several task force meetings to discuss:
 - The State's changing role in the MED system;
 - The County's relationship with the State and the community subcontract providers;
 - Consumer concerns; and
 - Issues such as authority, management, planning, and direct services;
- * Prepared a draft document of recommendations regarding the system and potential changes to the system;
- * Solicited psychiatric review of draft recommendations; and
- * Prepared the final recommendations for a presentation to the BCC.

SUMMARY OF WRITTEN INPUT

In early December, letters were sent to MED system participant groups inviting them to submit their thoughts on how a revised service system should be structured. (A copy of this letter can be found in Appendix A.) Requests were sent to community subcontract providers, hospitals, advocates, consumers, and the County MED Program Office. Nineteen responses were received from the following groups:

- * 11 community subcontract providers
- * 1 community subcontract provider board of directors
- * 2 hospitals (one of which represented the views of 2 additional hospitals)
- * 4 advocate/consumer groups and individuals
- * 1 County MED Program Office

(A list of these respondents can be found in Appendix B.)

Within the responses there was significant difference of opinion concerning the way the current system is operating. As well, there was clear disagreement concerning who decides who gets treatment. Overall, differences were about authority, roles, and responsibilities in the existing system. Amidst these differences, there was agreement about areas requiring clarification and improvement. These included:

- * Systemwide planning
- * Communications
- * Definitions of roles and lines of authority within the MED Program Office
- * Definition of the overall role of the MED Program Office
- * Planning, management, and distribution of scarce resources
- * RFP and contracting procedures
- * Monitoring requirements and reduction of duplicated requirements
- * The County's role in direct services
- * The role of and need for gatekeeping and managed care
- * The future impact of Measure 5, the Oregon Basic Health Plan, and the upcoming reorganization of the Department of Human Resources on the MED service system

The basis of the task force's recommendations stem from the need to set in motion the mechanisms to resolve these issues. (A detailed summary of these responses can be found in Appendix C.)

TRENDS

It is important to recognize the current trends within the MED system which could impact the future delivery of services in Multnomah County. Although change can create confusion, concerns can be minimized through a strategic planning process involving system participants working together to address, advocate, and assist in implementing desired changes. Listed below are four current trends which could dramatically restructure the MED system in Multnomah County.

Measure Five: Financial decisions made by the State as a result of the property tax limitation will have a direct impact on the availability of mental health resources. The most dramatic example of this impact is the pending reduction of additional state hospital beds. The MED Program Office will need to closely monitor proposed cuts, inform the BCC of their potential impact, and plan for their effect. Every effort should be made to sustain MED funding and to advocate for moderation in such cuts.

State Department of Human Resources Reorganization: Although the details of the proposed administrative restructuring of DHR are far from finalized, the State's interest in creating planning service districts, distributing funds to counties through block grants, and having counties assume responsibilities previously held by the State will have far reaching implications - both administratively and fiscally.

Oregon Basic Health Plan: While there is still question as to whether the federal government will grant the waiver necessary to implement the Oregon Basic Health Plan and further question as to when the priorities list of psychiatric disorders will be folded into the plan, thought must be given to the impact this would have on the MED system. Under such a model, treatment for certain disorders would be reimbursable while others would not. Aside from restructuring service priorities, this model would call into question current contract agreements since services would be reimbursable on a case by case basis rather than on a program basis.

Managed Care: This concept has been adopted in major U.S. cities and is gaining in popularity as we enter the 90's. Mental health professionals continue to define the term differently. While managed care is based upon the use of utilization reviews, some suggest that its purpose is to examine service costs in order to further reduce costs, and others believe its purpose is to improve services with the funds available. Regardless of the specific definition, the central notion of managed care involves the development and management of a comprehensive system of care which caters to the individual consumer, a system uniquely different from the one we currently have.

RECOMMENDATIONS

These recommendations are directed toward the full range of system participants: from the BCC to the individual consumer. Throughout this continuum, it is essential that each participant recognize their role in the system and the responsibilities and rights that their role confers.

These recommendations, for the most part, relate to the broad MED system. The programs for childrens mental health and adult mental health have become independent. In some areas they are operating, developing, and evolving along different programatic paths. However, the task force recommends that both programs adhere to the same continuity of policy, operation, and organization wherever possible.

Some of these recommendations restate roles and responsibilities that have been acknowledged and endorsed in the past. The purpose of stating them here is to emphasize their importance and to reassert the seriousness with which they should be regarded in the MED system.

1. Board Endorsements

In order to clarify lines of authority and emphasize priorities in the Multnomah County MED system, it is essential that the Board of County Commissioners endorse the following basic positions.

- 1A. The Board of County Commissioners is the local Mental Health Authority and must assume a leadership role.
- 1B. The Board of County Commissioners has the ultimate decision making authority and implements that authority through its Mental and Emotional Disabilities Program Office.
- 1C. The MED system should continue to operate in such a way that most client services are provided in a decentralized manner through community subcontract providers.
- 1D. Quality service to the consumer is the central goal of the MED system. Services must be accessible, appropriate, and culturally relevant.
- 1E. Consumers should be active participants in all levels of the service system: from treatment planning to strategic planning.
- 1F. Strategic planning is an essential element of the MED service system and must include the full range of system participants.

2. MED Administration and Program Office Roles

In order to improve understanding in the MED system, it is important to delineate the unique functions that the MED Administration and Program Office must provide to keep the system in operation.

- 2A. The MED Program Office should serve the following functions in the MED system:
- * Assess the needs of the MED population in Multnomah County;
 - * Coordinate systemwide planning;
 - * Develop, issue, and monitor contracts, and evaluate the MED system, efficiently and effectively;
 - * Provide technical assistance;
 - * Provide those direct services which require countywide continuity and those for which community providers are not available, capable, or willing to provide;
 - * Generate resources; and
 - * Advocate for the development of services for unserved populations.
- 2B. The MED Administration should evaluate and clarify staff roles and lines of authority to improve planning, coordination, and communication with community subcontract providers and the Board of County Commissioners.
- 2C. The MED Program Office and the MED Advisory Council should prepare an annual report which is presented to the Board of County Commissioners regarding:
- * System Advances,
 - * Ongoing Services,
 - * Service Objectives and Service Outcomes,
 - * Community Needs,
 - * Community Involvement in System Development, and
 - * Upcoming Trends.
- 2D. The MED Program Office should work with community subcontract providers to present an annual system update and receive feedback from consumers and community subcontract provider board members.

3. Coordinated Planning

Coordinated planning and structured communication among representatives of the MED system are critical to the successful operation of the MED system. Planning opportunities must be available to address not only long-term strategic issues but short term operational issues. Such planning efforts should involve the full range of interests in the MED system: from consumer to community subcontract provider.

While the MED Advisory Council and numerous review groups are currently affiliated with the MED Program Office, there is no single mechanism for a range of MED system participants to engage in planning. In the absence of such a mechanism there is little opportunity to identify agreed upon values, goals, and directions for the MED system. Such agreements should form the logical foundation of RFPs and contracts issued by the MED office.

- 3A. A systemwide strategic planning body should be established for the MED system by expanding the existing Mental and Emotional Disabilities Advisory Council. This committee should meet at least once a month.

Composition

The committee's new composition should be:

- * 3 consumers (1 of which should be a community subcontract staff person or board member)
- * 4 parents/advocates (1 of which should be a community subcontract staff person or board member)
- * 4 community subcontract providers including:
 - 2 core service agency representatives (board or staff)
 - 1 hospital representative
 - 1 non-core service agency representatives
- * 4 citizens (unaffiliated with community subcontract providers)
- * 2 law enforcement authorities:
 - 1 police department representative
 - 1 sheriff's department representative
- * 1 Housing Authority of Portland representative

The task force recommends that if and when a childrens MED planning group is developed, a representative of this group should serve on the MED Advisory Council.

Staffing

The MED Program Office should staff this committee.

Facilitation

The MED Program Office should secure an outside facilitator to direct these meetings on an ongoing and regularly scheduled basis. The committee should select a Chair to conduct committee business, chair the executive committee, and coordinate the development of the agenda.

Authority

The new MED Advisory Council will advise the MED Program Office and the Mental Health Advisory Committee.

Charge

As the MED system's strategic planning body, this committee should address the long term issues impacting the system.

Issues to address should include:

- * Development of a 5 year plan;
- * Development of an updated annual plan based on the 5 year plan;
- * Identification of changing needs of the target population;
- * Development of mechanisms to evaluate County services;
- * Evaluation of the ongoing need for the RFP;
- * Evaluation of the overall service system;
- * Review of the MED System Review Task Force recommendations two years following adoption; and
- * System responses to:
 - the Oregon Basic Health Plan,
 - continued cuts due to Measure 5,
 - the need for coordinated protective services, and
 - the growing trend toward managed care.

3B. The Board of County Commissioners should commit to providing ongoing funds to the MED Program Office for contracting with an independent facilitator skilled in mediation and strategic planning.

3C. An MED Operations Group should be established which meets monthly to address day-to-day problem issues of the MED Program Office and community subcontract providers. This committee should be structured so that any member of the MED service system is free to generate agenda items.

Composition

The committee's composition should be:

- * 3 MED staff
- * 3 community subcontract providers including:
 - 1 core service agency representative
 - 1 hospital representative
 - 1 non-core service agency representative
- * 1 advocate liaison from the MED Advisory Council.

Staffing

The MED Program Office should provide staffing for this committee.

Facilitation

The MED Program Office Manager should facilitate and chair this committee.

Authority

The Operations Group will advise the MED Program Manager and provide secondary advice to the MED Advisory Council.

Charge

This committee should serve as an ongoing problem solving group addressing administrative and procedural issues, and directing policy issues to the Strategic Planning Body.

Issues to address may include:

- * Creating flexibility in the RFP process;
- * Reducing duplication in monitoring and evaluation requirements;
- * Developing guidelines for contract amendment procedures; and
- * Addressing consumer access issues.

4. Contract Clarification

The contracts that exist between the MED Program Office and community subcontract providers are a valuable communication tool. Through legal agreement they should define roles and responsibilities and articulate expectations. Because contracts are a central element in the MED system, it is extremely important that the content of contracts be clear and explicit.

- 4A. RFPs should be issued every 3-6 years for services in the MED system.
- 4B. Contracts should spell out clear detailed performance standards, performance measurements, and outcomes that have been jointly agreed upon by the MED Program Office and the selected community subcontract provider. The basis for these expectations should be the system goals that are developed during the strategic planning process.
- 4C. Contracts should be finalized and distributed by the outset of the fiscal year.
- 4D. Each community subcontract provider should be assigned a single liaison from the adult MED Program Office who is responsible for facilitating and clarifying contract requirements for that agency.

While a single individual may not have all of the technical skills to monitor the fiscal and programmatic aspects of a contract, a single person can coordinate activities on behalf of the County, thereby improving communication between the MED Program Office and the community subcontract provider.

- 4E. A mutually agreed upon process for amending or modifying contracts must be developed and included in all contracts so that the rights and responsibilities of the respective parties are clear and explicit.
- 4F. A consistent method that reduces duplication of efforts must be developed for awarding, monitoring, and evaluating service contracts within the MED system and across other County Divisions.

Presently, processes for awarding and monitoring contracts can differ within the County. These methods differ further from those of other jurisdictions and other funding sources. Ultimately this results in cumbersome reporting for community subcontract provider agencies. Reduced duplication would enable community subcontract providers to devote greater attention to direct service delivery.

Efforts to reduce this duplication have begun on a program wide basis and should be integrated into the efforts of a proposed countywide contract review task force.

5. County Direct Services

As previously stated in the BCC endorsements, the County should continue to operate most client services in a decentralized manner through community subcontract providers. There are some services which the County should directly operate. These services fall into four categories:

- * Those for which the County must cover the cost, as mandated by State statute.
 - * Those which can uniquely be provided by a centralized administration,
 - * Those for which there is a potential loss of individual liberty, and
 - * Those which are deemed necessary but which community providers are not available, capable, or willing to provide.
- 5A. Given the County's fiscal and statutory obligation for coverage of the Involuntary Commitment Process, the County should assume direct operation of this program.

The involuntary commitment process is activated when a mentally ill individual is placed in public custody. Once the client is on an involuntary hold, a precommitment investigation is held to determine the subsequent placement needs of the client.

While a client is being held awaiting placement, the County covers the cost of the clients involuntary hospital hold. This involuntary hold is not only costly, it is also the entryway to the most expensive form of treatment - hospitalization.

Given the County's contractual liability for coverage of institutional care, it is in the County's interest to see that a client is placed in the least restrictive environment as soon as possible.

There is a clear need for centralized coordination, not only to reduce the duration and number of involuntary holds, but to serve as a central contact point for community members trying to access this complex system.

- 5B. The County should assume direct operation for Dammasch State Hospital liaison functions which contribute to managing Multnomah County's bed utilization.

The Dammasch Liaison function is critical as the link between the state hospital and the community. The liaison position coordinates the transition from the hospital and the associated discharge treatment planning. Currently this function is managed by four core service agencies who assume responsibility for clients residing within their geographic areas. Contractual liability for the costs associated with the number of Multnomah County residents who enter Dammasch State Hospital nevertheless resides with the County.

Essentially, the role of the liaison is to gatekeep the state hospital system, advocate for the client entering the community, and access community based services. While current liaisons coordinate discharge for those clients that their quadrant is able to serve, the lack of centralized coordination leaves some individuals unserved. The current configuration also leaves no single agent accountable for the size of the Multnomah County hospital population.

Toward the end of 1991 and continuing into calendar year 1992, the County has sent staff into Dammasch State Hospital to conduct concurrent case reviews and to speak with consumers. The MED Program Office has recently begun a process of out-stationing a Care Management Coordinator at Dammasch State Hospital two to three days a week to facilitate transition and treatment planning. The County's assumption of this direct responsibility is similar to what is already being done by other large counties in this state.

- 5C. Methods must be developed to monitor and evaluate the County's performance in these service capacities.

This may be done through the proposed strategic planning group or through another, independent, organization. Under any circumstance, it is important to maintain standards for monitoring across all programs.

A P P E N D I C E S



GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-3308

APPENDIX A

LETTERS TO SYSTEM PARTICIPANTS INVITING RESPONSES

November 18, 1991

XXXXXX
XXXXXX
XXXXXX

Dear xxxxxxx:

After much consideration, a format has been developed to address the MED system concerns. A task force will be convened this week consisting of seven individuals representing a culturally diverse cross-section of our community who are not affiliated with the MED system.

The task force will operate on a quick timeline, with plans to convene in late November and return to the Board of County Commissioners with recommendations by early March.

Once convened, the task force will solicit written input from MED system participants. These responses will reflect viewpoints about the future structure of the MED system. Responses will be due back to the task force by mid to late December. Members will review this material, gather additional information as needed, and make recommendations to the Board of County Commissioners by the beginning of March.

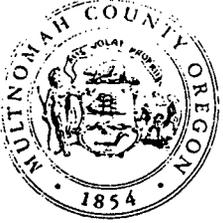
You will receive further information about the process and the role we would like you to play in the ensuing weeks.

While I realize there is a great deal of anxiety among the members of the MED service system concerning this process, I feel certain we can strengthen the system and better serve the consumers by clarifying some matters. To this end, I urge your continued involvement in this process.

Sincerely,

Gladys McCoy
Multnomah County Chair

GM:km



GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-3308

November 29, 1991

XXXXXX
XXXXXX
XXXXXX

Dear xxxxxx:

The MED System Review Task Force has convened to review and address the MED system concerns. A process has been developed to solicit input from interested system participants.

The task force invites your participation. Please consider the enclosed material. If you are interested in responding, follow the procedure as outlined and submit your written responses by January 13, 1992.

Thank you for considering this matter.

Sincerely,

Kathy Millard
Staff Assistant

A PROCESS TO DEFINE POLICY AND OPERATIONS
FOR A HEALTHY MED SYSTEM

Introduction

On October 23rd the Board of County Commissioners (BCC) convened an all day work session to learn about and discuss the issues affecting the current operation of the MED system. As an outcome of the day's discussions, the Board recommended that the Chair's office appoint and convene a task force that will examine MED issues in greater depth.

To achieve that goal, a task force has been convened which will use MED system participants as resources. Though the composition of this task force and its procedure for addressing the MED system's issues differs from the ideas proposed by the BCC during the work session, this process attempts to address and resolve the uncertainties that remain.

Task Force Composition

The task force consists of 7 individuals representing a culturally diverse cross-section of our community who are knowledgeable, but not principally affiliated with the MED system. They are:

1. Jerry Frey, Ph.D., School of Social Work, Portland State Univ.
2. Anne Kelly Feeney, Executive Director, Loaves & Fishes
3. Joe Gallegos, Ph.D., Head of Social Services, Univ. of Portland
4. Lititia Kirk, MSW, Psycho-therapist/Private Practice
5. James Mason, ABD, Regional Research Institute, Ptld. State Univ.
6. Linda Reilly, Mental Health Advisory Committee, Citizen Member
7. Chareundi Van-Si, MSW, LCSW, Children's Services Division

The office of the County Chair convened the initial meeting of this group. Joe Gallegos was selected Chair and Jerry Frey, Co-chair by members of the task force.

Task Force Staffing

The task force will be staffed by two Multnomah County board staff assistants - Kathy Millard, Office of the County Chair, Commissioner Gladys McCoy and Karen Belsey, Office of County Commissioner Rick Bauman.

Task Force Timeline

The task force will operate on a quick timeline, convening in late November and returning to the BCC with recommendations by the beginning of March.

Task Force Scope

At the meeting of the 23rd, it became clear that there are important questions about policy implementation, with a major focus of the attention on 1) the roles and responsibilities of the system players which includes MED administration and the non-profit provider organizations, and 2) the manner in which policy is put into practice.

Task Force Charge

The task force must understand the differing views which exist concerning the MED system. Therefore, the task force requests interested participants to submit brief papers expressing their thoughts on how a revised service system should be structured following the format given in the "Written Response" section below. Upon receipt, the task force members will:

- review the response papers received from members of the MED service system,
- solicit input from respondents when necessary,
- seek additional information about the ideas expressed within the proposals if necessary, and
- bring recommendations regarding the system and potential changes to the system before the BCC for approval.

Written Response

The task force is requesting brief response papers which give an overview of how roles and responsibilities should be structured in a revised service system for persons with mental and emotional disabilities. Statements which give full scale operational plans are not being solicited. Responses should be:

- direct references to the goals and related practical issues listed on page 4 of this document,
- limited to one page per goal/practical issue,
- written using the attached response form (last page,) and
- written using the response format outlined below.

Format:

GOAL: State the goal that is being addressed.

PRACTICAL ISSUE:

State the practical issue related to this goal.

ROLES AND RESPONSIBILITIES:

- State viewpoint on how roles and responsibilities should be structured within a revised service system to achieve the above stated goal and address the practical issue.

POTENTIAL CONFLICTS:

- State the issues which may arise if these revisions are undertaken and the points for concern.

The following example of a Community Corrections issue further illustrates how members of the MED service system should format responses.

Example:

GOAL: Consistent, coordinated management of probationers and parolees residing in Multnomah County.

PRACTICAL ISSUE:

Cost containment, management authority & local accountability

ROLES & RESPONSIBILITIES:

- Transfer State parole and probation officers to the County's Department of Community Corrections (DCC.)
- Develop a case management system that coordinates the efforts of State and County parole officers, local agencies and other public safety officials.
- Combine the operations of community supervision with client intake, evaluation and referral to services.
- Provide integrated evaluation of treatment and supervision outcomes.
- Make the provision of community corrections services more accountable to local government policy makers and citizen advisory bodies.

POTENTIAL CONFLICTS:

- Potential loss of identity for State parole and probation officers transferred to the County.
- Potential diminished sense of freedom and flexibility for State parole and probation officers due to increased management and coordination by the DCC.
- Loss of State control and authority over some parole and probation activities may cause communication problems between DCC and State over who wants to do what.
- Potential competition for general fund resources between the DCC and other County departments because the transfer of parole and probation officers from the State makes the DCC larger and its needs greater.
- Potential morale problems and stress in the DCC due to the impact of change as employees adopt new and different systems.
- Adapting from a system of maintenance to more aggressive service delivery, i.e. rehabilitation service delivery vs. direct supervision, may be problematic as change occurs.

The following list of goals and practical issues have been compiled by Board staff from papers and testimony submitted to the BCC by MED system participants:

MED Goals and Practical Issues:

1. GOAL: Effective working relationship between MED administration and community-based non-profit agencies and hospitals.
PRACTICAL ISSUE:
Authority over planning
2. GOAL: Blended service delivery system.
PRACTICAL ISSUE:
Direct vs. indirect services by County
3. GOAL: Quality service - as it relates to both consumer satisfaction and service outcome.
PRACTICAL ISSUE:
Quality assurance
4. GOAL: Effective use of limited resources - both \$ and hospital beds.
PRACTICAL ISSUES:
Cost Containment & resource management
5. GOAL: Accountability for use of public funds - both for direct services and administrative costs.
PRACTICAL ISSUES:
Cost containment & reduced administrative duplication
6. GOAL: Equitable access and treatment for priority populations presenting similiar needs throughout the County.
PRACTICAL ISSUE:
Resource management
7. GOAL: Protection of community through system management.
PRACTICAL ISSUE:
Management authority (e.g., involuntary commitments, crisis management and emergency hospitalization)
8. GOAL: Fair and open fund allocation process.
PRACTICAL ISSUE:
RFP process
9. GOAL: Clear communication and support between MED administration and direct service providers that facilitates service delivery.
PRACTICAL ISSUE:
Information sharing
10. GOAL: System flexibility that accomodates changing community needs and changing funding mechanisms.
PRACTICAL ISSUE:
Upcoming OHI and State block grant

Additional Information

In addition to these structured responses, participants are also invited to include one to two pages of introduction or summary, which gives an overall description of the system envisioned and recommended on the response forms.

Length of response paper, including one page per goal/practical issue (10 pages maximum) and one or two pages of introduction or summary (2 pages maximum), should be no more than twelve pages.

Wherever possible, system participants who share the same viewpoint are encouraged to work together on their statements. They should feel free to involve consumers, advocates, community residents or others impacted directly or indirectly by the MED system.

If you have any questions about the response papers, call Kathy Millard, Staff Assistant, Office of Commissioner Gladys McCoy, 248-3308.

Response papers should be submitted no later than 4:00 p.m. on Monday, January 13, 1992 to:

Kathy Millard, Staff Assistant
Office of the County Chair
1120 S.W. Fifth Avenue, 14th Floor
Portland, Oregon 97204

MED SYSTEM REVIEW RESPONSE FORM

GOAL:

PRACTICAL ISSUE(S):

ROLES & RESPONSIBILITIES:

POTENTIAL CONFLICTS:

Name of respondent(s)

Return to:
Kathy Millard, Staff Asst.
Office of the County Chair
1120 S.W. 5th Ave., 14th Fl.
Portland, Oregon 97204

APPENDIX B

LIST OF RESPONDENTS

Albertina Kerr Centers - Christopher Krenk
Citizen Advocate - Arlene Wood
Citizen Advocate - Doug Montgomery
CODA, Inc. - Ann Uhler
Delauney Mental Health Center - Delores Morgan
Delauney Mental Health Center Board - Mark Williams
Garlington Center-N/NE Community Mental Health, Inc. - Liam Callan
Holladay Park Medical Center - Judy Estes Smith
Hoodview/Mt. Scott - Dennis Murphy
Mental Health Association of Oregon - Nellie Fox Edwards
Mental Health Services West - June Dunn
Metro Crisis Line - Laura Jeibmann
Morrison Center, Youth and Family Services - Orin Bolstad
Mt. Hood Community Mental Health Center - Roderick Calkins
Multnomah County Social Services Division - Rex Surface & Gary Smith
Oregon Consumer's Network, Inc. - Mary Byrkit
Oregon Health Sciences University - Dr. Joe Bloom
Portland Adventist Medical Center - Ed Cochrane
Providence Day Treatment Center - Sandi Carter
Ryles Center For Evaluation and Treatment - Maxine Stone
Southeast Mental Health Network, Inc. - John Parker

APPENDIX C

SUMMARY OF RESPONSES

(Numbers in parenthesis indicate number of responses received which made same point. Although some items are composites of individual responses, for the most part, the following responses reflect actual language used.)

Planning

County should play a more proactive and effective role in planning to create equitable access and treatment.

There should be processes to ensure all parties have a stake in system and meaningful participation.

County and providers need to develop a common mission and goals. (2)

There should be a cooperative process between County and providers including collaborative planning. (4)

Planning and decision making should involve consumers and advocates at both the County and provider level. (4)

Providers serving "children only" have a lesser role in planning and decision making than those who serve adult clients.

County should have collaborative relationship with providers while retaining ultimate authority in defined areas.

County should facilitate problem solving.

County should institute strategic planning process including policy review and prioritization which includes all mental health system players. (5)

A management expert with knowledge about mental health systems should be brought in for the planning process. (3)

County should work with justice system to address needs of incarcerated mentally ill.

County should prioritize services to children and youth along with services to adults.

Oregon legislature supports planning which continues the process of investing in community based care.

Administration

The County administration costs are redundant and excessive. (2)

Issues of control including imposing control on providers are primary with the County. (2)

The County represents an unnecessary extra layer of administration between the non-profits and the State.

The County needs leadership skilled in building coalitions.

The County administration is a hindrance to delivery of quality residential services.

Minimizing administrative functions for providers translates into increased dollars for direct service.

The County MED should be the final authority in the mental health system.

MED leadership is needed to acquire maximum resources for Multnomah County from the State. (2)

MED leaders must work with providers, not against them. Current relationship between SSD and contractors is adversarial.

County leadership is chaotic.

Focus is on fiscal monitoring.

There is a need for increased authority and service provision by County MED staff.

Let managers manage with clear guidelines, accountability with performance measures, and organizational flexibility.

The executive-administrative staff-advisory boards of the quadrants are duplicative ... unification would save dollars.

Multnomah County needs accountability at one source, one place where the buck stops.

Identify overlapping administrative areas to determine administrative/service duplication. Determine whether private or public sector is best suited to combine functions.

MED should educate public about mental health care, serve as advocate for the mentally ill.

BCC must clarify policy, give accurate directions to its staff and support their decision-making process.

County should establish a strong, central coordinating system.

County should reserve to itself the role of system management including planning, contracting, payments, monitoring, some licensing functions, data management, and managed care.

Communications

Concern has been expressed over the elimination of the monthly provider meeting as not being a way to encourage good communications. (3)

County changes policy without input from community subcontract providers.

Contradictory messages/directions are received from contract office, SSD, and MED office.

Decisions are announced or written into contracts by County that are contrary to prior assumed consensus, or are made and later rescinded without input. (3)

County chain of command is diffuse, not clear.

Communication is poor between the County's fiscal and clinical/program staff. (2)

There is poor communication between treating physicians and County's billing department. Too many bills are being denied.

Agreed upon training and procedures to be developed have not materialized.

Communications from the County are confusing as are messages sent through the County from the State. (3)

Communication within SSD is so slow that deadlines and opportunities are missed.

Contractors have aired grievances directly to BCC in an attempt to circumvent MED administration.

Lack of cooperation among quadrant agencies in Multnomah County leads to consumers not being served.

There should be a regular schedule for contractors and top level administrators to meet and resolve differences. If impasse, call in mediator with full power to resolve.

There is a need for communications by formal and informal means with all system players including contractors, consumers, potential providers, families, advocates, police, neighborhood organizations, and related social service providers.

Conflict often occurs when input has been respectfully considered, but a decision is made contrary to input.

RFP Process and Contracting

RFP process is costly, destabilizing, and inherently unfair. (2)

RFP process is cumbersome, tedious, time consuming, drawn out, ineffective. (4)

RFP process is unfair if County is provider of direct services.

Contracting process is weak, not timely, does not reflect desired outcomes.

County needs to define what it wants and what is fair funding level to attract providers.

RFP is a formality which slows down contracting process and causes uncertainty amongst provider agencies.

County refuses to submit its own contracts to RFP process.

Agencies which have contract funds should be offered some security to facilitate planning, staff retention, etc.

New services should not be put in place using funding already allocated to existing services.

RFP criteria must be clear and meaningful.

Dollars are allocated without due process; rules changed midstream.

Contracts received within a day or two of return deadline; not timely.

RFP process is valid mechanism for fund allocation. Application of process is fraught with poor communication, condensed timelines.

RFP process is an every five year threat. Contract monitoring should suffice.

State should contract directly with quadrant agencies and eliminate County layer of administration.

Enormously costly, should only be used when there is new money available.

Annual County compliance review should not duplicate information provided by federally required audits.

Effective service providers should receive funds without costly disruption while allowing into the system potential providers who could broaden scope of services.

Streamline paperwork demands of RFP process.

Monitoring

Providers have in place their own monitoring systems which are sufficient. County duplicates monitoring. (4)

The County has increased case management. Providers fear micro-management. (2)

The State also oversees provider agencies. Both State and County should not be involved in same monitoring process. (2)

County is not clear on desired outcomes.

County gets % of contract for administration but requires subcontractor to pay for audits and reports.

County unclear about utilization review goals - needs to have consulting psychiatrist's input to appropriateness of decisions regarding utilization procedures.

County should construct effective oversight mechanism to allow them to identify and correct problems.

Consumer feedback should come from consumers residing in area particular agency covers and be specific to that agency. (2)

Even state licensed psychologists are required by County to have review of qualifications.

Fiscal monitoring by the County is necessary. Clinical monitoring inappropriate. Best kept at the local level.

Fewer than half of the treatment plans have any reference to education or vocational goals, or to financial planning needs.

County should require subcontractors to develop and review more comprehensive treatment plans, providing advocacy services for consumers.

MED should enforce clinical and administrative standards of performance.

County should insure equal availability of services across County.

Peer review across providers might require less time from County staff and benefit participants.

Role Definition and Lines of Authority

There is a need for clarification of roles. It is unclear who has responsibility for specific activities and has decision-making authority. (8)

It is unclear who is the final decision maker for fiscal and clinical issues ... no one to make the binding decision.

A better definition of the relationship between hospitals and quadrant mental health centers is needed to enhance coordination.

Identify County strengths and provider strengths to define roles.

Direct Services

Direct services by County are more costly than contracting.

County has been hiring staff with degrees in service delivery, not planning and administration. Blended system not agreed upon. (2)

Children's services were expanded without RFP's. County has slowly begun to provide direct services without a planning process. (2)

If County provides direct services, who will monitor? (2)

County should restrict itself to administrative and evaluative functions. County should be the provider of last resort. (7)

County should stay out of direct services or take back all services.

County could be guilty of "creaming" if allowed to do direct services.

County should provide direct service for precommitment investigations and hospital discharge planning.

County should provide direct services:

If they are cost effective.

If there is potential loss of individual liberty.

When consumers cannot or do not get what they need.

County should determine if after hours crisis, respite services, hospital liaison services could be handled in a consolidated manner.

County-wide Continuity, Gatekeeping, and Managed Care

The system is in need of central management.

The quadrant agencies should be able to hospitalize directly without County approval per or post hospitalization.

Consumers should have access to case management.

Case management should be available for high-risk clients.

There should be strong County control in allocating scarce resources.

Emergency, after hours, and weekend responses should be documented and services needed allocated equitably throughout the region.

Multnomah County needs a unified system to control ADP at State hospitals.

County staff need to have more central role in gatekeeping functions, e.g. involuntary commitment investigations, hospital admissions, discharge, protective services and assigning consumers to service and monitoring service.

The issue is gatekeeping; who will receive which services. The County should perform this function.

State hospital liaison should be provided by the central mental health authority.

The mental health authority should assign service providers once a patient is identified for discharge planning.

Acute care system needs centralized care management.

Effects of Measure 5, Oregon Health Plan, DHR Reorganization

These unknowns may affect planning and delivery of mental health services. Where will managed care be managed?

Without knowing more about these plans, it may not be a good time to contemplate changes in the MED system. (2)

More layers of government bureaucracy could be created.

Use Of Resources

The emergency holds and hospital beds are an issue between the County and the hospitals.

County employees are paid higher salaries so County is able to employ the most qualified staff through unfair competition.

If funds are limited, do not lessen the quality of treatment to the few in order to serve the masses a little.

County should develop standards for percent administrative overhead and productivity. (2)

Focus on fiscal advocacy to maximize State and federal funds available to consumers.

"Turf wars" among agencies result in poor allocation of resources.

Service providers want to continue business as usual despite needing to work together to minimize effects of monetary cuts.

Review consumers' need for restrictive or high cost services.

Require assignment of case manager for all persons ready to leave State hospital.

There will always be more individuals in need of services than funding will allow.

APPENDIX D

DOCUMENTS REVIEWED BY THE MED SYSTEM REVIEW TASK FORCE

Publications

- Psychosocial Rehabilitation Journal, Volume 12, #3. 1989. pp. 41-53.
"Implementing a Community Support System in an Urban Setting".
- Care of the Seriously Mentally Ill; A Rating of State Programs. 1990.
pp. 88-90.
- Hospital and Community Psychiatry, Volume 41, #11. November, 1990:
"Robert Wood Johnson Foundation Program On Chronic Mental
Illness: An Overview", pp. 1212-1216.
"Design for the National Evaluation of the RWJ Foundation
Program on Chronic Mental Illness", pp. 1217-1221.
"Form and Function of Mental Health Authorities at RWJ Foundation
Program Sites: Preliminary Observations", pp. 1222-1230.
- Select articles from RWJ InSites Journal:
"Consumer Driven Programs Gain Momentum", March/April, 1991.
"Cincinnati Introduces a Managed Care System", May/June, 1991.
"Changing Incentives in the Ohio Mental Health System",
August/September, 1991.

Multnomah County MED System Materials

- David Lawrence White Paper, 1980.
- Paul Ahr Report to the State Mental Health Division Director, 1/7/87.
- 1991-1993 Intergovernmental Agreement between State of Oregon and
Multnomah County #26-001, 5/10/91 for Community Mental Health
Services.
- Critical Issues White Paper prepared for the BCC by the Board of
Directors and Staff of Eight Community Mental Health Providers,
6/13/91.
- Response Paper, 9/23/91, from the Executive Directors of Eight
Community Health Agencies to Gary Smith's 6/17/91 Mental Health
Assessment Memo.
- Information packet distributed for 10/23/91 special session of the
Board of County Commissioners including:
History of Contracting in Human Services, Gerald Frey, 1991.
Comments of Barry Kast, State Mental Health Division.
- State memo regarding Questions, Issues, and Concerns about the
Multnomah County Acute Care System, 11/29/91 with accompanying
letter to Multnomah County Chair, 12/13/91.
- State Review of Multnomah County Non-residential Adult Mental Health
Services, 12/2/91.

Multnomah County MED Administration Materials

Memo from Gary Smith, Social Services Division (SSD), to Kathy Busse, 5/28/87, RE: Request for RFP exemption for Six Core Agencies.

Memo from Kathy Busse, Purchasing Director, to BCC, 6/1/87, RE: Exemption from Competitive RFP Process for Six Core Agencies.

Initial Multnomah County Crisis/Acute Care Plan, 3/12/90.

Multnomah County Crisis/Acute Care Plan, 5/8/90.

'89-91 Biennial Implementation Plan Addendum for Acute Care and the NIMH Grant.

Memo from Gary Smith, SSD, 6/17/91, RE: Mental Health Services Assessment.

Contract between Multnomah County and Mental Health Services West, 7/1/91.

Child and Adolescent Planning Group Recommendation to the Multnomah Board of County Commissioners, September, 1991.

Testimony to the BCC by Gary Smith, SSD, 10/23/91.

Questionnaire sent to MED community subcontract providers, RE: '91-93 MED Biennial Implementation Plan.

Multnomah County '91-93 Draft MED Biennial Implementation Plan.

Multnomah County MED Program Office response to the State's Acute Care System Concerns memo, 2/13/92.

Flow of Mental Health Funds diagrams developed by MED Program Office for MED System Review Task Force.

Correspondence

Letter from Sandra Meicher, Klamath County Mental Health Department Director, to Gary Smith, SSD, 7/11/91.

Letter from Ed Washington to Commissioner McCoy 11/18/91, RE: MHAC representation on MED System Review Task Force.

Letter from Dr. David Cutler, Oregon Health Sciences University, to Kathy Millard 12/11/91, 1/8/92, and 2/4/92, RE: Psychiatric representation on MED System Review Task Force.

Letter from Kathy Millard to Dr. Cutler 1/15/92, RE: Psychiatric input in task force process.

Letter from Mary Byrkit to Commissioner McCoy 12/13/91, RE: Consumer representation on MED System Review Task Force.

Letter from Kathy Millard to Mary Byrkit 1/3/92, RE: Consumer input in task force process.

Letter from June Dunn to Commissioner McCoy 1/31/92, RE: AMI newsletter.

Letter from Liam Callan to Joe Gallegos 3/17/92, RE: MED Task Force activities.

Letter from Kathy Millard to Dr. Stanley Sturgess 3/24/92, RE: Psychiatric input in task force process.

APPENDIX E

GLOSSARY

Terms

Acute Care System: A group of integrated, intense services that attend to the needs of individuals who are at risk of doing harm to themselves or others. Service components of the Multnomah County Acute Care System include: Metro Crisis and Transport, Ryles Center for Evaluation and Treatment, crisis respite beds, crisis and precommitment services, Community Treatment Services for Acute Care, emergency room services, emergency hold beds, and Dammasch State Hospital.

Advocates: People who actively support the cause of an individual (case advocacy) or group (class advocacy). Advocates often intervene in the service system on behalf of an individual or group to assure the best possible services are provided and obtained.

Case Management: The arrangement and delivery of coordinated services for individual clients.

Community Subcontract Provider: An agency which provides medical supervision, psychotherapy, and other services to people with emotional disorders.

Consumer: A person who seeks or receives mental health treatment services.

Core Service Agencies: S.E. Mental Health Network, Mental Health Services West, Garlington Center-N/NE Community Mental Health Center, Mt. Hood Community Mental Health Center, Delauney Mental Health Center, and Center for Community Mental Health.

Involuntary Commitment Process: Process by which a person who is allegedly mentally ill is involuntarily held, assessed for the severity of their crisis, and evaluated for their need to have a commitment hearing.

Managed Care: Authorization of services following evaluation of client needs. This utilization review is a control mechanism to ensure that clients receive services which are appropriate to their condition at the level which is most cost effective.

MED Administration: Also known as Social Services Division. Manages the State and Federally funded Mental Health Grant for MED, Alcohol and Drug, and Developmental Disabilities Program Office. Administration provides overall coordination and policy development including fiscal, contract process oversight, and internal County budget control. The Division Director is designated by the County Chair as the Mental Health Director of the Community Mental Health Program described in ORS 430.630. The statutorily mandated advisory group is the Mental Health Advisory Committee which represents the constituencies of all three mental health population groups.

MED Program Office: Manages the Multnomah County publicly funded mental health system including assessment of community needs, coordination of planning, management of contracts, provision of technical assistance, provision of specific direct mental health services, and advocacy/service development for unserved populations. The advisory group is the MED Advisory Council.

Priority One Clients: Individuals assessed by mental health professionals who are:

- * At immediate risk of hospitalization for the treatment of mental or emotional disturbances,
- * In need of continuing services to avoid hospitalization, or
- * Posing a hazard to the health and safety of themselves or others. (As defined in ORS 430.675)

Quadrant System: Service system designed to distribute services to clients according to geographic catchment areas.

System Participants: MED administration and program office, hospitals, community subcontract providers and their board of directors, consumers, families, and advocates.

Acronyms

BCC: Board of County Commissioners

DHR: Department of Human Resources (State of Oregon)

ICP: Involuntary Commitment Process

MED: Mental and Emotional Disabilities

NIMH: National Institute of Mental Health

RFP: Request for Proposals

RWJ: Robert Wood Johnson Foundation

SSD: Social Services Division



MEMORANDUM

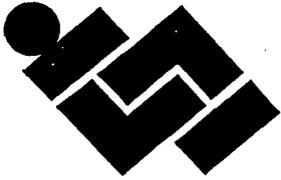
TO: Rex Surface
FROM: Leslie Ford
DATE: May 20, 1992
SUBJ: ICP Data

A. DHS Liaison Role

1. Addendum to Job Description attached (folded into Crisis Clinician Description)
2. .5 FTE devoted to job
3. Salary range for liaison position ; level 18 beginning range \$20,836 - 22,972.
4. Enclosed. *Note: not updated since inception of Transitional Services team. Currently all DSH and Ryles Center clients are picked up immediately by the Transitional Services team.
5. Impact:
 - a. POSITIVE
 - (1) County Staff may be able to access D & A, D.D., and other resource systems better. May be able to move across country and quadrant boundaries more easily.
 - b. NEGATIVE
 - (1) More formal system runs risk of bureaucratic barriers to tx = some loss of continuity and coordinating, currently liaison has lots of contact and is part of team of transitional services.
 - (2) Loss of information - liaison is important source of clinical information to clinical staff (both Rehabilitation and crisis services)
 - (3) Many of the clients at DSH are known to clinic so it facilitates disposition planning.

B. ICP Role

1. Folded into Crisis Team job description
 - a. Investigator level 18; starting range 20,836 - 22,972
 - b. Coordinator level 20; starting range 22,972 - 25,327
2. 2 FTE doing ICP
3. Enclosed
4. Enclosed
5. Enclosed
6. No written procedures. Use liberal communication with hospital staff involved in case.
7. Already forwarded
8. All of points listed above in A5. In addition:
 - a. POSITIVE
 - (1) May be able to coordinate and supervise court system and examiners better.
 - (2) Distribution of cases no longer an issue.
 - (3) Liability issue is fairly neutral since statute offers protection liability issue much more of a concern around client discharge from treatment.
 - b. NEGATIVE
 - (1) Diversion of appropriate clients into crisis services will require transfer between agencies, extra steps often lose clients, eg. ICP worker will no longer be able to see client in hospital and see them the next morning.
 - (2) The ICP program encompasses many roles that support the actual investigation. These include 2 party screenings that turn into crisis services (or vice versa), after hours work that turns into 2 party's the next day, support for the diversion and transition into other services, etc. The current allocation the county is proposing to draw back will erode other ICP/Crisis functions that are currently available to the public. There will be a loss of services.



Mental Health Services West

710 S.W. Second Avenue
Portland, Oregon 97204-3199

503 / 228-0373 • Information, Crisis & Commitment, Volunteer/Compeer
503 / 228-7134 • Community Support Services
503 / 273-8433 • Administration
503 / 228-1804 • Children's Program

Executive Director: June Dunn
Associate Director
Kristin Angell
Director of Medical Services
David Pollack, M.D.

April 23, 1992

TO: Board of County Commissioners

**FROM: Claudia Krueger, M.S.
Community Support Program Manager**

**RE: MENTAL/EMOTIONAL DISABILITIES SYSTEM REVIEW TASK
FORCE REPORT**

I am writing to express my concerns regarding a specific recommendation contained in the MED System Review Task Force Report: that of transferring the Dammasch Liaison positions from community programs to direct County operation. I was very surprised to see this level of specificity included in the recommendations, having understood the question at hand to be if the County should provide any direct services currently being provided by the community. Had I been aware that the Dammasch Liaison positions were under active consideration, I would have provided input to you regarding their function during the Task Force process.

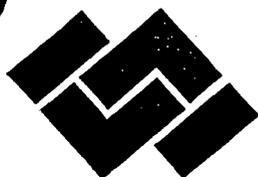
I understand that part of the rationale for recommending moving these positions was that they functioned as "gatekeepers" which is being increasingly viewed by some as a County function. The manner in which this agency utilizes the Dammasch Liaison is far beyond that of a gatekeeper; he acts as an integral part of our clinical treatment team in assessing patient's needs and listening to their goals in order to effectively develop a treatment plan which will return them to the community and link them with a case manager who is best suited to work with them. Through the Liaison, the community program is able to keep abreast of admissions and discharges, and understand on a client-by-client level the complexities of managing the Average Daily Population (ADP). This position is not a number-counter, nor a traffic controller, but a clinical position that is relied upon to perform mental health assessments, contribute to treatment plans, and provide clinical services to people who are in the process of transitioning to the community. In short, it is a position which our program needs, and will continue to need, regardless of moves by the County.

At a time when the entire system is looking for ways of increasing efficiency and effectiveness, it is surprising to me that the County would consider taking over a function that is being provided adequately by the community. In discussions over

the past week, I have heard remarks indicating displeasure by the County over specific performance outcomes of the Liaisons. These specific charges have never been raised with program supervisors, and I would suggest that if there were specific performance problems observed by County staff, that the appropriate manner of dealing with them is by contacting the supervisors, and clarifying expected performance standards and not by eradicating the entire program. It is also deeply disturbing to me that community (Liaison) staff have been approached by County staff regarding future job prospects, with the implication that the County salary and benefit package would be better than currently offered by the non-profits. These actions are deeply divisive in a system which is already strained, and points to very questionable leadership.

In my opinion, the movement of these positions is not necessary to the management of ADP. Additionally, it will cost more money to employ staff at County wages and benefits, and would also necessitate the addition of supervisory staff qualified to provide clinical supervision to these positions. Communities will continue to need staff to perform the clinical linkage function as I described earlier, and we will then be in a position of creating a system which has known duplication built into it. Such a move is contrary to the best interest of the system and our consumer. In closing, I would like to suggest that no service change should be agreed upon until an open, facilitated planning process (as recommended in the report) actually does occur. Thank you for the opportunity to express my position.

CK:dk
Commis.Ltr



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Kristin Angell
Director of Medical Services
David Pollack, M.D.

May 22, 1992

Rex Surface
MED Program Manager
MED Program Office
426 S. W. Stark, 6th Floor
Portland, OR 97204

Dear Rex:

I am enclosing the requested information regarding the Involuntary Commitment Program and the Dammasch Liaison position.

In addition, I would like to take your request for information as an opportunity to express my opposition to the implementation plan process. This very short timeline does not offer the opportunity for in-depth consideration of the impact of changes upon other programs. In fact, we are unable to give you our assessment of the service reductions that will occur because we have no idea what your plan is. We do not know how many of our employees you intend to offer employment to, nor do we know whether our employees will accept that employment. We do not know the amount of money that will be withdrawn from our contracts. The suggested amount at the last Thursday meeting was not at all consistent with the specific (limited to involuntary commitment investigations) approach suggested by the County.

In terms of the impact upon services, it is clear to us that there will be duplication of effort. Anytime there is duplication, there will be additional costs. It is also true that when there is duplication, clients frequently receive uneven or unconnected services. This violates an important concept of continuity of care. The impact upon the employees to be transferred and the employees left behind have not been discussed in this scenario. The employees at my agency would prefer to stay here; however, they are willing to consider the job at the County, particularly if the salary and benefits are better. Two of the employees indicate that the job will not be as interesting. They like the blend of services and do not wish to do ICP exclusively, although if they had to choose between that and no job at all, they obviously would accept an involuntary commitment job. The loss of three positions on our Crisis Team is a personal loss to the employees on that team. They are very upset about the changes that will mean in the team structure, the added complexity to their work in not having easy access to the involuntary commitment process. They also resent the possibility that this change will mean salary and benefit improvement for some staff, but not for them. When we know exact plans, we will be able to give you more information about how this team sees the impact on their work.

Rex Surface
May 22, 1992

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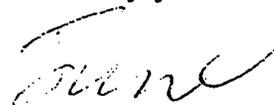
I think it is important to note that in no other situation I know of is involuntary commitment separated from the service provider. In all other counties, the county is the service provider, and in fact, when involuntary commitment was operated by Multnomah County ten years ago, the County was also operating the mental health clinics, and the involuntary commitment investigators were attached to those four clinics.

Overhead Costs. Our facility is rented and we are on a long-term lease. The space costs will not go away, even though we lose this staff. In fact, when the County discovers that the service operates in close conjunction with programs, the County may want to consider renting offices from us so that the ICP staff could be in close proximity to service providers.

The impact upon our service delivery system for philosophically shifting to considering the County the front door to our services is great. It seems unfair to push such a major change in the system forward in a period of three weeks. Impacts cannot be adequately described in such a short time. We know we are also facing enormous cutbacks in the next year because of Measure 5. All of this was happening while we were trying to increase service as per the request of the County to see more services delivered to a larger number of clients. We have made major commitments for increased space leases already signed in order to provide these additional services, and now fear that we have put the agency on very shaky ground with the planned cutbacks, and the removal of the ICP and Liaison positions. The removal of this program only surfaced in April. To push forward to implementation defies the use of a good planning process. The document also tried to emphasize the need of an adequate and thorough planning process. Therefore, in my opinion, this process defies the document itself.

Both my staff and myself are totally demoralized by the pressure to bring about this change in such an unplanful way and in such a limited time period. It does not bode well for the energy we will have to put into the enormous challenges facing us if Dammasch State Hospital is actually closed. I will, however, attempt to respond to the best of my ability as soon as I know the plan that you are presenting. I hope that when that plan is presented, we will have time to describe to you the service impacts that will occur as a result of that plan.

Sincerely yours,



June A. Dunn
Executive Director

JAD:dk (Surf1.Ltr)

they investigate. This provides an enhanced continuity of care for consumers exiting the ICP system into other community programs.

Because ICP investigators are at the hospital, they also have an opportunity to meet and evaluate individuals who are hospitalized voluntarily and refer and transition these individuals, as appropriate, into community services. We have a policy that all hospital referrals come through the ICP investigators. If a hospital social worker has identified someone they believe is appropriate for community services, they inform the investigator who can then make contact on-site at the hospital and advise potential client and hospital personnel as to the individuals eligibility and the scope of services available to the individual at discharge.

In the case of either involuntary or voluntary patients, the investigator is the liaison to the agency and is responsible for staffing the case with relevant clinic personnel and arranging for such services as residential support, money management and clinical services.

MHSW has always conceived the investigative role as a broad clinical function. In the past, we have not been overly concerned about answering the question of what distinguishes an ICP service from a crisis service. Given that we have consistently conducted well over the contracted number of ICP investigations, we have felt confident that our performance in the ICP service element was more than adequate. The blended nature of our system has allowed for some economy of scale which leaves crisis services at considerable risk if ICP is recentralized out of the clinical delivery system.

Although the current block grant funding makes separating the cost of ICP from other adult services impossible, basing spin back funding on historical precedent results in a general fund loss to the agency of about \$80,000. This is in addition to the \$45,000 in supervisory, direct and indirect support currently assessed to ICP but not eliminated as overall agency costs if ICP services are no longer provided in house. We expect that this revenue loss would result in cut backs in other services, probably emergency services. This loss would result in the reduction of 3-4 staff positions with the corresponding loss of service.

SB:dk (5/22/92)
ICP.Que

- 1) The Job Description for ICP investigators at MHSW is blended with the Job Description of Crisis Team Clinician. This under scores the point I have repeatedly stated. The responsibilities of ICP and Emergency Services Clinicians are inexorably blended and attempting to extract ICP from Crisis will disrupt continuity of care for consumers and result in inefficiency and increased cost to operate the system.
- 2) Every Emergency Services clinician is cross trained in both crisis and ICP. This allows for easy assignment and reassignment of staff to cover days of high demand in one service element or the other as well as providing coverage for vacation or sick time. The ICP team consists of 3 core staff: Manual Mike, Greg Monaco and Robert Skall. Two of the investigators were hired after "spin off" and their salary range is in the low mid 20's. The remaining investigator has been employed by the agency since "spin off". As a previous county employee, his salary has been maintained at the substantially higher pay and benefit scale offered by the county. His salary is in the low 30's and his benefits represent 34% of salary as opposed to 24% benefits for employees hired after "spin off". This is important documentation when one considers the argument that county-run ICP will cost more than the quadrant-run ICP services.
- 3) MHSW currently has 2.8 FTE (36-hour work week) assigned to conduct ICP investigations. With the addition of beds at PAMC and its' designation as "Preferred Hospital Provider", MHSW has seen a significant reduction in the number of holds assigned to our quadrant for investigation. As you know, we had, as a system, been looking for ways to reallocate work load. Given the situation of reduced workload and block grant funding, however, I was beginning to shift resources out of ICP and toward Emergency Services. This would have amounted to at least .8 FTE and related costs.
- 4) Attached. Individual investigators have devised informal procedures which are helpful or increase efficiency in specific circumstances or situations. These are in a constant state of flux and responsive to emergent situations or personnel needs. As you intend to "spin back" agency investigators, they will have personal knowledge of the informal procedures that work for the specific hospital with which they have been involved.
- 5) Attached.
- 6) Daily communication includes telephone and/or face to face contact with Civil Commitment clerk each morning to learn of new assignments. Following each investigation, the investigator calls court to inform them of "no hearing" recommendation or schedule a commitment hearing, as indicated. System coordination is monitored through the a monthly meeting of the Court Coordinating Committee which includes representatives of Court, County, Quadrant Crisis Manager, Investigator, District Attorney, and Public Defender.

- 7) Included in ICP Policies and Procedures (#4 above). Unwritten policy includes an expectation that the investigator will communicate broadly with all relevant parties in an attempt to formulate an opinion regarding probable cause and, whenever possible, create a diversion plan. Not infrequently, the investigator and hospital personnel have a difference of opinion related to disposition. Almost always, the hospital believes an individual needs to be sent to court while the investigator believes a community plan is feasible. The investigators participation on the Emergency Services Team and their intimate knowledge of clinical programs and the individuals served by these programs assists the investigator in reassuring hospital personnel that a diversion plan is a feasible alternative to state hospitalization.

Hospital contact people include attending psychiatrists, resident psychiatrists, medical students, nursing staff, discharge planners, social workers, unit secretaries and any other relevant person.

- 8) ICP Cost Center

Salary and Fringe

2.8 Clinical FTE	101,855
Supervisory FTE **	15,000
Clerical Support	<u>6,000</u>
Total Personnel	121,855
Occupancy and other Directs **	16,100
Indirects/Administrative **	<u>11,400</u>
Total ICP Costs	149,355

** Costs for these items will not be eliminated. Costs will be re-allocated to remaining programs.

- 9) Three major impacts on the service delivery system include continuity of care, efficiency of service delivery and cost. These impacts are inter-related.

Blended service delivery allows ICP investigators to function in a variety of roles and provide a crisis service coincident with an ICP service. Investigators frequently provide transitional linkage and clinical services to the individuals.

STATE HOSPITAL LIAISON FUNCTION

1. Job Description attached.
2. .8 FTE is allocated to the position (32 hrs./week)
3. Current salary is 18,368.40 (40 hr. equivalent is \$22,960.). No range
4. Attached are copies of existing policies and procedures related to Liaison function and intake. These have been somewhat modified in the past year, and we are currently planning for a centralized intake point for the agency.
5. Because we have not heard a description of how the County envisions the "new " Liaisons functioning, and where our roles begin and end, it is difficult to answer this question with any degree of certainty. However, any additional fragmenting of the job of connecting hospitalized patients with community services would have negative consequences. This also serves to further distance community programs and their managers from the day to day issues that affect ADP and the flow of consumers in and out of the system. The experience of our staff in working with, understanding, and connecting hospital and community service systems is extremely valuable and one we will continue to utilize. Because we have seen no County plan, it is hard to determine, but it would appear that there is an inherent duplication built into such a system. This increases the cost and yields no tangible outcomes. Attached is a letter to the Commissioners which also details concern about the impact of this change.
6. We have no Liaison cost center summary; it is incorporated into the Adult Services budget.

7. Attached is the CSS Intake and Assessment form which is completed by the Liaison for all hospital referrals.

INFORMATION NEEDS RESPONSE: MT HOOD COMMUNITY MENTAL HEALTH CENTER**ICP Investigation:**

1. As we have "blended" positions on our Emergency Services Team, our job description (see attached) includes investigations as one component of the varied responsibilities a team member may have. The percentage of time spent on particular duties depended upon the particular team member.
2. All of the members of the Emergency Services Team are certified investigators. Currently, the members doing investigations are Linden Loren, George Smith, Zachary Newman, and Melissa Gattine. The salary range is \$22,003 to \$31,090.
3. Loren: .97 FTE; Smith: .47 FTE; Newman: .47 FTE; Gattine: .37 FTE.
4. The county-wide procedures written in 1986 have not been updated to incorporate changes in the law. We are using the current Administrative Rules and ORS 426 as our guidelines as well as the county's procedures for PPOH's. Of course, there are numerous informal procedures specific to our agency and the hospitals we deal with. I would be happy to consult at a later date in establishing new procedures if it would be helpful.
5. As this document will be faxed, we will send the forms by mail.
6. Written communications, back and forth, are typically in the form of legal documents and other forms provided in response to #5. "No Hearing" recommendations are first given by telephone to the court personnel. When there is a hearing, there may be numerous telephone contacts with various persons including the court clerk, the assistant D.A., the defense attorney, and the transport staff.
7. The investigator may have several contact persons in any given hospital including the unit social worker, the attending psychiatrist, the staff nurses and the lead nurse. As the people in these positions change and informal protocols change, we would be happy to relate more specifics closer to the time of transfer.
8. Investigation Services Cost Center:

2.28 FTE Investigators Salary & Benefits	\$69,937
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58 FTE Clerical Salary & Benefits	\$12,817
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TOTAL PERSONNEL COSTS	\$82,754
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Occupancy and other Direct Costs	\$11,959
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Supervision, Indirect and Administration	\$26,152
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TOTAL COSTS	\$120,865
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9. We can only speculate at this point in the process as to the impact this shift may have on the service delivery system. Most immediately, of course, the question remains as to the amount of funds we will be cut in order to effect

this shift. This decision demands much serious consideration. A casual attitude that supports cutting a large amount this year with the plan to assess the savings at a later date will, in the short run, play havoc on the most valuable resource this system has, i.e. experienced staff, and cause considerable damage to the focus of our system, i.e. our consumers.

Clearly, we need to accurately identify what it is currently costing us to provide the investigatory function and reduce our funding by that amount in making this transfer. In response to the Measure 5 cuts to our services at the beginning of this fiscal year, we closely analyzed our organization of services in an attempt to reduce its impact. The whole agency was intent on making any possible changes and "tightening our belt" in order to maintain our level of care and responsiveness. As part of this process, we implemented some changes in how we assigned investigators' time that actually made us more efficient. Achieving our goal of direct access to computers for every investigator also made them more efficient. Our success in doing this is reflected in the figures included above.

Included in the figures above are a variety of fixed costs such as occupancy costs that will need continued funding despite the transfer of the investigatory functions. These total \$19,115. We think that the most fair course of action would be to not transfer these funds. If they are transferred, they will have to be absorbed under our current revenues that are funding other programs.

We want to work together toward a just and fair resolution in implementing this transfer. We are neither trying to withhold budgetary information nor change the reality of the current situation. As we have kept precommitment services as a separate cost center, we would invite you to examine our internal documents if you desire. Otherwise, there will be a significant cut of other services in order to make this transfer. We know this is not the desired outcome for anyone.

Even if we successfully transfer only those revenues that fund the non-fixed costs related to the investigatory function, we continue to believe that a centralized unit is not the best design and that the system will be negatively impacted. We have stated our reasons before so they should be of no surprise. We believe that the centralized unit will not be as flexible as we are in responding to the extreme ebbs and flows of ICP and we, in turn, won't be as flexible as we were in responding to the same in crisis services. We believe that the flow of communication will not be as easy nor as complete with this creation of an external unit. We believe that this shift creates yet one more "cog" in the system that consumers and families will have to deal with. We believe it will make the system more cumbersome and confusing. We believe that it invites even more difficulties in the relationship between providers and the county. All of these projected impacts are not easily measured but, in our opinion, will effectively harm the overall system.

We are also fearful of the long term impacts on staff morale as we move to a system that includes staff working for the county making higher salaries and having higher benefits and staff working for contract agencies making lower salaries and lower benefits. We fear this will promote a pervasive "stepchild" mentality that could breed resentment and bitterness and may

be difficult to deter. As an agency that works diligently at maintaining a positive and enthusiastic staff morale, this prospect concerns us deeply.

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be difficult to deter. As an agency that works diligently at maintaining a positive and enthusiastic staff morale, this prospect concerns us deeply.

MOUNT HOOD COMMUNITY MENTAL HEALTH CENTER

Job Title: Mental Health Specialist - Emergency Services Program

General Statement of Duties: Performs crisis/emergency, involuntary commitment and/or intake services on a team that includes other MH Specialists. Provides clinical assessments, brief therapy and crisis interventions, coordination with other agencies, and crisis stabilizations. May provide 24 hour on-call coverage under a separate contract which would require work on evenings and weekends.

Supervision Received: Receives clinical and administrative supervision from the Crisis Services Program Director.

Supervision Exercised: May supervise MH Assistants, students or volunteers.

Examples of Principal Duties:

- Respond to crises experienced by enrolled and walk-in clients.
- Investigate allegedly mentally ill persons and make recommendations to the court.
- Screen requests and schedule interviews for two-party notices on allegedly mentally ill persons.
- Perform Intake Activities (e.g., respond to all requests for services by making a preliminary evaluation, establishing eligibility and accepting for service or referring elsewhere, establish fees, orient client to services offered, compile social and medical history).
- Provide short term counseling to clients individually or in groups.
- Maintain accurate, up-to-date records.
- Perform other related duties as assigned.

Knowledge, Skills and Abilities:

- Knowledge of:
 - Community agencies and resources.
 - Hospital services and admission procedures.
 - Client assessment methods and diagnostic techniques.
 - Involuntary commitment rules and regulations.
 - Psychiatric medications and their side effects.

Skills and Abilities in:

- Crisis intervention
- Working on a team
- Communicating coherently
- Handling potentially violent persons
- Performing coolly in stressful situations
- Supervising para-professionals
- Using alternatives to hospitalization in a crisis
- Brief therapy

Minimum Qualifications: Masters Degree in mental health related field required. Must possess a valid driver's license and have access to an automobile.

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Hospital Liaison Position

1. See attached - delineation of tasks outlined in #2 below.
2. 0.6 FTE Liaison (22.5 hours per week) with time allocated in the following manner:
 - Intake and assessment of newly admitted patients, 15 and 60 day reviews and related "gatekeeping" functions--30%
 - Discharge planning to include linking to community services, updating the matrix report, and coordination of tx on behalf of case managers--60%
 - Meeting time--10%
3. The salary range for the liaison is \$22,003 to \$28,870.
4. Our protocol for referral into services is as follows: After identifying patients who would like services at Mt. Hood, or whom we might attempt to serve after discharge, the hospital liaison contacts either the CSS Director, Emergency Services Director or CRX intake to arrange for assignment. Case management availability and consumer needs dictate program assignment. While there is a weekly intake meeting, often these assignments occur by phone prior to the meeting. Case managers are encouraged to attend Master Treatment Planning Meetings and to see their clients when one of their clients is hospitalized or when they are assigned a client prior to discharge. In the event that they are unable to attend meetings the liaison will act on their behalf in communicating with the treatment team.
5. The liaison function vocalized by the County at this early stage in the planning process seems to suggest that the discharge planning functions will remain with the CSA's. To suggest that case managers be the key figures in this process would be an extremely inefficient use of clinician time. We believe that having one person as the focal point for discharge planning has been particularly effective. Additionally, we have the unique advantage of a liaison who is also a residential case manager (RCM) and thus handles all State Hospital referrals for structured housing and is well aware of the residential system Countywide. This streamlines discharge planning with social work staff who can deal with one community representative rather than a liaison for service issues and an RCM for housing needs.

The proposed changes appear likely to impact consumers negatively and result in a lack of continuity in care. The consumer would see the County liaison initially, be referred to a case manager or agency contact for discharge planning and might even see a residential case manager for housing placement. A system that uses one person who assists the consumer from intake to discharge seems both to be more efficient in the use of time and money as well as to give the consumer one person who more intimately knows their situation and goals.
6. **Liaison Cost Center:**
 .18 FTE Hospital Liaison Salary and Benefits \$4,986

Occupancy and other Direct Costs	\$1,282
Supervision, Indirect and Administration	\$2,229
TOTAL COSTS	\$8,497

The above costs are calculated on the basis of 30% of the time of our .6 FTE liaison devoted to the intake and gatekeeping functions. Included in the figures above are a variety of fixed costs such as occupancy costs that will need continued funding despite the transfer of the liaison functions. These total \$1,317. We think that the most fair course of action would be to not transfer these funds. If they are transferred, they will have to be absorbed under our current revenues that are funding other programs.

7. Forms will be forwarded with the CRX documents.

Occupancy and other Direct Costs	\$1,282
Supervision, Indirect and Administration	\$2,229
TOTAL COSTS	\$8,497

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7. Forms will be forwarded with the CRX documents.

MOUNT HOOD COMMUNITY MENTAL HEALTH CENTER

Position Title: Inpatient Discharge Coordinator

General Statement of Duties: The Inpatient Discharge Coordinator is the primary link between the hospitals and the community for chronically mentally ill clients. The position requires expertise in evaluating clients, establishing priorities for discharge, knowledge of community resources and ability to negotiate and coordinate with a variety of mental health professionals, agencies, and lay people on a daily basis as well as the ability to actively case manage a number of clients. Excellent clinical skills are necessary.

Principal Duties:

1. Performing a review of all Mt. Hood Community Mental Health Center quadrant patients at Dammasch State Hospital enrolled or non-enrolled.
 Conducting reviews at required intervals which include interviewing patients, his/her physician, social worker and ward staff; evaluation of records, treatment goals, and effectiveness of same. Maintaining accurate data on patients reviewed and entering this data and recommendations on patient's chart.
 Prioritizing patient population at Dammasch according to systematic evaluation and reviewing in order to improve discharge planning.
2. Coordinating discharge planning of high priority patients by working cooperatively with the Dammasch professional staff and evaluating availability of appropriate community and clinic resources.
3. Providing or arranging for such transitional services as may be needed by a patient as he/she prepares for discharge. This may include but is not limited to referring to a community activity program prior to discharge; gathering information required for opening a chart in community and scheduling an appointment with an assigned case manager prior to discharge.
4. Carry out procedures and protocol for quadrant-wide Dammasch Liaison Program; attending relevant community and Dammasch meeting and coordinating all activities of the liaison function with the Multnomah County liaison.

Knowledge Skills and Abilities

Comprehensive knowledge of mental health evaluation, treatment, rehabilitation, and community networking techniques. Knowledge of community agencies and resources which provide mental health and other human services. Knowledge of laws and regulations governing mental health services.

Skill at identifying, analyzing, and implementing effective solutions to problems. Skills at developing and maintaining positive working relationships with clients, private and public agencies and the general public. Knowledge of psychotropic medications and the side effects and skill in monitoring same.

Skill at maintaining accurate, concise and current records. Skill at working independently. Skill at prioritizing, organizing and negotiating.

Inpatient Discharge Coordinator
Page 2

Minimum Qualifications: B.A. required. M.A. with clinical experience with CMI populations preferred. Possession of a valid Oregon driver's license. Possession of a reliable automobile to use on the job (mileage reimbursable).

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Page 2

Minimum Qualifications: B.A. required. M.A. with clinical experience with CMI populations preferred. Possession of a valid Oregon driver's license. Possession of a reliable automobile to use on the job (mileage reimbursable).

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IMPLEMENTATION PLAN - ADDITIONAL COMMENTS: MT. HOOD CMHC

Although we have not seen the final implementation plan to be submitted by the MED Program Office, we thought we would take this last opportunity to submit comments to the Board. There are a few issues that have emerged over the course of the last few weeks during our discussions in preparing this plan. Although we are still not convinced of the advantage in centralizing the two programs in question, we are committed to participating in a fair and cooperative negotiation process to implement the Board's wishes.

It has become clear and acknowledged by both the MED Program Office and providers that the transfer of the investigatory functions and liaison functions back to the county will result in programs that cost more than they currently cost at the provider level and will result in duplication of services. The Board may, indeed, want to continue with this plan despite this fact. We must recognize, though, that cuts in other ongoing services to consumers will be unavoidable in order to finance this change. As a system, we will need to make difficult choices as to which services to cut and to what degree.

We could, though, ease the impact of this transfer in several ways.

- * At our last meeting, the MED Program Office was recommending that \$35,000 in psychiatric consultation be included in their budget for involuntary commitment services (although they later indicated that this would be reduced.) We would submit that this is an unnecessary, even unusual cost in operating an investigation program as it is not a treatment program. I am aware of no other program in the state that includes psychiatric time. Typically, investigators consult with the treating psychiatrist in the hospital and community providers and/or psychiatrists who are familiar with the person when preparing a decision.
- * Again, at last review, close to \$40,000 of capital outlay was estimated to be necessary for the county in assuming the investigatory and Dammasch liaison functions. These "one-time only" costs can only be absorbed by revenues intended for ongoing community services. I would urge us to look at more creative ways. Perhaps a provider could transfer a desk with a person. Perhaps these supplies could be transferred over from other county programs that are being reduced in these days of Measure 5.
- * The issue of transferring "fixed costs" for the operation of these two programs is also of question. We have over \$20,000 in fixed cost items within our agency alone for these two programs. Costs for items such as occupancy will continue to need funding despite this transfer and this can only result in further cuts to ongoing services to consumers. We would again urge that more creative means be examined for funding these same fixed costs for a centralized county program.

Finally, we would like to address some of the various "facts and figures" that the MED Program Office has presented as the reality of the current situation in the decentralized investigatory system. Some of the figures that have been presented are fairly provocative. They imply that the system is not working well. We would submit that some of these figures are simply inaccurate or, at best, misleading.

- * It has been implied that consumers are either not being followed up at the end of their involuntary hold or are not being appropriately referred. This implication is based on some figures the state's computer system provided in which the methodology is unclear and the data source is questionable. It did not correspond with our sense of the situation so we went back and did a review of referrals at the conclusion of our April investigations that were diverted from court. These figures represent a quite different picture.

- 25% were referred back to our agency for services
- 23% were referred back to the community providers that were already serving the person
- 21% were referred to alcohol and/or drug treatment
- 14% were referred to other more appropriate community services
- 13% remained in the hospital voluntarily
- 3% (two people) were viewed as not needing or wanting follow-up services.

* Figures that allegedly portray the length of stay in the hospital have also been presented by the Program Office. These figures are important as they potentially represent the costs carried by the county for involuntary holds. They can also imply that consumers are being detained involuntarily in the hospital for inappropriate periods of time. As the figures presented by the Program Office have not matched our sense of the situation, we began to keep our own length of stay data several months ago. Again, they were substantially different.

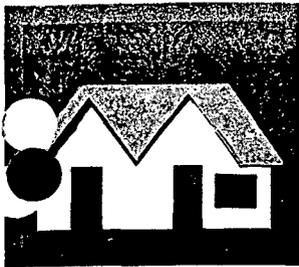
- Our most recent report shows an average length of stay for those diverted from court to be around 2.9 days. (This includes weekend or other "non-judicial" days.) This is in contrast to the county's most recent data of 4.55 days.

- In fact, over two-thirds of the people we divert from court are released from the hospital on the first judicial day they are investigated. Our average length of stay for diverted persons excluding non-judicial days (when we cannot release them from the hospital) is only 1.5 days.

We don't know how to explain such differences. There have been some long-standing problems with the accuracy of the county's centralized data system for involuntary commitment services. We only address them here because these figures are being presented as "facts" and in support of an implication derived from figures presented thus far that the current system does not work. The decision to centralize investigation services may be based on several factors. It, however, should not be based on an implication that the current system does not work as evidenced by lack of follow-up for diverted consumers and length of stay in the hospital. If such a decision were to be based on a conclusion that the current system does not work, then a more thorough, thoughtful and accurate analysis should be completed beforehand.

MAY 21 1992

May 20, 1992



**GARLINGTON
CENTER**
N/NE Community
Mental Health, Inc.

4950 N.E. Martin Luther King Jr. Blvd.
Portland, Oregon 97211
Telephone (503) 249-0066
FAX (503) 249-8235

Rex Surface
MED Program Office
426 S.W. Stark, 6th Floor
Portland, OR 97204

Dear Rex:

These are my comments on the implementation process. Also, enclosed is the information requested for your staff planning: Job descriptions, protocols, cost center budgets and impact of cost shifting.

We have an emerging and serious disagreement about how many dollars should be transferred from quadrant to county for ICP and Dammasch liaison. In previous years, the ICP service element dollars bought the County more than the contracted ICP investigations. 150% of contracted investigations were performed and related legitimate services were also provided. Furthermore each quadrant created very different staffing systems in response to unique community needs. The real cost involved in dismantling our four community based systems to be replaced by a centralized system is difficult to project. This is particularly true because of the apparent rush to plan for recommendations that are put forward without planning and without careful analysis about the division of roles and responsibilities. If we have failed to do strategic planning and failed to consider the validity of Part 5 recommendations, we must at least reach agreement about division of responsibilities.

The cost in human terms for consumers and families needs to be addressed. Consumers are certain to experience reduced continuity of care. They will find it more difficult to negotiate a system that has created a new layer of gatekeeping and moved further from them. Close proximity of services is a well understood principle of community support for seriously mentally ill adults. Geographic accessibility normally fosters efficiency. The Task Force and their county advisors, it appears, have ignored a vast, well documented literature about community mental health services delivery to persons with severe and persistent mental illness. If principles of local access are being violated, the BCC and the general public should be informed why centralization in this case makes better treatment and fiscal sense.

Ernest Estes
President

Theresa Williams-Stoudamire
Vice-President

Rosemary Anderson
Secretary

Rev. James Faulkner
Treasurer

Liam Callen, PhD
Executive Director

page 2

Centralization of ICP and Dammasch liaison threatens to over-assess the quadrants for the cost of planned county services. It threatens to distance and confuse consumer access. In addition it will result in fragmentation of the four subsystems in the quadrant agencies. The cost of this will be difficult to surmise. We stand at risk to cut staff beyond those currently providing county intended services; we also will likely be required to commit other resources to off-set the local fragmentation that results. It will be difficult to anticipate the combined result. The central and local impact of these hurriedly forced, poorly planned changes must be evaluated. Since I trust that you would not presume to evaluate yourself, evaluation must be done. This will certainly be an additional cost.

I write these comments not yet knowing what you truly plan to do. Every indication I have is that you intend to bull forward taking money from the quadrant agencies to set up county run services. When will providers, consumers and advocates have the opportunity to look at concrete budgets and plans that are open to acceptance, rejection or reasonable modification?

Sincerely,



Liam Callen, Ph.D.
Executive Director

LC:clp

Enclosure

**GARLINGTON CENTER
RESPONSE TO MULTNOMAH COUNTY MED OFFICE
REQUEST FOR INFORMATION REGARDING ICP INVESTIGATION**

- 1) ICP investigators at the Garlington Center operate under the general job description for crisis and adult outpatient therapists. However, the percentage of the time devoted to individual duties by the three individuals whose primary responsibility is ICP differs greatly in their proportion of time from other therapists. Our three investigators spend approximately 80% of their time directly doing ICP investigations, 10% of their time doing Crisis Services (usually triggered by ICP activities), 5% doing CTS/A, and 5% doing CTS/AA.
- 2) Our three primary ICP investigators (other department staff perform back-up for the investigators) are Regina Feliciano, Larry Smith, and Daniel Coker. We consider individual salary a private matter, but each investigator is permitted to reveal their salary to you at their own discretion. Current investigators are very experienced and two of them are among the longest tenured in the department. Their salaries are grouped in the mid-\$20,000 range.
- 3) See item #1 above.
- 4) Written agency ICP policies and procedures are attached. You also request helpful informal procedures, but the informal procedures that are currently used will lose their efficacy when ICP is centralized. This is discussed in item #9 below.
- 5) Copies of forms used for ICP investigations are enclosed.
- 6) Formal planning communications with the court are conducted at monthly Court Coordinating Committee meetings. Each court day one of our investigators calls the court after 9:30am to find out which cases have been assigned to the Garlington Center. At the conclusion of each investigation, the investigator calls the court to either alert them to a hold being dropped or to schedule a commitment hearing.
- 7) Written procedures for interfacing the community hospitals are included in item #4. For "unwritten procedures" it is sufficient to say that investigators are continually encouraged to speak with those individuals at the hospitals who have relevant information about the AMIP, or need to know information about the AMIP. Contact people at hospitals include secretaries, nurses, psychiatric assistants, psychiatrists, charge nurses, ER physicians, social workers, admission and discharge planners, and all others who are relevant.

8) ICP cost center summaries:

ICP Investigations

Investigator Salaries (2.4 FTE)	\$58,560
Benefits (28.55% Salary)	16,719
Supervision (.1 FTE)	4,500
Support Staff (1.05 FTE) (Typing Charting, Scheduling, CPMS Enrollment)	19,625
Expenses (Travel, Training, etc.)	15,340
Administration	<u>25,318</u>
	\$140,062

- 9) Given the short timelines, the lack of specificity in the ICP shift to MED delivery, and the lack of long-range planning, any statements as to the impact of the shift on mental health service delivery can only be speculative at best. There are some observations which are extremely clear.

Recommendation 5A on page 13 of the Task Force report indicates that "The county should assume direct operation of this (involuntary commitment process) program. The involuntary commitment process is activated when a mentally ill individual is placed in public custody. Once the client is on an involuntary hold, a pre-commitment investigation is held to determine the subsequent placement needs of the client." The amount of money indicated that the County MED is interested in taking from our general fund budget includes the expenses of all that go into the services that we offer surrounding persons who are placed in involuntary holds. Mental health investigators, beyond the investigation process, also engage in significant crisis work, short-term stabilization, and community integration planning. Further, other staff members are responsive immediately to persons who are on involuntary holds and their work is also paid under our previous ICP allocation. It is naive to assume that ICP can exist in a vacuum. Our allocations in years preceding the current one were consumed by the full array of services. If the county was smart, they would take only the costs needed to perform the investigations themselves since this is what the Board of County Commissioners identifies as the critical piece of controlling emergency hold costs. To expect us to do all that is necessary for successful resolution of involuntary holds after the money to give us that capacity is taken away means purely that other people not in the involuntary commitment process system will not receive services. Since ICP is all general fund money, the people who will be hurt

the most are those individuals with no financial resources. If, in addition to this, we are also expected to take every referral some investigators without room for discretion as to their appropriateness given their clinical picture and history, then even more persons who have no resources will be refused service.

Centralized ICP will eliminate the elegance of having ICP housed in the same departments and integrated with other ongoing service providers. As it is now, connections with Crisis, CTS, and Case Management staff is simple, quick and convenient. Many operations can be going on at once while we interact with colleagues in the same building. Contacting and interacting with an ICP investigator in the field or in another office can be difficult, and this will delay discharge instead of speed it up.

It is imperative that the planning process include clear expectations of what the county's ICP investigators will be doing, what our role in the diversion process will be, and what services the county would suggest that we cut in order to make up the difference between the money taken from us by the county for their services and what those identical services currently cost us to provide.

GM/jm

GARLINGTON CENTER

RESPONSE TO REQUEST FOR INFORMATION REGARDING STATE HOSPITAL LIAISON FUNCTION

1. Attached. Also see #2.
2. 1.0 FTE Liaison (37.5 hours per week)

% of time allocated in the following manner:
 - A. 30% Interviewing and Assessing all admitted patients from N/NE quadrant for the purpose of "gatekeeping" (identifying candidates for discharge and directing/controlling access to services) including completing 15 day and 90 day reviews. This is inclusive of CCMH and Delaunay clients.
 - B. 20% Interviewing potential clients for the purpose of discharge planning functions.
 - C. 10% Attending required liaison meetings.
 - D. 10% Interviewing and assessing N/NE admits at Ryles Center.
 - E. 30% Providing direct services to clients while in the hospital and during a period of transition to the community.
3. See job description for salary range.
4. For agency protocol on referral of State Hospital patients into service, please refer to "Proposal to change DSH liaison Role" which describes this process. If further questions please call Kim Burgess.
5. Impact of Shift on Mental Health Service Delivery System.

We frankly believe this shift will decrease continuity of care and increase length of stay and consequently ADP due to further fragmentation of roles and responsibilities.

Many people who become committed to the state hospital from our community are people who are known to us by past or current involvement in our programs. We are frequently closely in touch with the environmental and/or individual causes of their hospital admission, what treatment alternatives have been successful for them in the past, what community resources will be necessary when they leave the hospital and issues of culture in assessment and treatment planning. Therefore, we are in the unique position to begin to advise the hospital regarding these issues from the day of admission successfully shortening length of stay and insuring superior treatment. This advantage is lost or diluted by adding a centralized intermediary to the picture. For instance, it makes little sense to have County staff with no more knowledge of the client than hospital staff attend treatment planning meetings.

Furthermore, MED office staff have admitted that provider agencies will still need to devote staff for discharge planning and hooking clients into service and resources in our communities due to our intimate knowledge of these resources and the ease of access afforded by our community connections and location. They refer to this as an "Intake Coordinator" position. This appears to us to be a request to continue a needed service with fewer service dollars to do it.

MED IMPLEMENTATION PLAN 1992

Meeting Date: JUN 23 1992

Agenda No.: B-2

(Above space for Clerk's Office Use)

.....

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Tuberculosis Management - an Update

BCC Informal June 23, 1992 **BCC Formal** _____
(date) (date)

DEPARTMENT: Health **DIVISION:** Specialty Health Care

CONTACT: Dave Houghton **TELEPHONE:** 248-3417

PERSON(S) MAKING PRESENTATION Dave Houghton

ACTION REQUESTED:

INFORMATION ONLY **POLICY DIRECTION** **APPROVAL**

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 minutes

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

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

The resurgence of Tuberculosis (TB) in the United States has been described as a public health crisis. This update will include a brief discussion of the nature of TB; Multnomah County's TB Program for TB Management; local TB trends and anticipated developments.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Billi Illgaard

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 JUN 17 PM 2 11
MULTNOMAH COUNTY
OREGON

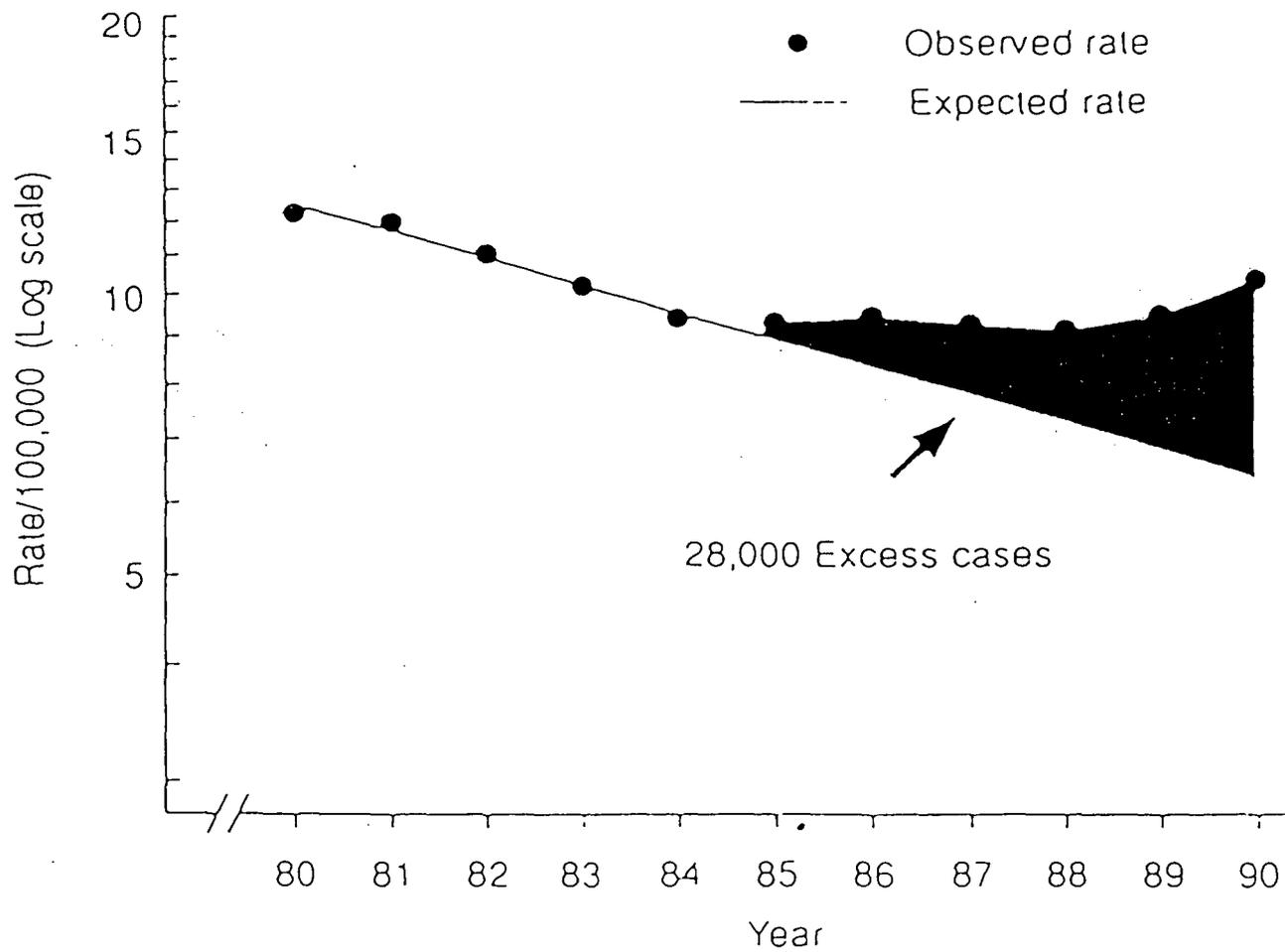
TB Worldwide



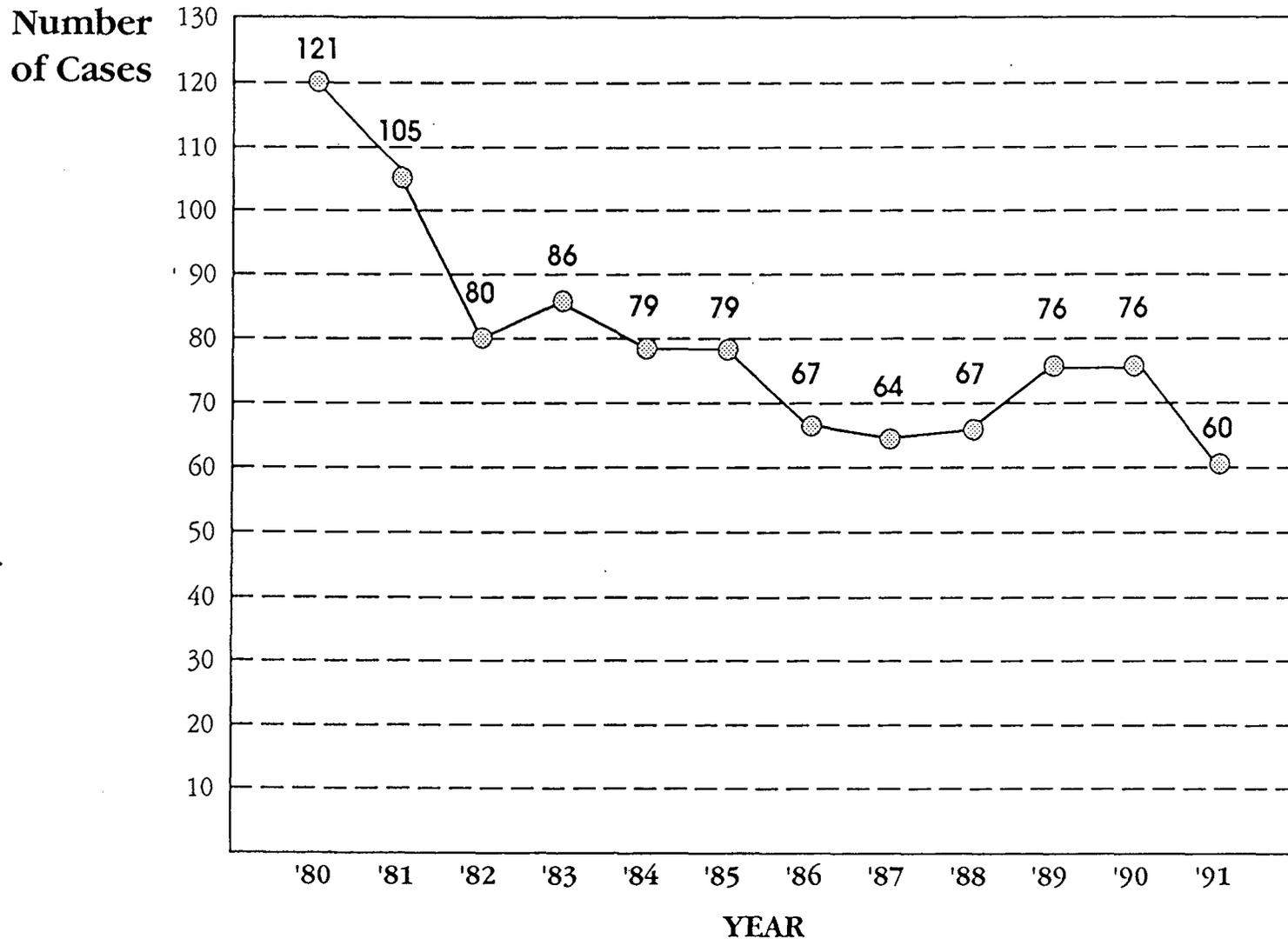
1.7 billion infected individuals
8 million new active cases/year
3 million deaths/year

**Leading cause of death
by infectious disease**

Observed and expected tuberculosis cases, United States, 1980–1990



Multnomah County Confirmed Tuberculosis Case Incidence 1980-1991



Multnomah County Confirmed Tuberculosis Cases, Case Incidence Rates, and Relative Risk, 1991

Race/Ethnicity	Cases	Rate/ 100,000*	Relative Risk
White, non-Hispanic	26	5.2	1.0
African American	8	23.3	4.5
Asian	15	56.4	10.8
Native American	3	48.9	9.4
Hispanic	8	43.5	8.4
Total Cases	60		

*Based on 1990 Census Data

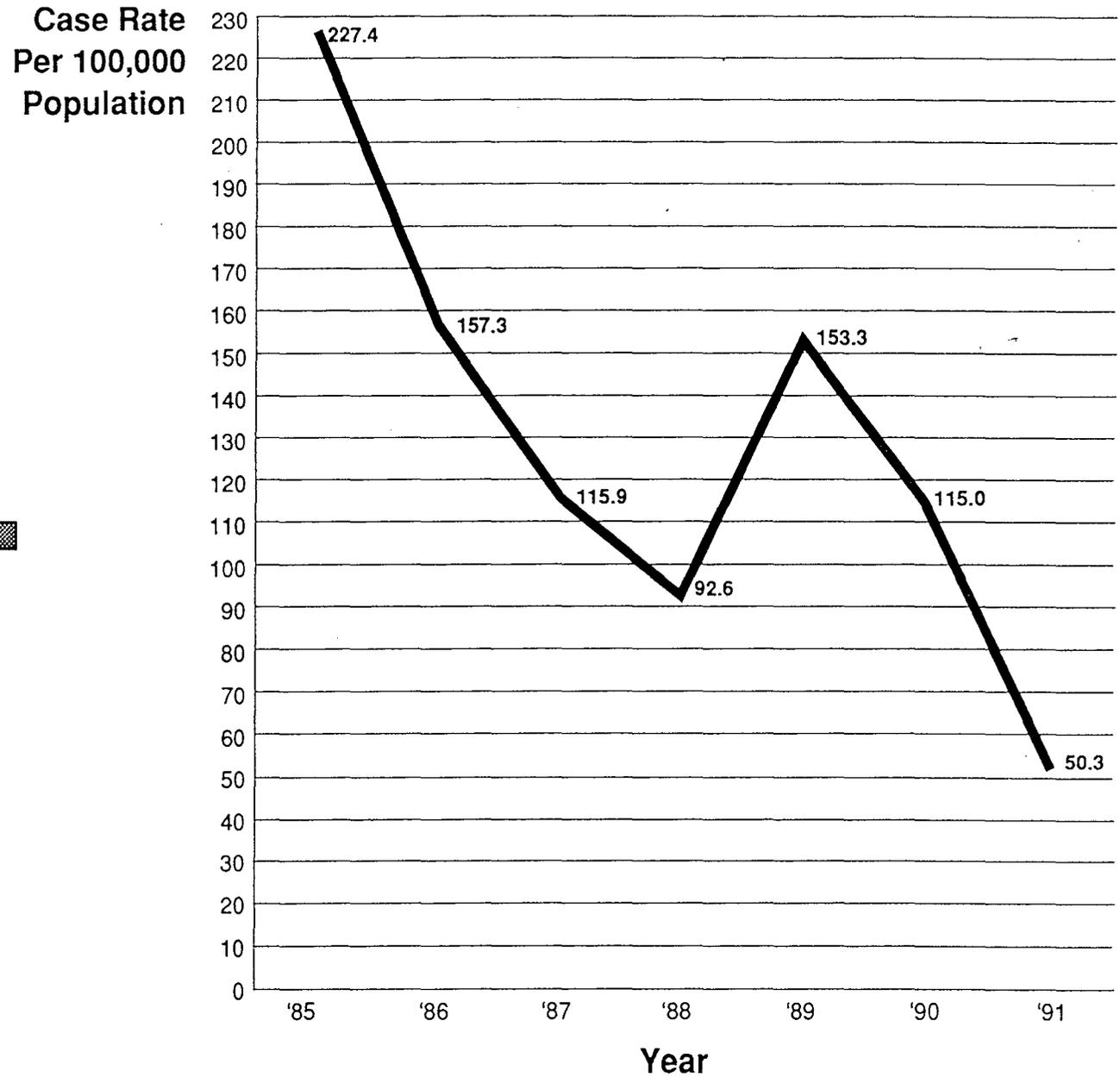


**MULTNOMAH COUNTY HEALTH DEPARTMENT
TUBERCULOSIS MANAGEMENT PROGRAM**

Equal Opportunity in Employment and Services 3/92

Tuberculosis Case Incidence Rates in the Burnside Area 1985-1991

Burnside Area
(Census Tracts 51, 53, 54,
11.01, 21, 48, 49, 50, 52)



Meeting Date: June 23, 1992

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Hearings Officer Decision

BCC Informal _____ (date) BCC Formal June 23, 1992 (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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

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

CS 7-92/SEC 13-92 Review the Decision of the Hearings Officer of June 1, 1992, approving, subject to conditions, change in zone designation changing the described property from MUA-20, SEC to MUA-20, SEC, C-S, community service, for the expansion of a golf course and proposed accessory uses and approving, subject to conditions, requested SEC Permit for the new Butler Road alignment, all for property located at 7233 SE 242nd Avenue (Hogan Road)

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough / bkw

(All accompanying documents must have required signatures)

1992 JUN 17 AM 2:08
MULTNOMAH COUNTY
OREGON



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

DECISION

June 8, 1992

This Decision consists of Conditions, Findings of Fact and Conclusions

CS 7-92, #624
SEC 13-92, #624

Community Service Use
Significant Environmental Concern Permit
(Expand boundary for a proposed 18-hole golf course)

Applicant requests approval to expand the Community Service (CS) designation for a proposed 18-hole golf course. In 1989, the County approved a golf course on approximately 155 acres. An additional 20 acres of the golf course property is within the City Limits of Gresham. The applicant requests approval to modify the CS 5-89 decision for the boundary change and to relocate some uses in the Crystal Springs Country Club Golf Course.

The proposal would enlarge the CS designation to include a roughly 20-acre parcel north of the area approved for the golf course in 1989. A driving range and associated accessory features would be developed on the 20-acre parcel. The proposal would shift the location of Butler Road from the alignment approved in 1989 to an alignment across the 20-acre parcel. The golf course maintenance building and associated features would be relocated to the north edge of the golf course; the location approved in 1989 was near the south edge of the site.

The request includes a Significant Environmental Concern Permit application to allow development of Butler Road within 100 feet of Hogan Creek, a Class I stream, on the western edge of the 20-acre parcel.

Location: 7233 SE 242nd Avenue (Hogan Road)

Legal: Tax Lot '26', Sec. 22, 1S-3E (1991 Assessor's Map)

Site Size: 20.5 Acres

Owner/Applicant: CGC, Inc.
400 E. Evergreen Blvd., Suite 311
Vancouver, WA. 98660

Comprehensive Plan: Multiple Use Agriculture

Present Zoning: MUA-20, Multiple Use Agriculture District
SEC, Significant Environmental Concern (Within 100-feet of Hogan Creek)

Hearings Officer

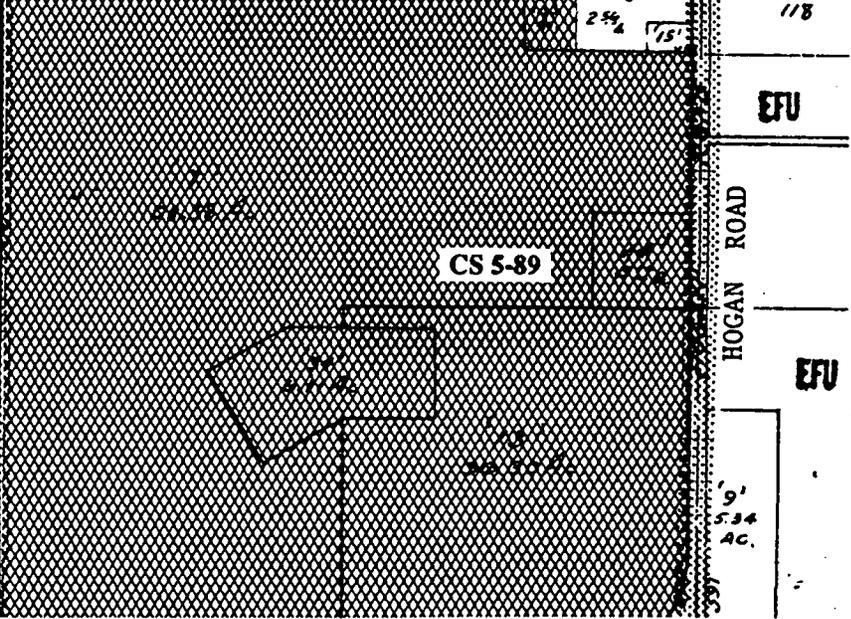
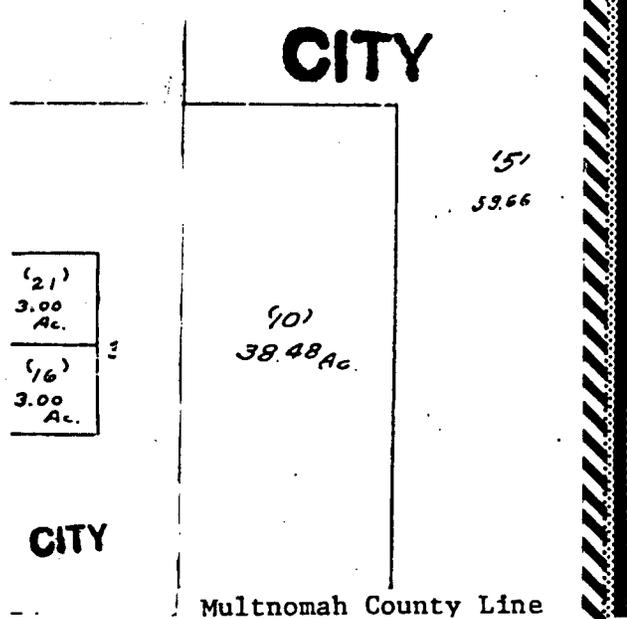
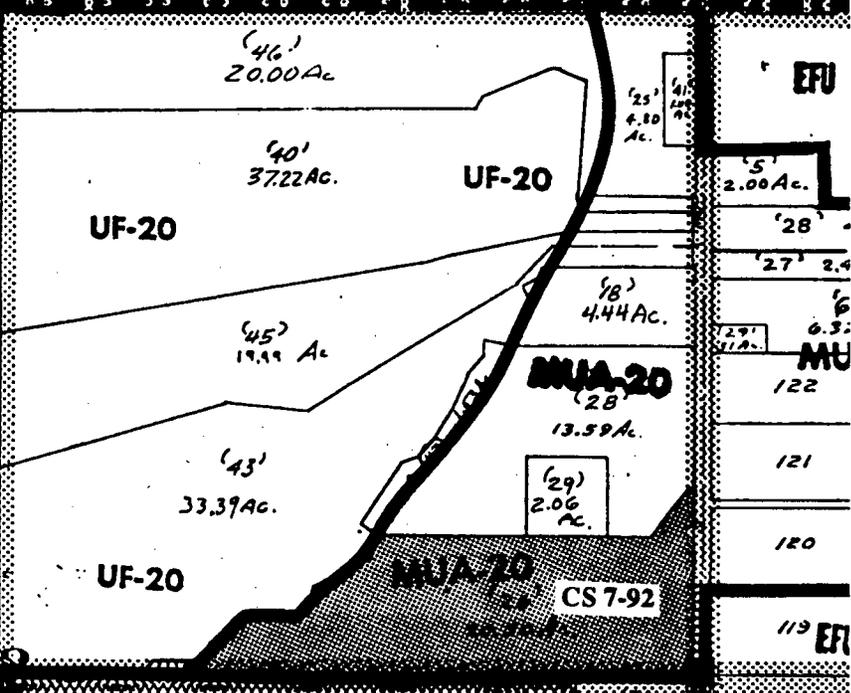
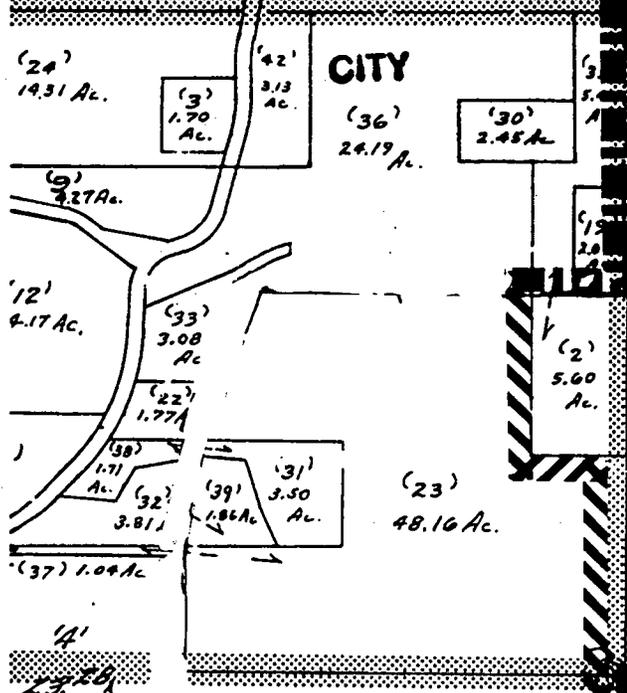
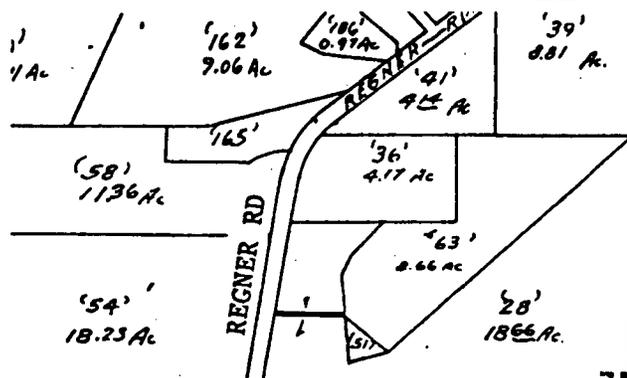
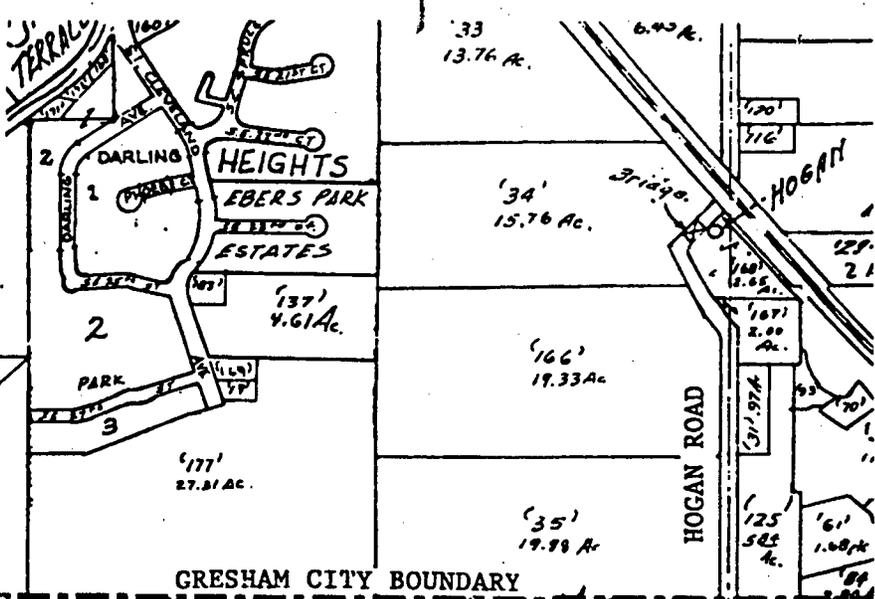
Decision:#1 (CS 7-92) Approve, subject to conditions, change in zone designation, changing the described property from MUA-20, SEC to MUA-20, SEC, C-S, community service, for the expanded golf course and proposed accessory uses; and,

Decision#2 (SEC 13-92) APPROVE, SUBJECT TO CONDITIONS, the requested SEC Permit for the new Butler Road alignment, all based on the following Findings and Conclusions.

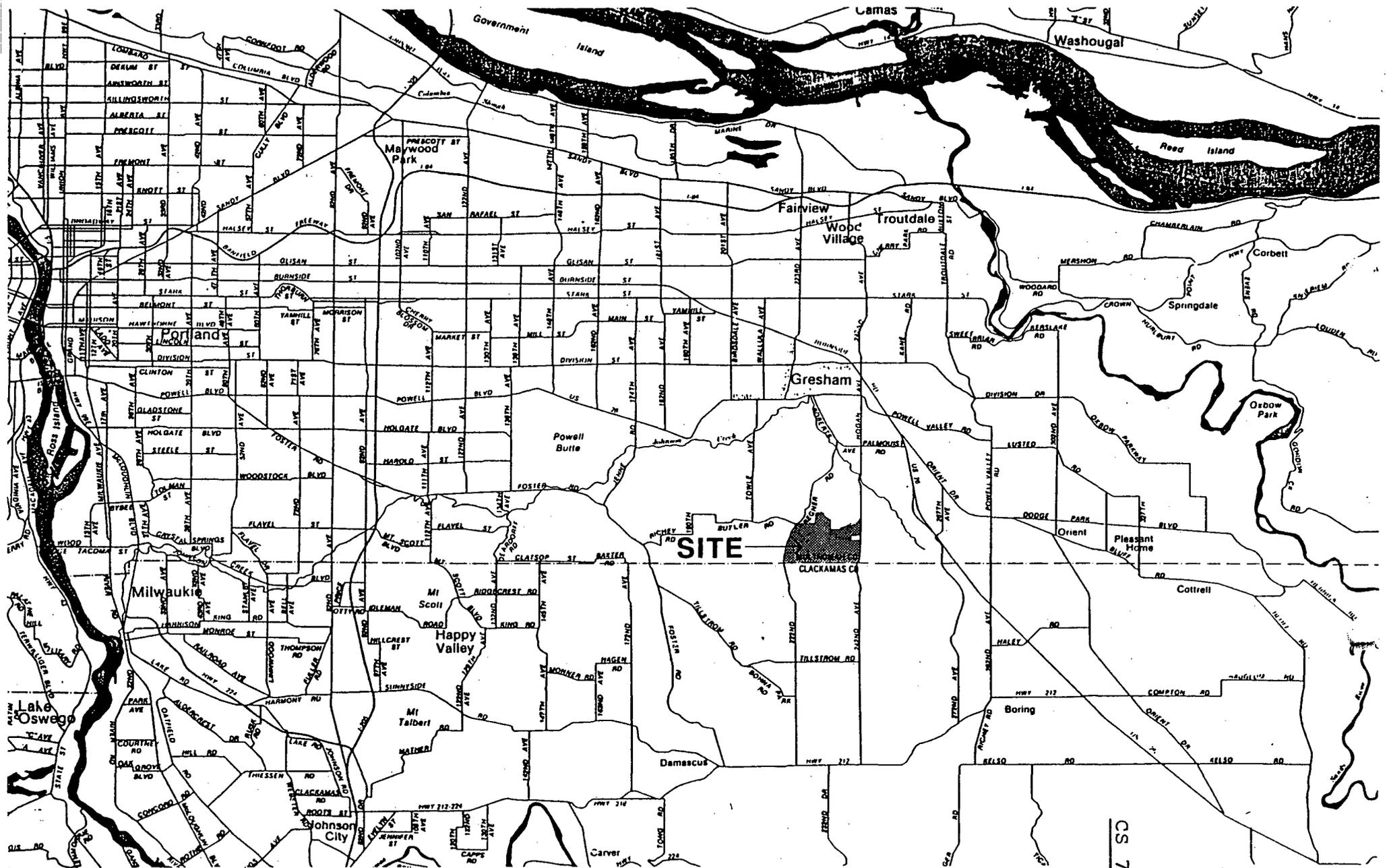
CS 7-92/SEC 13-92

Zoning Map
 Case #: CS 7-92, SEC 13-92
 Location: 7233 SE Hogan Road

Shading indicates subject property

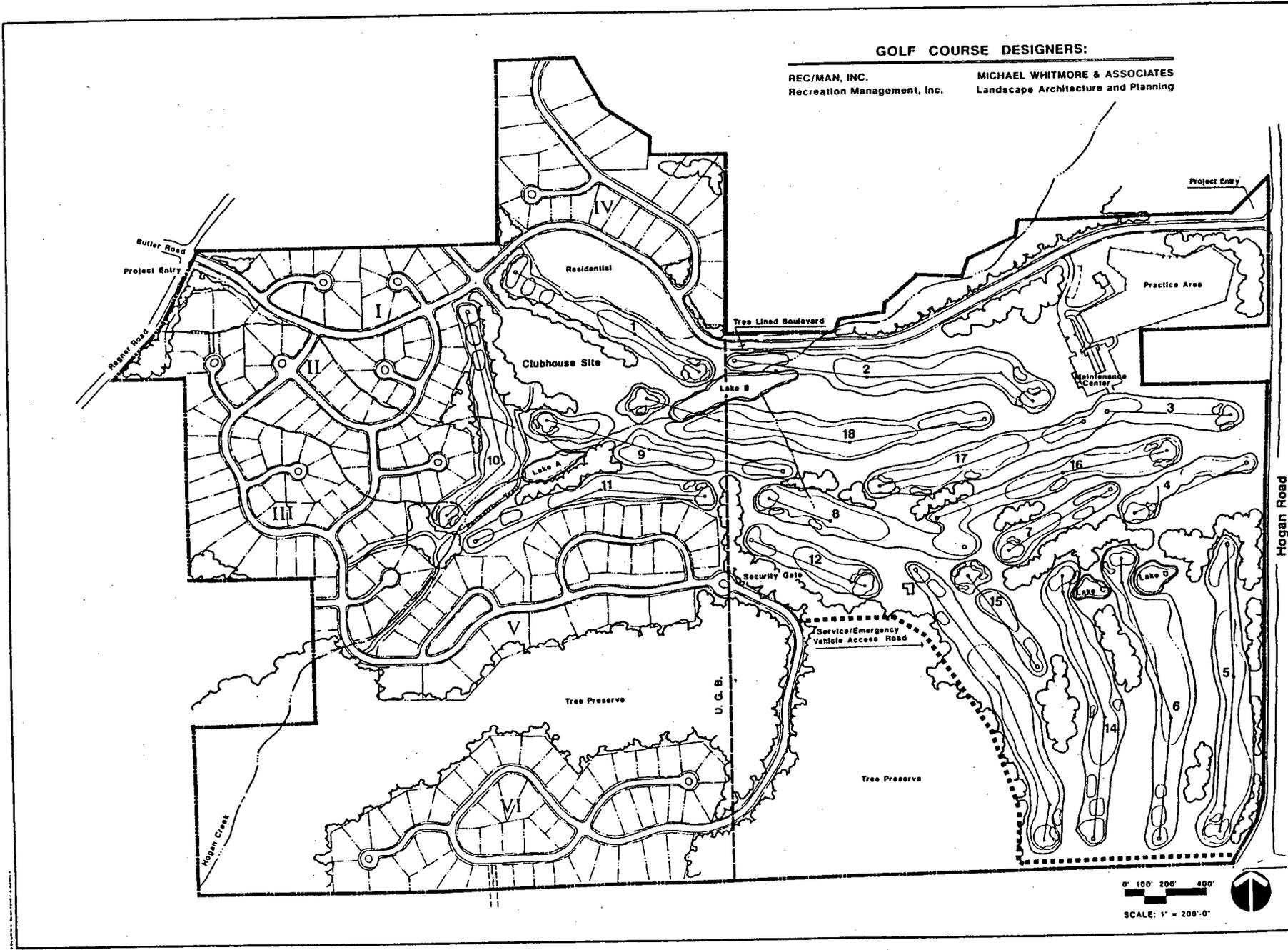


Multnomah County Line
 Clackamas County Line



CS 7-92

VICINITY MAP



GOLF COURSE DESIGNERS:

REC/MAN, INC.
Recreation Management, Inc.

MICHAEL WHITMORE & ASSOCIATES
Landscape Architecture and Planning

Designed	1992
Drawn	1992
Checked	1992
Reviewed	

CRYSTAL SPRINGS
GRESHAM, OREGON
C.G.C. INCORPORATED



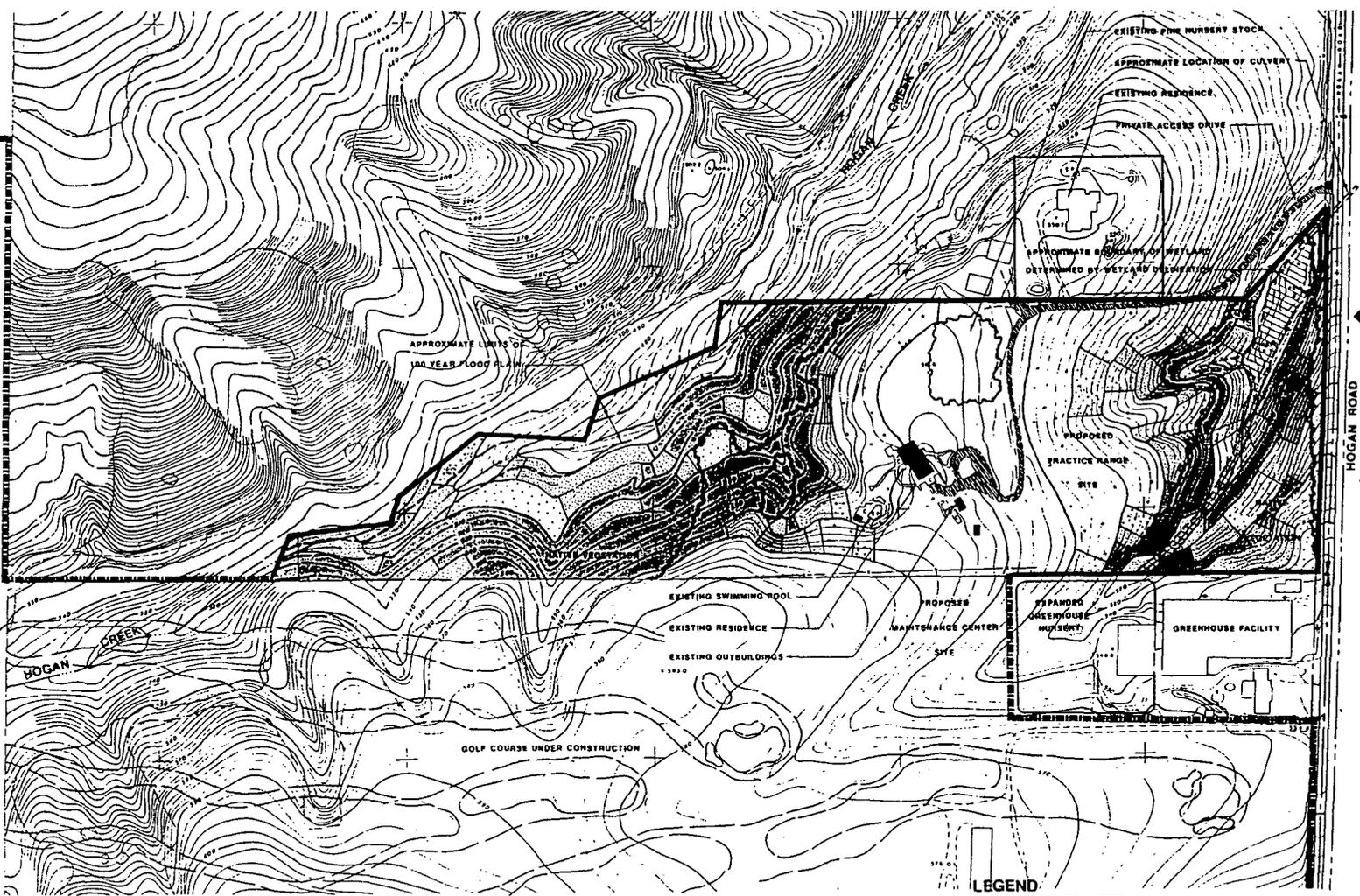
0' 100' 200' 400'
SCALE: 1" = 200'-0"



Sheet No. 3907
Project No.

CS 7-92

D.H. 3/82
 W.D.D. 3/82
 P.H. 3/82



PROPOSED
 ACCESS

HOGAN ROAD

LEGEND

- 0-10% SLOPE
- ▤ 10-15% SLOPE
- ▥ 15-20% SLOPE
- ▧ 20-30% SLOPE
- ▨ OVER 30% SLOPE



NORTH

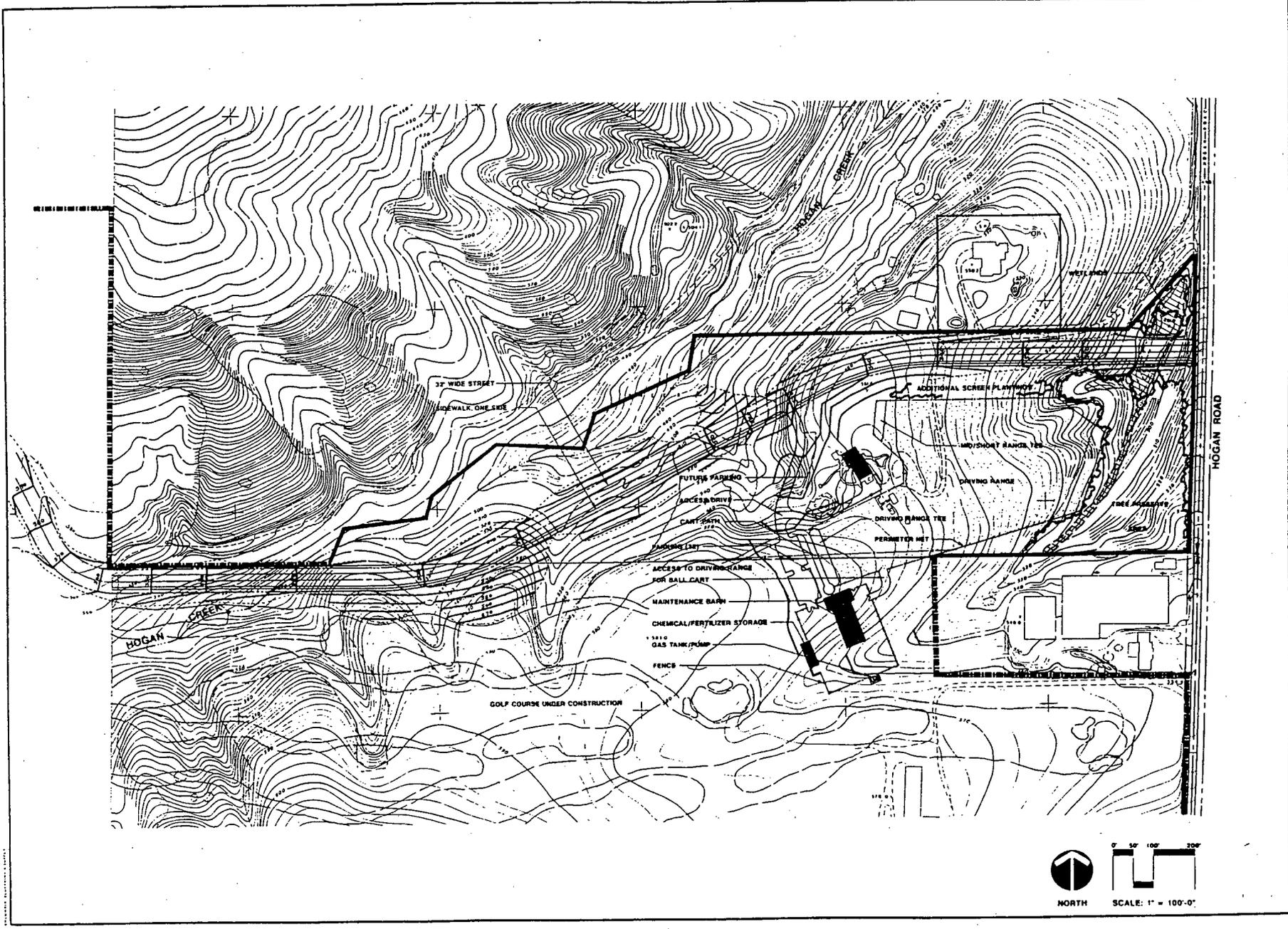


SCALE: 1" = 100'-0"

SITE ANALYSIS MAP
 CRYAL SPRINGS ENTRY CORRIDOR
 MULTNOMAH COUNTY, OREGON C.G.C. INCORPORATED

otak
 3907

CS 7-92



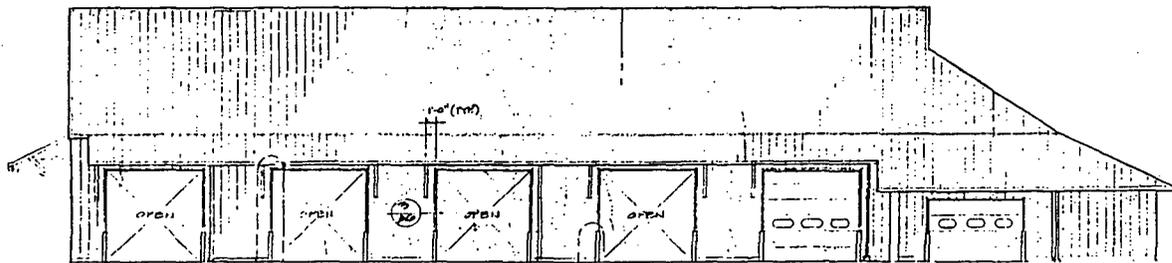
D.M.	3/83
P.D.O.	3/83
D.M.	3/83

PRELIMINARY SITE PLAN
CRYSTAL SPRINGS ENTRY CORRIDOR
 MULTNOMAH COUNTY, OREGON C.G.C. INCORPORATED

otak

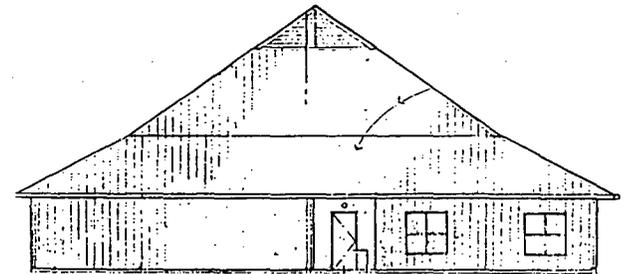
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CS 7-92

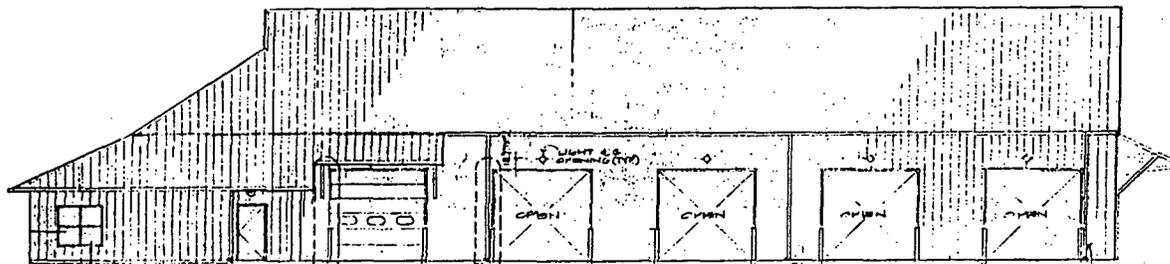


WEST ELEVATION

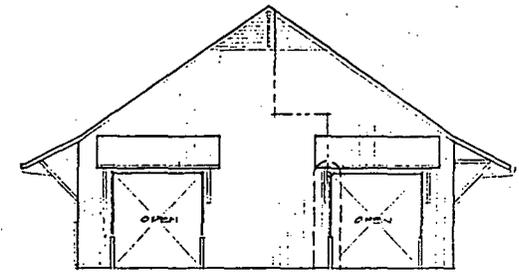
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SOUTH ELEVATION



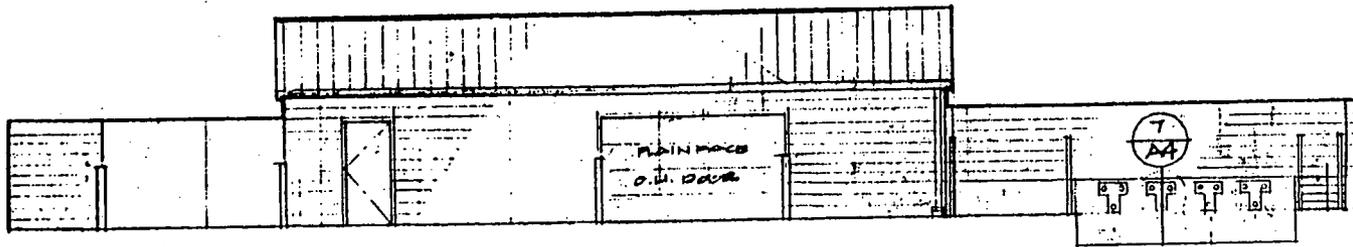
EAST ELEVATION



NORTH ELEVATION

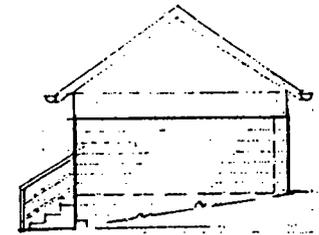
CS 7-92

MAINTENANCE BARN

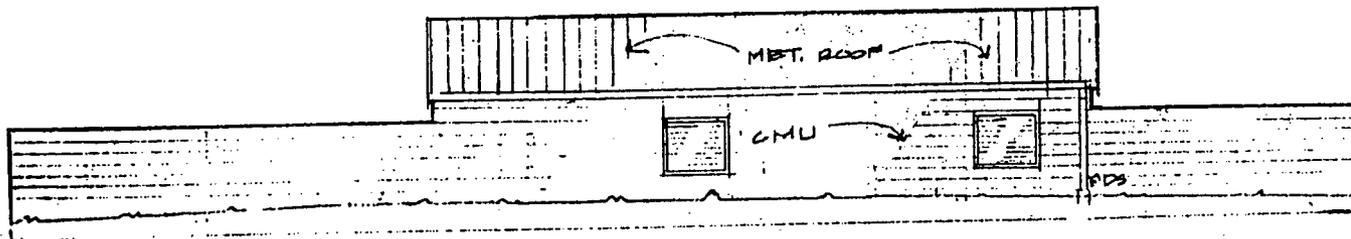


EAST ELEVATION

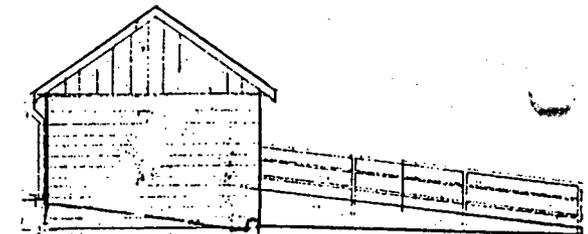
1/8"=1'-0"



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

STORAGE BUILDING

CS 7-92

CONDITIONS OF APPROVAL

1. Obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building designs. Site work shall not proceed until required Design Review approvals are obtained or as determined by the Director. Specific site improvements represented in the application may be developed in separate phases. Design review is not required for the construction of Butler Road. However, grading and erosion control permits are required pursuant to MCC 11.15.6710(B).
2. Approval of the occupancy permits for the modified CS Use, shall be contingent upon receipt of corresponding approvals of the revised golf course design by the City of Gresham. Gresham's approval shall be completed or assured within 9-months of this decision.
3. The CS Use approval applies to that portion of the proposed golf course outside the Gresham city limits, with the specific structures and accessory uses identified in the application. Any future accessory uses not detailed herein shall require approval at a subsequent public hearing.
4. Prior to site development, the revised grading plans shall be reviewed by the U.S. Army Corps of Engineers and the Division of State Lands to determine if proposed site work is subject to their regulatory or permit programs. Required permits from the above agencies shall be obtained or assured prior to development on the site. Site development consistent with existing State and Federal wetland permits and site development not subject to State or Federal wetland permits is permitted without additional State or Federal review.
5. Proposed road improvements (i.e., street widths, grades, intersection modifications, etc.) shall be subject to review and approval by the County Transportation Division. This condition does not delegate authority to substantially modify the proposed street alignments without review at a public hearing. Required public improvements may include on-street or separated bikeway facilities consistent with the County's Bicycle Master Plan.
6. The specific designs for the public road segments outside the UGB shall be conditioned upon receipt of corresponding approvals of the streets proposed within Gresham to which the roads will connect. Development of the roads outside the UGB shall not commence until associated approvals from Gresham are obtained or assured. Sufficient assurances of approval include a written statement from John Harris, or a Gresham City Official with similar responsibility, indicating that the road location is consistent with the City's plans for the roadway.
7. Conditions imposed under the CS 5-89/PR 5-89 decision remain in effect except as specifically modified by this request.
8. Night use of the Driving Range is prohibited. A barrier such as a fence or netting shall be constructed to prevent range balls from escaping toward the greenhouses. Lighting of the Driving Range is prohibited. As part of design review, insure that any exterior lighting on the site is shielded or directed to avoid or minimize glare onto surrounding residences. In addition, all associated lighting must be shielded from the greenhouses adjacent to the site. Landscape material shall be maintained at a height so as not to block solar access to the greenhouses.
9. Obtain approval from the Portland Metropolitan Area Boundary Commission (as applicable) of extraterritorial utility line extensions.

FINDINGS

1. PROJECT DESCRIPTION AND BACKGROUND:

The proposal would enlarge the CS designation for the Crystal Springs Golf Course (approved in 1989) to include a roughly 20-acre parcel north of the 155-acre golf course site. A driving range and associated accessory features would be developed on the 20-acre parcel. This proposal also shifts the location of Butler Road from the alignment approved in 1989 to an alignment across the 20-acre parcel. The golf course maintenance building and associated features would be relocated to the north edge of the golf course; the location approved in 1989 was near the south edge of the site. Excerpts from applicant's proposal are presented below.

"The proposed 20-acre parcel will be part of the Crystal Springs Country Club (Crystal Springs). Crystal Springs includes about 200 acres of land in the City of Gresham in addition to the existing 155-acre site and proposed 20-acre addition in unincorporated Multnomah County.

"In unincorporated Multnomah County, CGC will build all or part of 15 golf holes, a driving range and associated parking, two rest rooms, water fountains, a maintenance building, and portions of two public roads.

"The County approved the Community Service designation for the golf course and associated features on July 19, 1989 (CS 5-89) and an associated Plan Amendment and Statewide Planning Goal Exception (PR 5-89) for proposed roads. Oregon Division of State Lands and the US Army Corps of Engineers subsequently approved Fill/Removal permit 5497 to allow development in and adjoining waterways on the site. On May 22, 1990, the County approved the design review plan for the golf course (DR 90-04-10). On July 3, 1990, the County approved a exempt minor land partition to aggregate the parcels making up the golf course in the unincorporated area. Construction of the golf course began in 1990 and has continued as weather and State and Federal permits allow. On November 9, 1990, the County approved a modification to the design review plan. On August 28, 1991, the County concluded that substantial construction and development of the golf course had occurred, and therefore, the right to complete construction of the golf course vested..."

The project requires approvals from the County for portions of the golf course, its accessory uses and the roads which would extend outside the Gresham city limits. The project requires approvals from Gresham for the proposed subdivision, associated streets, and those portions of the golf course and accessory uses proposed within the city limits. The project, as described, may also require approval from the Portland Metropolitan Area Boundary Commission of extraterritorial utility line extensions (for city water service).

"...The Crystal Springs project is on the west side of SE 242nd Avenue (Hogan Road), north of the Multnomah/Clackamas County boundary, and east and south of the Hogan Creek.

"The 20 acres to be added to the project site pursuant to this application is situated at the north end of the County portion of the project. It extends from 242nd Avenue on the east to the City of Gresham on the west..."

The applicant provides a more detailed "Summary of applicant's request and related applications" in the application for expansion of the Community Service designation. The application text (dated April 24, 1992) is incorporated into this report by reference; however, all findings and conclusions have not been incorporated by this reference. Modifications to some findings and conclusions are identified in this report.

The 1989 County approval included exceptions to Statewide Planning Goals 3 (Agricultural Lands) and 14 (Urbanization) for the road segments proposed on the EFU zoned portions of the site. The 1992 revision proposed does not require a new goal exception because the proposed road alignments are either in MUA-20 zoned areas (*i.e.*, rural *exception* lands) or in EFU areas for which exceptions are already approved [ref. PR 6-89 and CS 7-92 site plans].

2. PLAN AND ZONE DESIGNATIONS:

The site is designated Multiple Use Agriculture on the Comprehensive Plan Map. The zoning designation is MUA-20 (Multiple Use Agriculture District).

"The southerly 155 acres of the site in unincorporated Multnomah County is designated Agricultural on the Comprehensive Plan Map and is zoned EFU (Exclusive Farm Use). The 20 acres proposed to be added to the site with this application is designated Multiple Use Agriculture on the Comprehensive Plan Map and is zoned MUA-20 (Multiple Use Agriculture). CGC does not propose to change the plan designations or zoning on either portion of the site."

The Framework Plan designates area within 100 feet of the normal high water line of a Class I stream as "Areas of Significant Environmental Concern" [ref. Policy 16; Strategies: (C)(16)]. Hogan Creek, a Class I stream, is situated near the western edge of the parcel.

3. ORDINANCE CONSIDERATIONS AND EVALUATION OF THE REQUESTS:

Conditional Uses allowed in the Multiple Use Agriculture District are specified in MCC 11.15.2132. Subsection (A) specifies "*Community Service Uses pursuant to the provisions of MCC .7005 through .7041.*" MCC § .7020(A)(10) identifies a golf course as a CS Use; and MCC .7020(A)(23) provides for accessory uses to a CS Use. Approval criteria are specified in MCC .7015.

MCC 11.15.6404(C) requires an SEC permit for any physical improvement within 100 feet of the normal high water level of a Class I stream as defined by the State of Oregon Forest Practice Rules. Hogan Creek, a Class I stream, is situated near the western edge of the parcel. The proposed realignment of a portion of Butler Road is located within 100-feet of the Creek, and therefore, an SEC Permit is required. MCC 11.15.6420 contains criteria for a Significant Environmental Concern Permit.

3. A. COMMUNITY SERVICE USE APPROVAL CRITERIA (MCC .7015)

The approval authority must find that the proposed CS Use:

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

The proposed use of the 20-acre parcel and minor changes in location of features on the 155-acre parcel are consistent with the character of the area, because:

- a. The area consists of a mix of land uses and characteristics, including the golf course, rural residential development, timber and steep hill and valley topography, and urban residential development. Given the mix of land uses in the vicinity, the proposed use is consistent, because all existing and permitted uses in the vicinity can be conducted without being significantly adversely affected by the development or operation of the proposed use.*
- b. The visual character of the project site will be similar to its existing visual character, because of the retention of existing vegetation and use of the majority of the site for growing perennial grasses. The principal views of the site — from 242nd Avenue — will be largely unchanged except at the Butler Road intersection, because almost all existing significant vegetation along the 242nd Avenue corridor will be preserved. Lights are not proposed for the golf course or driving range; therefore, they will not change the visual character of the area at night. The proposed use does not cause significant noise; therefore, it will not change the aural character of the area.*
- c. Activities common to farming in the vicinity will be conducted on the site, including ground preparation, seeding, fertilizing, spraying, irrigation, and mowing. Therefore, the use is consistent with the character of the activities in the vicinity.*
- d. The visual and functional privacy of nearby residential properties will be protected by retention of the majority of existing significant vegetation on the 20-acre parcel and by distance and topography. Reorientation of the fairways and relocation of Butler Road will reduce the potential effects of the project on the commercial greenhouse property that the site adjoins on three sides.*

In addition, as Staff points out, the area east of the proposed golf course is zoned EFU, exclusive farm use. There are farm operations evident on nearby properties, though a number of non-farm residential development is apparent as well, particularly further east along Rugg Road. The EFU zoned area is not extensive. Rather, it is somewhat of an EFU enclave surrounded by *non-resource* lands.

The unincorporated areas of Multnomah County near the project site are primarily zoned MUA-20 (to the north and northeast). These Multiple Use Agricultural lands north and further east of the site are *exception lands* and not subject to Statewide resource protection goals for agricultural and forest lands. The EFU area immediately east of the project site (east of 242nd Avenue) covers approximately 145 acres. The 1989 decision concluded that the proposed golf course provides a suitable transition between agricultural and rural residential uses generally east and south of the site and the existing and planned urban development generally west and north of the site.

Lands further south, within Clackamas County, are outside the Portland Metropolitan Area Urban Growth Boundary (UGB). The Clackamas County area south and southeast of the proposed golf course site is largely zoned RR-FF-5 (Rural Residential- Farm/Forest-5-acre minimum lot size) with some isolated parcels zoned "Transitional Timber". The nearest EFU lands within Clackamas County lie approximately one mile south of the County line.

Staff concurs that the proposal, as conditioned, meets this approval criteria. The proposed storage/maintenance building design is sensitive to the area character in terms of its scale, form and architectural typology. Its design evokes images of barns and farm buildings characteristic of the rural area to the east and south.

The proposed site design retains many natural features characteristic to the site and area. The addition of 20-acres provides more generous landscaped buffer areas between the golf course and surrounding residential and agricultural uses. The driving range is situated approximately 200-feet from the nearest house to the north. This house would be screened and buffered from the golf course and driving range uses by the proposed Butler Road and screening landscaping approximately 70 to 80-feet in width (ref. preliminary site plan). This Criteria is met

A(2) Will not adversely affect natural resources;

The proposed use of the 20-acre parcel and minor changes in location of features on the 155-acre parcel will not adversely affect natural resources, because:

- a. Soils will support a perennial groundcover, landscape materials, and native vegetation. This will maintain soil stability and reduce the potential for ero-*

sion. Soils will be subject to irrigation, fertilization, and herbicide and pesticide applications and may suffer compaction from vehicular and foot traffic necessitating occasional aeration. These are practices common to agricultural activities that have been conducted on the site and in the vicinity without adverse effects, so they will not cause adverse effects when conducted for a golf course or driving range. Therefore, land resources will be protected from adverse effects.

- b. Air quality will not be affected by use for a golf course or driving range, because those uses do not have airborne emissions. Emissions from automobiles using the site are not significant given the location of the site in the regional airshed.*
- c. Water quality will not be adversely affected by use of the site for a golf course or driving range, because surface water will be protected from pollution by erosion controls, revegetation, and use of sedimentation control features and maintenance of vegetative buffers between storm water discharge points and surface water bodies. Groundwater supply and quality will not be adversely affected, because the majority of storm water falling on the site will percolate into the ground, be filtered by subsurface materials, and recharge the aquifer below.*
- d. Wildlife habitat and native vegetation on the site will not be adversely affected, because the majority of native vegetation will be preserved, additional compatible vegetation will be planted, riparian corridors and wetlands on the site will be retained largely in their natural state, and mitigation of the small area of fill proposed for one wetland area will minimize the effect of that fill."*

Also, as pointed out by Staff, Condition #1 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features and existing grades to the maximum practical degree [11.15.7850(A)(4)]. Condition #4. requires review of grading plans by the Corps of Engineers and Division of State Lands to determine what permits may be required for proposed wetland alterations. Condition #6. specifies that proposed grading can only proceed if required permits from state and federal agencies responsible for regulating development affecting wetland areas are approved or assured. Additionally, Design Review criteria #4 requires that ... ***"The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions."*** The proposed course, given the above noted qualifications, will not adversely effect natural resources on the site. This Criteria is met.

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

The proposed use of the 20-acre parcel and minor changes in location of features on the 155-acre parcel will not conflict with farm or forest uses in the area, because:

- a. There are no commercial timber uses in the vicinity. Significant forested areas along the northwest and east edges of the 20-acre parcel will be preserved.*
- b. Maintenance of the proposed use is substantially similar to management of a farm use — ground preparation, seeding, fertilizing, spraying, irrigation, and mowing. Therefore, the proposed use does not involve activities that differ substantially from farm uses in the area.*
- c. Landscaping, fencing and forested buffers will protect the security of adjoining land and provide for a gradual transition from the site to adjoining land whether used for agriculture, forestry, or another purpose.*

It should be noted that the proposed golf course adjoins farm uses only along the east property lines. The farm uses east of the site are east of 242nd Avenue (Hogan Rd.). The road, by its very presence, provides a degree of separation and transition between the proposed golf course site and farm uses to the east. Design Review will also require screening and buffering of the fairways and driving range near the 242nd Avenue and Butler Road frontages. The plan indicates a 200 to 300-foot wide tree preserve area will screen and buffer the driving range from 242nd Avenue and lands to the east. The plan includes "additional screen plantings" in a 70 to 80-foot wide area north of the driving range, adjacent to the proposed Butler Road.

Commercial agricultural greenhouses operate on adjacent parcels near the northeast corner of the course. The proposed course will not conflict with this intense agricultural use since the adjacent greenhouses are separated topographically (i.e. they lie generally below the golf course property) and, if the course is developed as proposed, the greenhouses would be separated from the golfing activity by the "maintenance barn", as well as fencing and landscaping (ref. preliminary site plan). This Criteria is met.

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

The proposed use of the 20-acre parcel and minor changes in location of features on the 155-acre parcel will not require public services other than those existing or programmed for the area, because:

- a. *The site will be served by 2-inch water lines connected to the public water system to the west, if extraterritorial extension is allowed, or by wells.*
- b. *Sanitary waste will be disposed of into a public sewer, if extraterritorial extension is allowed, or by subsurface system approved by the Oregon Department of Environmental Quality.*
- c. *Energy and communication utilities serve the site.*
- d. *Storm water will be detained on-site and discharged at a controlled rate into surface water bodies or retained in water features on the golf course.*

In addition, the Traffic Impact Analysis indicates 242nd Avenue (Hogan Road) can adequately accommodate the anticipated traffic from the development. About a mile north of the site, 242nd Avenue (within Gresham) takes a somewhat precarious curve west of its otherwise straight north-south alignment - as the road crosses Johnson Creek. County Engineering Staff indicate a realignment and reconstruction of this road section has been authorized by the Board and should begin in the fall of 1992. The project is designed to correct an unsafe segment of this north-south *arterial* street. This street will serve as the primary access to the Crystal Springs site from central Gresham. This Criteria is met.

- 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;***

The 20-acre parcel is located outside of a big game winter wildlife habitat as defined by the Oregon Department of Fish and Wildlife. This Criteria is met.

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

The proposed use of the 20-acre parcel and minor changes in location of features on the 155-acre parcel will not create hazardous conditions, because:

- a. *Portions of the 20-acre parcel sloped more than 20 percent will not be developed and will be protected as open space, based on the site analysis map and preliminary site plan. Therefore, the use will not cause unstable soil conditions.*
- b. *Storm water will be managed so off-site flows do not exceed downstream capacity, based on the drainage plan. Therefore, the use will not cause drainage or flooding hazards.*

- c. *Access and roads will comply with applicable standards, and area roads can accommodate traffic from the proposed use without exceeding their capacity or causing dangerous conditions, based on the traffic study.*
- d. *The driving range will be fenced and setback a sufficient distance from the edge of the site to minimize the chance golf balls will be hit off the site. Lighting will be restricted to preserve the lighting needs of the adjacent greenhouses*

It should be noted that detailed road designs have not been reviewed by the County Transportation Division. However, condition #5 requires that proposed road designs be reviewed and approved by the Transportation Division. In addition, Gresham Staff will be included in reviewing designs for the Butler Road extension through the site. These reviews by engineering and transportation experts should ensure necessary safety features are incorporated in the final design.

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

The following policies of the County's Comprehensive Plan are found applicable to this request: Policy 2 (Off-site Effects); Policy 12 (Multiple Use Agriculture Lands); Policy 13 (Air, Water and Noise Quality); Policy 14 (Development Limitations); Policy 16 (Natural Resources); Policy 31 (Community Facilities and Uses); Policy 37 (Utilities); Policy 38 (Facilities); Policy 39 (Parks and Recreation Planning)

a. *Policy 2 – Off-site Effects.*

Findings. This policy is satisfied by the proposed use as follows:

“(1) The retention of the majority of significant existing vegetation on the 20-acre parcel, planting of additional landscaping along Butler Road, installation of a perimeter fence and net, and distance of the golf range from most other uses minimize off-site views and perceptions of the driving range, maintenance facility and associated accessory uses.

“(2) Storm water from the 20-acre parcel and relocated features on the 155-acre parcel will be retained on site or detained and discharged at a rate not greater than that before the development. Therefore, the use does not have off-site drainage effects.

“(3) The proposed use does not generate significant noise levels and does not include lights other than as needed for security and safety. Therefore, the use does not have off-site noise or lighting effects. Conditions of Approval will specifically protect the adjacent greenhouse uses

"(4) The driving range and maintenance facility will be subject to design review before development. Therefore, the County can assure that the final plan for these improvements do not cause off-site effects that are not identified or anticipated at this stage of the review process."

b. Policy 10 – Multiple Use Agricultural Lands

Findings. It is County policy to allow for community services within Multiple Use Agricultural areas provided that such uses are compatible with adjacent agricultural and rural residential lands. Based upon findings above under 3(A)1-3, the proposal, as conditioned, is therefore consistent with this policy.

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

Findings. This Policy is satisfied by the proposed use because:

(1) The use will not have a perceptible impact on air quality and will not cause noise perceptible off the site.

(2) It will not have an adverse effect on water quality, and may improve water quality, because of planned storm water control features and intensive course management.

(3) The projected traffic volumes on 242nd Avenue attributable to the golf course are not significant (ref. Traffic Impact Analysis). The above finding supports a conclusion that the requested CS use will not significantly effect air quality.

d. Policy 14 – Development Limitations.

Findings. The proposed use satisfies this Policy because:

"(1) The 20-acre parcel has a varied topography, based on the site analysis map. Portions of the parcel sloped more than 20 percent are not proposed to be developed. The portion of the 155-acre parcel proposed for the relocated maintenance facility also is sloped less than 20 percent.

"(2) Soils on the parcel do not have severe erosion potential. Grading will be conducted when erosion potential is low and will employ good professional practices. Soil will be protected against erosion if not replanted after clearing. The grass surface of the course will protect against erosion over time.

"(3) The portion of the 20-acre parcel inside the 100 year flood plain identified by the Federal Emergency Management Agency maps will not be developed.

"(4) Development is separated from Hogan Creek by a minimum of 50 feet. Development also is separated from the wetland and seasonal drainage channel at the east edge of the 20-acre parcel except to the extent necessary to build Butler Road. Storm water from the site will be directed to those existing water bodies."

e. Policy 16 – Natural Resources.

Findings. The proposed use satisfies this Policy because:

The long range availability and use of the following natural resources on the property will not be limited or impaired by the proposed use:

"(1) Domestic water supply watershed. The sources of domestic water for property in the area is groundwater pumped from private wells. Water to irrigate the driving range will be drawn from the well for irrigation of the golf course and from surface water features developed on the course, so the total effect should be no more than the historical use of groundwater for agricultural purposes on the 155-acre and 20-acre parcels. The previous application for the golf course in 1989 included a well report demonstrating that the site can produce up to 600 gallons per minute of water, without affecting other watersheds.

"(2) Fish and wildlife habitat. The proposed use will not have an adverse effect on fish and wildlife resources, because most of the existing riparian corridor and wetland is retained in forested open space, surface water will be directed to existing surface water bodies to maintain the quantity of flow, surface water quality will be protected by sedimentation and erosion control measures, landscaping will added to enhance habitat quality, and the majority of the parcel will be retained as open space."

f. Policy 31 – Community Facilities and Uses

Findings. A golf course qualifies as a Minor Regional Public Facility. The proposed use complies with the requirements for such a facility, based on the following:

(1) Access. The proposed use will have access to Hogan and Regner Roads via a new public street along the north edge of the site. Hogan and Regner Roads have adequate capacity to accommodate traffic from the Site, based on the traffic study. The new public street will be improved to County standards and will have adequate sight distance.

(2) *Impact on adjacent lands.* The proposed use will be compatible with adjacent lands, because it retains the open space character of the site, isolates more intense accessory facilities in the urban area to the west, provides for landscaped setbacks and fencing, will operate only during daytime hours, and will maintain the large size of the site.

(3) *Site characteristics.* The proposed use retains the open space and forested character of the site and incorporates natural drainage features as storm water detention devices and water features of the course. The site is large enough, when combined with roughly 50 acres of land in Gresham, to accommodate the proposed use. The addition of 20 acres to the site and relocation of Butler Road and the maintenance facility increases user safety by allowing greater separation between fairways."

Staff points out that Golf Courses are listed as a type of CS-Use in MCC 11.15.7020(A)(10); however, they are not a listed facility in Policy 31, subsection E. The proposed CS-Use appears similar in scale to facilities listed as "MINOR REGIONAL" scale (i.e., regional parks, marinas, boat launches).

Subsection G prescribes different access standards for CS uses, depending upon the scale of the facility. "MINOR REGIONAL" scaled uses should be located on transportation systems with volume capacities appropriate to serve present and future scales of operation, and at a minimum should have "...DIRECT ACCESS TO A COLLECTOR STREET AND NO ROUTING OF TRAFFIC THROUGH LOCAL NEIGHBORHOOD STREETS..."

The section of SE 242nd Avenue (Hogan Road) abutting the subject property is designated a Minor Arterial on the FUNCTIONAL CLASSIFICATION OF TRAFFICWAYS map (ref. Policy 34; adopted 1983). Regner and Butler roads, northwest of the site, are designated a Major Collector and a Neighborhood Collector respectively. The Butler Road extension through the north portion of the site is designed to meet County standards for collector streets (e.g., 60-foot Right-of-Way width). The proposed golf course and accessory driving range would have direct access to a collector street (i.e., Butler Road), and indirect access to an arterial street (i.e., 242nd Avenue). The proposed design avoids routing traffic associated with the CS-Use through local neighborhood streets.

Existing functional classifications of roads in rural areas of the County are the subject of a recently initiated re-classification study by Transportation Division Staff. The analysis and recommended updates to the functional classifications map are expected for Planning Commission and Board review in the Summer of 1992. Staff projects that SE 242nd Avenue will remain classified a Minor Arterial, and the Butler Road extension will be designated a Neighborhood Collector.

I agree with Staff's analysis in these regards. The proposed CS Use satisfies the vehicular access requirements embodied in Policy 31. The proposal is consistent with Policy 31.

g. Policy 33C - Bikeways/Pedestrian System

Findings. The County adopted an updated Bicycle Master Plan on December 4, 1990 (ref. File C 2-90). The East County Bikeway Plan map designates a route through the subject site, roughly mirroring the proposed Butler Road extension from Regner Road to 242nd Avenue. Condition #5 requires that road designs be subject to review and approval of the County Transportation Division. Required improvements may include on-street or separated bikeway facilities consistent with the County's Bicycle Master Plan. This Policy is satisfied.

h. Policy 36 - Transportation System Development Requirements

Findings. The proposed use satisfies this Policy because:

Roads serving the site can accommodate traffic from the proposed use. The applicant will facilitate transportation system design by providing a public street between Regner Road and Hogan Road across the 20-acre parcel. The relocation of that road onto the 20-acre parcel increases the sight distance available at its intersection with Hogan Road, and thereby increases its compliance with the Road Standards. This Policy is met.

i. Policy 37 - Utilities

Findings. The site will be served by 2-inch water lines connected to the public water system to the west if extraterritorial extension of those lines is allowed. If the extension is not allowed, the site can be served by existing wells. Sanitary waste will be disposed of by connection to the sanitary sewer being developed along Hogan Creek if extraterritorial extension of those lines is allowed. If the extension is not allowed, the site can be served by a subsurface system approved by the Oregon Department of Environmental Quality. Energy and communication utilities serve the site. Storm water will be detained on-site and/or retained in water features in the course without increasing off-site flows. The subsurface disposal systems proposed would require approval from the County Environmental Soils Specialist rather than from the state DEQ office. For these reasons, this Policy is or will be met.

j. Policy 38 - Facilities

Findings. The proposed use will not affect schools, because it does not result in new residential development. There is adequate water available in wells on the site to fight fires. The Gresham Fire Department, Fire District 10, and the County Sheriff reviewed the proposal for the golf course and concluded they can provide fire services to the site. The modification to the Community Service designation does not significantly affect public service needs. This Policy is met.

f. Policy 39 - Parks and Recreation Planning

Findings. The proposed use results in preservation of open space and creation of a public recreation facility. The County's Policy is to work with residents, groups, and agencies to secure funds for development and acquisition of park sites and recreation facilities. It is policy to encourage recreation opportunities by other public agencies and private entities. The proposal would preserve a significant open space and provide new recreation opportunities and facilities in the South Gresham/East County area. The request is consistent with Policy 39.

3.B. SEC Permit Request (MCC .6420)

(1) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Findings. By minimizing the extent to which Butler Road will be situated within the 100-foot SEC corridor and by revegetating areas disturbed by development, the applicant provides the maximum possible landscaped area, aesthetic treatment, open space, and vegetation between the road and Hogan Creek. A minimum portion of Butler Road must be situated within the SEC corridor to enable the road to match the approved and constructed Hogan Creek crossing. Potential adverse effects in the corridor would be greater if a new crossing had to be built across Hogan Creek.

(2) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Findings. The area within the SEC corridor is not agricultural or forest land, based on its existing conditions, including slope and vegetation. Farm or forest designated lands are not near the SEC area of this site. These resource uses on lands to the east or further south (in Clackamas County) would not be affected by the proposed Butler Road alignment near the creek.

(3) The harvesting of timber on lands designated SEC shall be conducted in a manner which shall insure that the natural, scenic, and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.

"The applicant will remove trees within the SEC corridor to the minimum extent necessary to construct Butler Road. The road will be shifted south as far as possible and will not include a sidewalk on the north side to help minimize impacts in the SEC corridor. The northern limit of the construction area will be identified and marked in the field. Hay bales and fabric fences will be installed along that line to protect the natural and watershed quality of the creek. Hydroseeding of disturbed areas will restore the ground within a brief period of time."

(4) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Findings. The proposed road will be situated to balance functional considerations and costs. For CGC, cost is not a factor in the siting of the road per se. The road location has been dictated by a desire to minimize grading and vegetation removal and by the location of the existing Hogan Creek crossing. CGC has moved the road as far south as practicable to minimize the impact on the SEC corridor without requiring construction of a new creek crossing.

(5) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with areas of environmental significance.

Findings. The road is necessary to provide access to the golf course and driving range. It is located and designed minimize the impact on the SEC corridor by shifting it as far south as practicable without requiring a new crossing of Hogan Creek. Therefore, it satisfies recreational needs (i.e., access to the golf course) in a manner that minimizes impacts on the SEC corridor.

(6) The protection of the public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Findings. The portion of the road in the SEC corridor protects public safety and public property to the maximum extent possible by complying with the Road Standards and variations permitted thereto, UBC Chapter 70, federal and state fill/removal permits, and the Hillside Development and Erosion Control District.

(7) Significant fish and wildlife habitats shall be protected.

Findings. Significant habitat in the SEC corridor is protected by minimizing the length of road in the corridor, minimizing road improvements, shifting the road as far south within the corridor as possible without causing more significant impacts outside the corridor, employing erosion control practices to prevent erosion and sedimentation of the creek and its banks, and revegetating areas disturbed by construction.

(8) The natural vegetative fringe along rivers, lakes, and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion.

Findings. CGC will protect natural vegetation in the SEC corridor to the maximum extent practicable by minimizing the length of road in the corridor and road improvements, thereby minimizing the amount of vegetation that needs to be removed from the corridor. CGC also will use erosion control practices to prevent erosion and sedimentation of the creek and its banks, and will revegetate areas disturbed by construction by hydroseeding such areas.

(9) Buildings, structures and sites of historic significance shall be preserved, protected, enhanced, restored, and maintained in proportion to their importance to the County's history.

Findings. There are no inventoried or designated historic resources on the site. Therefore, this Criteria does not apply.

(10) Archeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Findings. There are no known archaeological resources in the SEC corridor, based on the 1989 letter from the State Historic Preservation Officer, incorporated herein by reference. Therefore, this Criteria does not apply.

(11) Extraction of aggregates and minerals, the depositing of dredge spoils, and similar activities permitted pursuant to the provisions of MCC .7105 through .7640, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archeological features, vegetation, erosion, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

Findings. CGC does not propose to extract aggregates and minerals from nor deposit dredge spoils in the SEC corridor. Therefore, this Criteria does not apply.

(12) Areas of annual flooding, flood plains, water areas and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural functions.

Road construction will not occur in the flood plain, based on the site analysis plan and FEMA maps of the creek. Butler Road will cross the creek as the crossing was originally configured by previous approvals for this development. Since those approvals were granted in 1989 (CS 5-89, approved August 15, 1989), the County has applied an SEC overlay on portions of this site, including the area where the Butler Road crossing was approved.

In 1991, the applicant applied for and received a determination from the Planning Director that substantial construction had occurred on CS 5-89 and that the applicant's rights under that approval had vested.

Because the applicant has obtained a prior quasi-judicial determination that its rights have vested in CS 5-89, the new SEC regulations do not apply to portions of that approval that are not being changed in this application. Therefore, since the original Butler Road crossing of Hogan Creek is not changing, SEC review is not required for that portion of this developed proposal, since development rights to that portion of the proposed use have vested.

Since the other portions of the proposed development do not occur in any water-areas or wetlands, this Criteria is met.

(13) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.

Findings. Areas of potential erosion will be protected from loss by appropriate means, including field mapping and delineation of construction limits, placement of hay bales and fabric fences outside that limit line, and revegetation and hydroseeding of areas disturbed by construction. In addition, design review will require review of final grading and erosion control plans for the site development. The prior design review decision included conditions designed to prevent or control adverse erosion and off-site water quality effects during the construction phases of the site development. Similar restrictions are imposed for the expanded CS-Use proposed with this application. This Criteria will be met.

(14) The quality of the air, water and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Findings. The quality of air resources and ambient noise levels will not be affected by the proposed road construction within the SEC corridor. The quality of land and water resources will be preserved by field mapping and delineation of construction limits, placement of hay bales and fabric fences outside that limit line, and revegetation and hydroseeding of areas disturbed by construction.

(15) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of the areas of significant environmental concern.

Findings. No buildings, structures or signs are proposed in the SEC corridor, other than those required for Butler Road itself. Therefore, the development will be compatible with the character and visual quality of the SEC corridor.

(16) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Findings. The SEC corridor does not contain generally recognized fragile, endangered, or valued plant species, and there is not a specific identified need for protection of natural vegetation, based on the Comprehensive Plan and the preliminary wetlands delineation. This Criteria is met.

(17) The applicable policies of the Comprehensive Plan shall be satisfied.

Findings. Refer to Plan Policy findings above under *Community Service Use*. This Criteria is met.

CONCLUSIONS

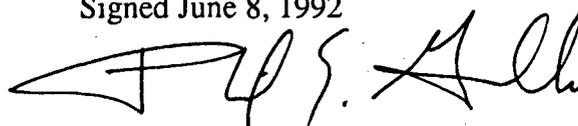
The application, as conditioned and supplemented herein, complies with approval criteria for a Community Service designation.

The application, as conditioned and supplemented herein, complies with approval criteria for a SEC Permit.

Conditions of approval are necessary to assure proposed development complies with applicable criteria and Comprehensive Plan policies.

In The Matter of CS 7-92 / SEC 13-92

Signed June 8, 1992

A handwritten signature in black ink, appearing to read 'P. Grillo', written over a horizontal line.

By Phillip Grillo, Hearings Officer

Filed With the Clerk of the Board on June 11, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to the Hearings Officer decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, June 22, 1992 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, June 23, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

Meeting Date: June 23, 1992

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Hearings Officer Decision

BCC Informal _____ BCC Formal June 23, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY

POLICY DIRECTION

xx DENIAL

APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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

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

CU 8-92 Review the Decision of the Hearings Officer of June 1, 1992, denying requested conditional use permit for a 9,000-square foot warehouse and office building, for property located at 28885 SE Dodge Park Blvd.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Garbary / H

(All accompanying documents must have required signatures)

1992 JUN 17 PM 2:02
MULTNOMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS



**Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043**

Decision

This Decision consists of Findings of Fact and Conclusions.

June 8, 1992

CU 8-92, #703

Conditional Use Request (Light Manufacturing Use in RC Zone)

Applicant requests conditional use approval to construct a 9,000 square-foot warehouse and office building to receive building materials that are repacked into ocean-going containers for overseas shipment.

Location: 28885 SE Dodge Park Blvd.

Legal: Tax Lot '64', Section 19 T1S, R4E WM, 1991 Assessor's Map

Site Size: 1.40 Acres

Size Requested: Same

Property Owner: Robert M. Turner
29147 SE Stone Road, Gresham, 97080

Applicant: Michael Hammons
20320 SE Highway 212, Clackamas 97015

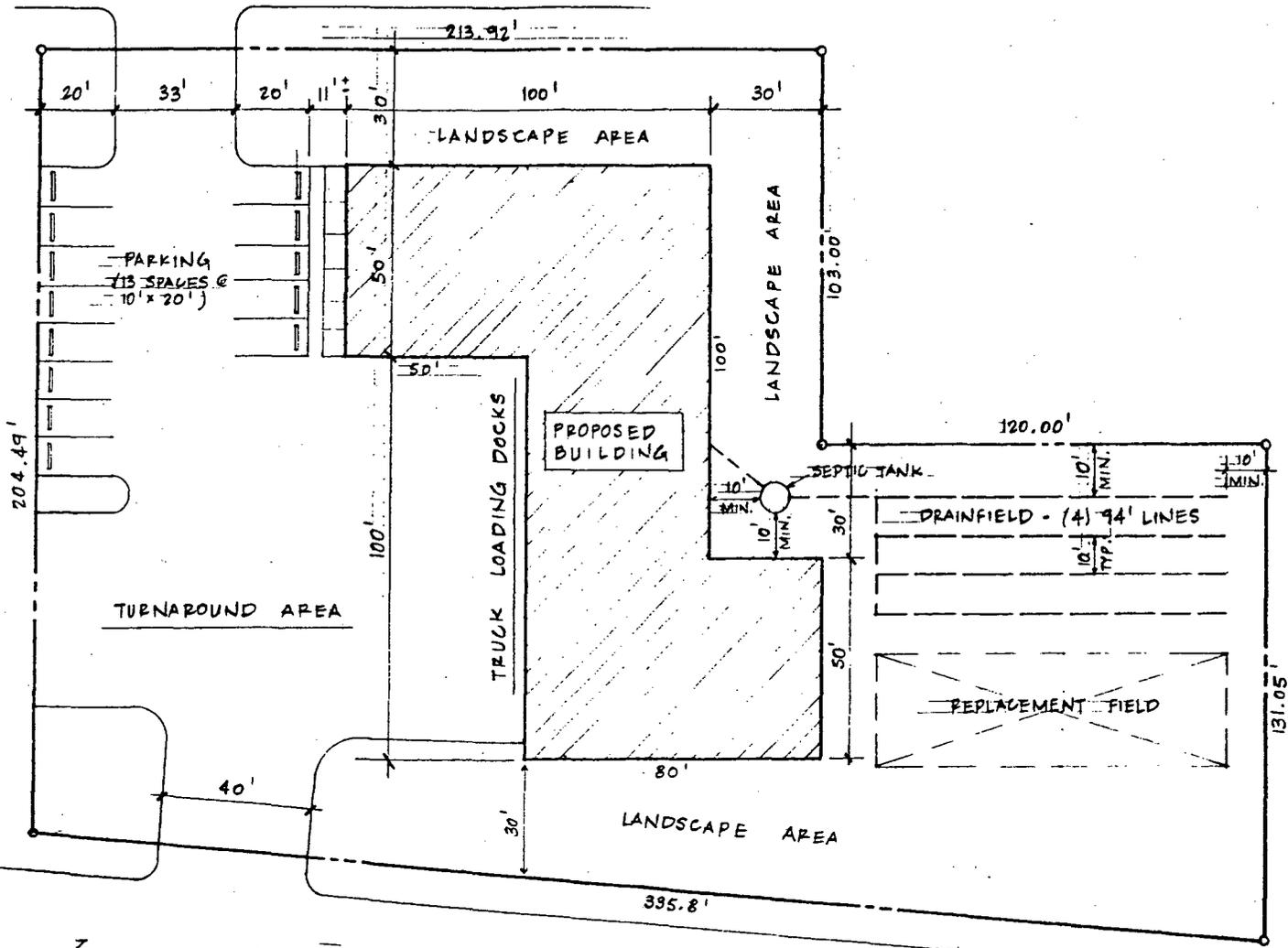
Comprehensive Plan: Rural Center

Present Zoning: RC, Rural Cente District
Minimum lot size of 1 acre per dwelling unit

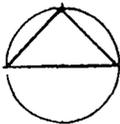
Hearings Officer

Decision: Deny requested conditional use permit for a 9,000 square foot warehouse and office building, all based on the following Findings and Conclusions.

POWELL VALLEY RD.



NORTH

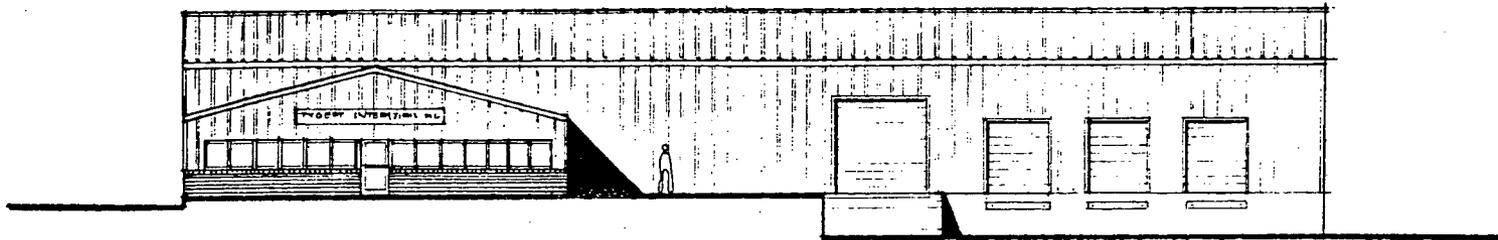


SITE PLAN

1" = 10'
1" = 50'

DODGE PARK BLVD.

CU 8-92



PROPOSED WEST ELEVATION

SCALE: 1/16" = 1'-0"

Reduced 6490
from shown scale

CUB-92

Findings of Fact:

1. **Applicant's Proposal:** The applicant proposes to build an approximate 7500 square foot, single level warehouse with an office and restore facilities for the purpose of receiving building materials that are to be containerized for overseas shipment.
2. **Site Conditions and Vicinity Information:**
 - A. The site is located between SE Dodge Park Boulevard and SE Powell Valley Road about 300 feet from the Gresham city limits. The site is currently vacant and contains 1.4 acres. The garage is currently nearing completion. The Comprehensive Framework Plan designates the site as Rural Center, and the zoning designation is RC, Rural Center District.
 - B. **Future Street Improvements (SE Dodge Park Boulevard and Powell Valley Road):** Southeast Dodge Park Boulevard and Powell Valley Road are not fully improved to county standards at this time. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60) it will be necessary for the owner to commit to participate in future improvements to the abutting roads through deed restrictions as a condition of approval.
3. **Ordinance Considerations (MCC 11.15):**
 - A. The Zoning Ordinance states that in the RC, Rural Center district, the allowed conditional uses include "*The [LM]Light Manufacturing uses of MCC .5120 which require the daily employment of twenty or fewer persons*" [MCC 11.15.2252(B)(3)]. "Warehouse" and "distribution plant" are listed in the LM zoning regulations [MCC .5120(L)] and are therefore conditional uses in the RC zone. The applicant's business is expected to have a maximum of six (6) employees and therefore qualifies under MCC 11.15.2252(B)(3).
 - B. The proposal must satisfies the general Conditional Use Approval Criteria in MCC 11.15.7120. For the proposal to satisfy those criteria, the approval authority must find that the use:
 - (1) *Is consistent with the character of the area;*
 - (2) *Will not adversely affect natural resources;*
 - (3) *Will not conflict with farm or forest uses in the area;*
 - (4) *Will not require public services other than those existing or programmed for the area;*
 - (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;

- (6) *Will not create hazardous conditions; and*
- (7) *Will satisfy the applicable policies of the Comprehensive Plan.*

4. **Response to Conditional Use Approval Criteria**

A. **General Conditional Use Criteria (MCC 11.15.7120)**

- (1) *Consistent with the character of the area; [MCC 11.15.7120(A)]*

Findings: The "area" in question has not been specifically defined. As suggested by the zoning designation for the property, the evidence suggests that the area functions as a rural center with some commercial uses such as a gas station and food store, a tractor equipment sales outlet and a number of nursery related storage and sales areas. An old auto wrecking yard is directly west of the site.

The predominant use of land within the one-mile radius of the site is rural residential and various farm use. In the immediate vicinity, a number of residential uses exist. On the whole, the area is best described as a mixed use rural center.

Overall, the proposed use is or can be designed to be consistent with the character of the area. The operation itself will accomplish its sorting and loading functions inside the proposed building. The number of truck trips can be limited and truck traffic can be limited to SE Dodge Park Blvd, in order to reduce or eliminate potential transportation conflicts on SE Powell Valley Road. With proper conditions of approval, this criteria can be satisfied.

- (2) *Will not adversely affect natural resources; [MCC 11.15.7120(B)]*

Finding: The proposed use of this property would have no adverse affects on the natural resources of the area. No wetlands, waterways, scenic views, fish and wildlife habitats, energy sources, or natural areas have been identified on the site. This criterion is satisfied.

- (3) *Will not conflict with farm or forest uses in the area; [MCC 11.15.7120(C)]*

Finding: : Considering the existing non-farm uses already in the vicinity, the proposed facility would not appear to pose a threat to nearby farm uses. This criterion is satisfied.

- (4) *Will not require public services other than those existing or programmed for the area [MCC 11.15.7120(D)]*

Finding

Public water is available to the site from the Lusted Water District. The County Sanitarian has approved a Land Feasibility Study confirming the ability to use on-site sanitation. Electric, natural gas and telephone service are available to the site. This criterion is satisfied.

- (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* [MCC 11.15.7120(E)].

Finding: The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife. This criterion is satisfied.

- (6) *Will not create hazardous conditions;* [MCC 11.15.7120(F)]

Finding: The applicant indicates that the operation of Tygert International, Inc. would entail only packing and repacking of delivered materials for reshipment, and would not include any manufacturing to make noise or pollution of any type. Vehicle delivery would basically be the only impact.

As staff points out, the design review process can, in conjunction with review by the Transportation Division, assure that ingress and egress points are located so as to maximize traffic and pedestrian safety. Under these circumstances, this criteria can be met.

- (7) *Will satisfy the applicable policies of the Comprehensive Plan.* [MCC 11.15.7120(G): The following Comprehensive Plan Policies are applicable to the proposed conditional use. The proposal satisfies those policies for the following reasons:

- (a) **Policy No. 13 - Air and Water Quality and Noise Levels** This policy seeks to maintain and improve air and water quality and reduce noise pollution in the county

Finding: No significant impact on air pollution will result from the business allowed by approval of the proposed conditional use. As stated by the applicant, the County Sanitarian has approved a Land Feasibility Study confirming the ability to use on-site sanitation. For these reasons the proposal satisfies Policy 13.

- (b) **Policy No. 14 - Development Limitations** This policy is concerned with mitigating or limiting the impacts of developing areas that have any of the following characteristics: slopes exceeding 20%; severe soil

erosion potential; land within the 100 year floodplain; a high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year; a fragipan less than 30 inches from the surface; and land subject to slumping, earth slides or movement

Finding: There are no slopes exceeding 20 percent on the site and it is not in the 100-year flood plain. There is no evidence of a fragipan, high seasonal water table, erosion potential or earth movement. For this reason, the proposal satisfies Policy 14.

(c) **Policy No. 27 - Commercial Location**

Finding: The activity proposed on this site is classified as a "warehouse" and "distribution plant" and is regarded as an industrial rather than a commercial use. Therefore, Policy 30 rather than Policy 27 applies.

(d) **Policy No. 30 - Industrial Location**

Finding: One of the opponents in this case, Ms. Susan Chase, indicated at the hearing that Policy 30(g) requires "isolated light industrial" uses to have "direct access to a collector street without sending traffic through neighborhood streets". Ms. Chase pointed out that according to the County's functional classification of trafficways, adopted as part of the Comprehensive Plan, neither SE Powell Valley Road nor SE Dodge Park Blvd., are designated as collector streets in this area. At the hearing, Staff verified that neither of these roadways are designated as collectors.

The legal question presented by Ms. Chase's argument is whether or not Policy 30(g) is written in such a way as to be mandatory approval criteria or whether the language in this Section is merely aspirational in nature. See Bennett v. City of Dallas 17 or LUBA 450 (1989).

In this case, judging from the context and the wording of Policy 30(g), it appears that the County has carefully determined what the vehicular access requirements are for particular types of industrial development, based upon their scale. This use is unquestionably an isolated light industrial use. Under the provisions of Policy 30(g), isolated light industrial uses are "required" to have direct access to a collector street. This proposed development does not have direct access to a collector street and it therefore violates Policy 30(g).

(e) **Policy No. 36 - Transportation System Development**

Finding: Conditions of approval require the owner to commit to the future improvement of the abutting public roads through deed restrictions. Those future improvements would include sidewalks, curbs and additional paving in the right-of-way adjacent to the subject property. Subject to those conditions, the proposal satisfies Policy 36.

(f) **Policy 37 - Utilities** This policy requires adequate utilities to serve the site.

FINDING: PUBLIC WATER TO THE PROPERTY. THE COUNTY SANITARIAN HAS APPROVED A LAND FEASIBILITY STUDY CONFIRMING THE ABILITY TO USE ON-SITE SANITATION . FOR THESE REASONS, THE PROPOSAL SATISFIES POLICY 37.

(g) **Policy 38 - Facilities:** This policy requires that public facilities be available to serve the use.

Finding: The property is located in the Orient School District, which will not have to accommodate any additional student enrollment as a result of approval of this request. Multnomah County Fire District No. 10 provides fire protection, and the Multnomah County Sheriff's Office provides police protection. For these reasons the proposal satisfies Policy 38.

Conclusions:

This proposed development satisfies all but one of the relevant approval criteria. The Conditional Use Criteria #7 requires the applicant to provide substantial evidence that all of the relevant comprehensive plan policies are satisfied.

In this case, Plan Policy 30(g) requires that all proposed isolated light industrial sites have direct access to a collector street. This site does not have the required access, and it therefore conflicts with this Policy. It should be noted that much of the testimony in opposition to this use on this site involved traffic safety concerns. The testimony indicated that SE Powell Valley Road in this area is used extensively by bicyclists and pedestrians and that additional heavy truck traffic might conflict with the neighborhood transportation patterns. This is precisely the type of conflict Policy 30(g), by its terms, is attempting to prevent.

The other remaining concerns raised by the neighbors could be mitigated with appropriate conditions of approval. However, lack of access to a collector street prevents this proposed industrial use from locating on this site, even though the other approval criteria are or can be met.

Signed June 8, 1992

A handwritten signature in black ink, appearing to read 'P. Grillo', written in a cursive style.

By Phillip Grillo, Hearings Officer

Filed With the Clerk of the Board on June 11, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, June 22, 1992 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, June 23, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



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

5/10/92
 2/10/92

2/18/92
 Filing
 Fee
 \$510.00
 Last day
 to file
 notice
 of Review
 by
 January
 6/22/92
 4:30pm
 JW

NOTICE OF REVIEW

1. Name: Hammons, K. Michael

2. Address: 20320 SE Hwy 212, Clackamas, Or. 97015
Last Middle First Street or Box City State and Zip Code

3. Telephone: (503) 658-8001

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

Robert M. Turner
29147 SE Stone Rd. Gresham Or. 97080

Tim Tyger
14831 SE Ondo Rivera Dr, Boring Or. 97009

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

Denial of a Conditional Use request
CU 8-92, #703

6. The decision was announced by the Planning Commission on June 8th, 1992

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

I'm the applicant

Please file this original form

Cu 8-92, #703 request for conditional use permit was denied for one reason. It was found that our use did not meet policy 30(g) as it was interpreted. Policy 30(g) requires "isolated light industrial" uses to have "direct access to a collector street without sending traffic through neighborhood streets." It is our contention that the basis for determining if Dodge Park Blvd is a collector street is based on Multnomah County Functional Classification of Traffic Ways adopted September, 1983 and presented as evidence in our hearing. As noted on that map, the designation of roadways stops at the intersection of 282nd and Orient Drive.

Multnomah County Transportation Department in reviewing the fact that their classification did not include the whole county in 1983, is in the process of updating their information on the classification of roadways. But because that new information will not be available until at least October 1992, according to the Multnomah County Transportation Department, we will try to show that policy 30(g) as written should allow our appeal to be favorable to us.

The decision on CU 8-92, #703 dated June 8th, 1992 cited Bennett v. City of Dallas 17 Or. LUBA 450 (1989) as grounds for denial. We ask for a review of a portion of that same decision which states on page 456 of said decision "ZO Sec. 177(1) quoted supra, and ORS 197.835,(3) both require land use decisions, such as conditional use permit approvals, to be consistent with the acknowledged comprehensive plan. However, this requirement does not impose a burden of consistency with every statement or phrase in a comprehensive plan." With this in mind, Policy 30(g) which requires "neighborhood industrial" to unequivocally have "Direct access to a county arterial or collector street." Policy 30(g) states that "Direct access to a collector street without routing traffic through neighborhood streets" is required for "isolated light industrial" which the Planning Department has considered our use to be.

It is our contention that we do have direct access to a current collector street (intersection of 282nd and Orient Drive) without routing traffic through any neighborhood streets. Our traffic will turn west from our driveway onto Dodge Park Blvd, travel 300 feet past Gresham Light Truck Parts, to the stop sign at the intersection of Dodge Park Blvd and Orient Drive, then continue west on Orient Drive past Loop Hi-Way Towing, Orient Auto Parts and Recycling, Web Foot Fertilizers, Bergh Machinery Shop and the Jackpot Food Mart, all of which make this area into a strictly commercial area and as such our traffic will be routed only through a current commercial area and not through any "neighborhood streets."

It is our hope that the Commissioners decision will give weight to the intent of Policy 30(g) as we understand it, "to keep commercial traffic out of residential neighborhoods", and allow our proposed use to be approved.

Following is the complete decision,
of 17 Or. LUBA 450 (1989) for the commissioners
review.

GARY BENNETT, STEVE BENNETT, and FRIENDS OF
ACADEMY FIELD, an unincorporated association,
Petitioners,

vs.

CITY OF DALLAS,
Respondent,

and

CHEMEKETA COMMUNITY COLLEGE
and POLK COUNTY,
Intervenors-Respondent.

LUBA No. 88-078

Appeal from City of Dallas.

Wallace W. Lien, Salem, filed the petition for review
and argued on behalf of petitioners.

Mark Irick, Dallas, filed a response brief and argued
on behalf of City of Dallas. With him on the brief was
Shetterly, Irick, Shetterly and Mannenbach.

William G. Paulus, Salem, filed a response brief and
argued on behalf of intervenor-respondent Chemeketa Com-
munity College. With him on the brief was Garrett, Seideman,
Hemann, Robertson and De Muniz.

Robert W. Oliver, Dallas, represented intervenor-re-
spondent Polk County.

HOLSTUN, Chief Referee; SHERTON, Referee, par-
ticipated in the decision.

AFFIRMED 02/07/89

L. Administrative Law - Interpretation of Law - Generally.

Zoning Ordinances - Interpretation of.

Where an ordinance expressly provides that listed examples are not an
exclusive list of "governmental structures or land uses," a public educational
facility and county office building may be considered governmental structures or
land uses.

2. Local Government Procedures - Other.

Zoning Ordinances - Interpretation of.

The fact that an applicant applies for a zone change after a conditional use
permit is granted, does not constitute a judicial admission that the proposed use
is not properly considered a conditional use in the original zone.

3. Comprehensive Plans - Applicability of - As Decision Criteria.

Plan policies in an acknowledged comprehensive plan may or may not be
approval criteria applicable to a specific land use decision depending upon their
context and how they are worded.

4. Comprehensive Plans - Applicability of - As Decision Criteria.

Where plan policies use nonmandatory language and express a general
framework and general principles which guide the city in adopting and amending
its land use regulations, they are not approval criteria for conditional uses.

5. LUBA Scope of Review - Grounds for Reversal or Remand -
Unsupported by Substantial Evidence.

Where petitioners do not explain why challenged findings are critical to the
city's decision, and it is not obvious from the city's decision that the challenged
findings are critical to the decision, LUBA's review of an evidentiary challenge to
those findings would serve no purpose.

Opinion by Holstun.

NATURE OF THE DECISION

Petitioners appeal a conditional use permit which
allows renovation and conversion of an existing school build-
ing for use as an adult education facility by Chemeketa Com-
munity College and as governmental offices by Polk County.

FACTS

The Academy School originally was constructed in
1856. The building was used continuously for school purposes
until recently closed. The property includes a playground,
open area and ball field.

The property is designated "public school" on the City
of Dallas Comprehensive Plan (plan). The property is zoned
Residential High-Density (RHD), and is bordered on the north
by LaCreole Creek, on the east by Main Street, on the south
by Academy Street and on the west by Church Street. The
areas to the north and west are zoned RHD, while the areas
to the south and east are zoned Central Business District
(CBD).

As part of the proposal to remodel and convert the Academy School building, the existing ball field and playground will be eliminated to make room for construction of 120 off-street parking spaces. New access to the property will be provided from Main Street and Academy Street.

MOTIONS TO INTERVENE

Polk County and Chemeketa Community College move to intervene in this proceeding on the side of respondent City of Dallas. There is no opposition to the motions, and they are allowed.¹

FIRST ASSIGNMENT OF ERROR

"The respondent failed to follow the appropriate procedures in processing this application for a conditional use when the requested uses are not conditionally allowed in the zone."

The RHD zone allows as conditional uses the same conditional uses allowed in the Residential Single family (RS) zone. City of Dallas Zoning Ordinance (ZO) Sec. 36(1). One of the conditional uses allowed in the RS zone is as follows:

"Governmental structure or land use including but not limited to a public park, playground, fire station, library or museum." ZO Sec. 14(2).

Petitioners argue the adult education facility proposed by Chemeketa Community College and the offices proposed by Polk County do not fall within the meaning of "governmental structure or land use" as used in ZO Sec. 14(2). Petitioners offer three separate arguments for why the city's interpretation of ZO Sec. 14(2) to include the proposed use is an erroneous construction of the zoning ordinance. We address each of petitioners' arguments separately below.

A. Ordinance Language

According to petitioners, public parks, playgrounds, fire stations, libraries and museums "are the classic facilities ordinarily and generally understood to be public facilities of a governmental nature." Petition for Review 7. We understand petitioners to argue the enumerated governmental structures

¹ Respondent City of Dallas also filed a motion to dismiss this proceeding but withdrew the motion at oral argument.

and land uses in ZO Sec. 14(2) establish the scope of uses the city intended when it used the concept "governmental structures or land uses." According to petitioners, the proposed adult education facility, which will offer day and evening classes, and county office building are outside the intended scope.

1 There are at least two problems with petitioners' first argument. First, ZO Sec. 14(2) expressly provides the listed examples are *not* an inclusive list of governmental structures or land uses. Thus, unless there is some other basis for concluding a public educational facility and county office building are not governmental structures or land uses, the enumerated uses provide no basis for such a conclusion. Second, the only significant common trait we discern in the enumerated examples in ZO Sec. 14(2) is public ownership and operation, a trait also possessed by the proposed use. Although there are differences between the proposed adult education facility and, e.g., a fire station, in our view public schools and county office buildings are just as "classic" governmental structures or land uses as a fire station or museum.

B. Plan Policies

Petitioners next look to the acknowledged plan to support their construction of ZO Sec. 14(2). Petitioners argue the plan map designates the property "existing school" rather than "public and semi-public land." The latter designation is applied to the county courthouse and city hall. The petitioners also cite the following plan policy:

"City and county offices should be encouraged to remain in the central district." Plan VI-24.²

We do not believe the plan provides support for petitioners' construction of ZO Sec. 14(2). Petitioners do not argue all governmental structures or land uses must be designated "public or semi-public lands" or "central business district." In our view, the fact the city public and semipublic plan designation is applied to some, but not all, governmental structures and land uses and the existence of a policy to encourage city and county offices to remain in the central

² The plan does not number or provide other means for identifying specific policies. Our citations to plan policies in this opinion are to the page on which the cited policy appears in the plan.

business district has no material bearing on the proper construction of ZO Sec. 14(2).

C. Judicial Admission

2 Petitioners note intervenor Chemeketa Community College sought and was granted a zone change for the property from RHD to CBD, after the city's decision to grant the conditional use permit challenged in this appeal. Petitioners argue this action constituted a judicial admission by intervenor and respondent that a zone change to CBD, rather than a conditional use approval under ZO Sec. 14(2), is required to allow the proposed uses.³

Intervenor answers:

"It is irrelevant for the purposes of this appeal to determine whether a zone change would have been more appropriate since the requested use of county offices, educational facilities, parking adjunct thereto and landscaped public open space falls squarely within the permitted conditional use of Section 14(2)." Intervenor's Brief 7.

We agree with intervenor that the rezoning of the property to CBD has no bearing on whether the proposal properly is viewed as a conditional use in the RHD zone under ZO Sec. 14(2). Applicants for land use approval frequently pursue multiple or alternative routes for obtaining such approval. We see nothing in the subsequent rezoning of the property that constitutes a judicial admission that ZO Sec. 14(2) was not properly applied to the property.

Because we reject each of petitioners' separate arguments under this assignment of error, the first assignment of error is denied.

SECOND ASSIGNMENT OF ERROR

"The decision of respondent violates the city's own comprehensive plan."

ZO Sec. 177 establishes general requirements for approval of conditional use permits and requires, in part, that the approving body find

³ The rezoning decision identified by petitioners is challenged by petitioners in a separate appeal. *Bennett v. City of Dallas*, LUBA No. 88-118.

**** (the proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the city.

Petitioners argue the following plan policies and goal⁴ are violated by the city's decision:

"City and county offices should be encouraged to remain in the Central Business District." Plan VI-24.

"Encourage regional offices of the state and federal governments to locate in the City of Dallas." Plan III-11.

"Encourage regional offices of the state and federal governments to locate on the periphery of the Central Business District." Plan IV-14.

"Encourage the development of adequate off-street parking facilities in the Central Business District." Plan IV-14.

"GOAL: To maintain and enhance the quality of existing residential areas and encourage the development of a variety of housing types to meet the needs and desires of the community." Plan IV-10.

"High density residential development should be encouraged to locate around the Central Business District and shopping centers to get maximum use out of this currently served valuable land;

"High density residential development should have good access to arterial or collective streets and be located close to employment or shopping centers; * * *

⁴ The plan defines "goal" and "policy" as follows:

"GOAL: A desired condition or state of being to be achieved. Achievement is usually attained only by prolonged effort and may not be measurable in a definitive way."

"POLICY: A policy is a principle, plan, or course of action that is directed toward the achievement of identified goals. Policy statements are intended to be instructive and directional in nature. Upon adoption of the plan, a policy commits the city to the principle plan, or course of action, set forth in the policy statement. However, the decision on how to implement the policy is left to the appropriate city decision maker." Plan I-3.

"The residential development of close in vacant land, readily serviceable by a full range of government services shall be encouraged to be used before new areas are annexed * * *"
Plan IV-11.

We do not agree with petitioners' essential but unstated premise under this assignment of error that the above quoted policies are approval standards applicable to conditional use permits.

3 ZO Sec. 177(1) quoted supra, and ORS 197.835(3) both require land use decisions, such as conditional use permit approvals, to be consistent with the acknowledged comprehensive plan. However, this requirement does not impose a burden of consistency with every statement or phrase in a comprehensive plan. As we have explained in prior cases, plan policies in acknowledged comprehensive plans may or may not be approval criteria applicable to a specific land use decision depending on their context and how they are worded. Pardee v. City of Astoria, 17 Or LUBA 226 (1988); McCoy v. Tillamook County, 14 Or LUBA 108, 110-111 (1985); Hummel v. City of Brookings, 13 Or LUBA 25, 35 (1984).

Local governments may or may not make it clear in their plan and land use regulations how their plan goals and policies apply to such decisions as variances, conditional uses, plan and zone changes, etc. See *Miller v. City of Ashland*, 17 Or LUBA 147, 162-163 (1988). Frequently, as in the present case, they do not. In such instances, this Board must determine whether the plan policies at issue constitute approval criteria applicable to the land use decision at issue.

4 We conclude the cited plan policies are not approval criteria applicable to conditional use permit applications under the plan and zoning ordinance.⁵ These plan policies are interspersed with plan text and are written in very general, nonmandatory language. Although the plan could have made it clearer, we believe these policies express a general framework and general principles which guide the city's implementing land use regulations such as its zoning ordinance. See *Urquhart v. LCOG and City of Eugene*, 14 Or LUBA 335, 347, *rev'd on other grounds* 80 Or App 176 (1986). Presumably these policies guided the city in adoption of its zoning ordi-

⁵ Our view is not changed by the fact the city did adopt findings explaining why it believes the proposal furthers the cited plan policies.

nance and continue to guide the city when it amends its zoning ordinance.⁶

In *McCoy v. Tillamook County*, *supra*, we were faced with a similar question concerning a policy in Tillamook County's comprehensive plan worded in similar nonmandatory language.

"New developments should be designed to minimize peak storm water discharge. Alteration of natural drainageways should be minimized. Roads in urban areas should have adequate ditches and culverts to transport storm water effectively. * * *" *Id.* at 118.

We rejected petitioner's contention in *McCoy* that the county was required to address the above quoted policy in granting subdivision approval as follows:

"However, we note the policy is not expressed as a regulatory requirement. Instead, the policy merely encourages the pursuit of certain objectives (minimizing storm water discharge) and discourages certain actions (alteration of natural drainageways). Given the text, we conclude no responsive findings are required." *Id.* at 118.

Our conclusion in *McCoy* applies with equal force here. See also *Urquhart v. LCOG and City of Eugene*, *supra*.

The second assignment of error is denied.

THIRD ASSIGNMENT OF ERROR

"The decision of respondent to grant this conditional use permit is not supported by substantial evidence in the whole record."

The city's order contains three subsections — "Findings of Fact," "Conclusions of Law" and "Opinion." Petitioners first attack several findings in the findings of fact section of

⁶ It is unnecessary for us to determine in this case whether some or all of the policies cited are mandatory approval criteria applicable to zoning map amendments.

the city's decision, arguing they are not supported by substantial evidence or are conclusions.⁷

5 Petitioners do not explain why the challenged findings are critical to the city's decision, and it is not obvious from the city's decision that the challenged findings are critical.⁸ Because petitioners do not explain why the challenged findings are critical to the city's decision, our review of petitioners' evidentiary challenge to those findings would serve no purpose and we reject petitioners' challenge to those findings. *Territorial Neighbors v. Lane County*, 16 Or LUBA 641, 657 (1988); *Sellwood Harbor Condo Assoc. v. City of Portland*, 16 Or LUBA 505 (1988); *Bonner v. City of Portland*, 11 Or LUBA 40, 52 (1984).

Petitioners next turn to the opinion section of the decision. As is frequently the case in local government land use decisions, the portion of the decision denoted opinion or conclusion actually is a mixture of findings of fact, conclusion of law and reasoning relating the facts and legal conclusions. Unlike the earlier findings challenged, the challenged findings discussed *infra* appear immediately below the conditional use criteria they address.⁹ It is therefore obvious from the city's

⁷ The challenged findings of fact include findings that the existing Academy School is "a historical asset" (finding 2); that the school was closed several years ago (finding 3); that parts of the school building have been leased in the past (finding 4); that there are no alternatives for providing required parking other than converting the baseball field to a parking lot (finding 10); that no other person has expressed an interest in acquiring and renovating the building (finding 11); and that traffic and parking problems in the neighborhood will be minimized by providing access to the property from Main Street (finding 12). Record 6-8.

⁸ Findings 2, 3, 4 and 11 do not appear to be relevant to the approval criteria for conditional uses discussed *infra*. See n 7. Findings 10 and 12, which petitioners argue are mere conclusions, could be relevant but are repeated in substance later in the city's decision and are separately challenged by petitioners *infra*.

⁹ The applicable criteria quoted in the opinion *infra* are in ZO Sec. 177, which also provides:

"In judging whether or not a Conditional Use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are met, can be met by observance of conditions, or are not applicable." (Emphasis added.)

decision which criteria these challenged findings were adopted to address.

A. ZO Sec. 177(2)

Under ZO Sec. 177(2) the city is required to find:

"The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the liveability, value, or appropriate development of abutting properties in the surrounding areas."

We note ZO Sec. 177 expressly recognizes that a conditional use may result in "adverse conditions." See n 9, *supra*. We understand ZO Sec. 177(2) to require that such adverse impacts be "minimal."

Respondent's determination that ZO Sec. 177(2) is met by the proposal is as follows:

"The liveability of the surrounding neighborhood will not be negatively effected [sic] by the use of the existing school building, but in fact will be enhanced. The school building, which has not been especially well maintained in recent years, will be restored, renovated and landscaped. The addition of the landscaping, as well as the new entrance on the East side of the building will enhance the property aesthetically.

"Additionally, under the proposal, on site storm drainage will be installed for the parking area as well as the area to the immediate East of the building, which currently do not have on site storm drainage facilities, which will eliminate any drainage problems and constitute a significant improvement to the property.

"The primary access to the building, which currently is from Church Street on the West, will be changed to Main Street on the East, which will take traffic away from the residential area of Church Street and route it from Main Street which is a major arterial street. The parking lot was designed to assure that the streets in the residential area will not be congested by off street parking, since an adequate number of spaces for the students, staff and clients using the services within the building have been provided. The location of a new elevator and the major entrance on the East side of the building, adjacent to the new parking lot, will further ensure that the residential neighbors to the West and the offices to the South will not be effected [sic] negatively by traffic or parking.

"Although Chemekeeta Community College will be offering classes in the evening hours, the classes will end at an early enough time so as not to cause any disturbance to the adjoining residential neighborhood. Additionally, the routing of the traffic from Main Street will reduce the possibility of evening traffic disturbing the residential neighborhood. Chemekeeta Community College will not be changing its methods or hours of operations from that currently being offered at its present location at the Morrison School, which is located in a residential neighborhood and which has caused no adverse impact on the residential neighborhood.

"The liveability of the neighborhood will be greatly enhanced by the preservation of a landmark building meeting its original purpose of providing educational opportunities to the community.

"The only adverse impact the proposal entails is the loss of the ball field on the East side of the building, which will be converted into a parking lot. However, there is no alternative plan which would fulfill the parking requirements without converting the ball field into a parking lot. The alternative plan presented at the public hearing is not feasible because it involves on street parking, which is contrary to the policy of the comprehensive plan; would not present convenient and easy to use off street parking, which would encourage people to use on street parking in a residential neighborhood; would not provide the closest possible access to the entrance to the building, which again would encourage on street parking; would involve the use of the portion of the property which lies in the flood plain for parking, when it is the policy of the City not to encourage development in the flood plain; and would require a difficult to negotiate hard right turn off Main street to the off street parking, which could cause traffic congestion and related safety problems.

"No negative effect on the value or appropriate development of the properties in the surrounding area would incur. In fact, it is likely that the renovation and improvement of this property will have a positive effect on the value of the surrounding properties and will encourage similar renovation and aesthetically appropriate development of the surrounding properties. (Emphasis added.) Record 10-13.

Petitioners first argue that the first sentence of the city's decision quoted supra is a "conclusion, and not a finding of fact." Petition for Review 17. Petitioners further argue "there are no findings of fact on the liveability criteria, and

the evidence in the record is conflicting." Petition for Review 17-18.

Petitioners are correct that the above quoted sentence states a conclusion. However, the balance of the above quoted findings addressing ZO Sec. 177(2) explain the city's basis for concluding that the proposed use of the Academy School complies with ZO Sec. 177(2).

Further, petitioners challenge the evidentiary support for only selected portions of the balance of the findings. Petitioners do not challenge the adequacy of the quoted findings emphasized above. Neither do petitioners explain why those unchallenged findings by themselves are not sufficient to show the proposal complies with the requirement in ZO Sec. 177(2) that "adverse impacts" be "minimal" in view of the "appropriateness, desirability or * * * public necessity" of the proposal. Therefore, even if petitioners are correct in their contentions that the *challenged* findings are not supported by substantial evidence, that would not be a sufficient basis for reversing or remanding the city's decision.

However, this subassignment of error must be denied in any case if we agree with the city that the challenged findings are supported by the record and are sufficient to support the city's decision that ZO Sec. 177(2) is met. We, therefore, consider below petitioners' attacks on specific city findings explaining its conclusion that ZO Sec. 177(2) is satisfied.

Petitioners dispute the city's conclusion that reorienting the main entrance to the east toward Main Street would minimize impacts on adjoining residences and offices to the west and south. Petitioners complain that the city did not consider whether a new driveway onto Main Street for a parking lot capable of parking 120 cars would have a negative affect on traffic flows on Main Street. Petitioners further speculate that the other entrance on Academy Street potentially will increase traffic impacts.

Respondent points out no evidence was submitted in the local hearings that the proposal would result in traffic or parking problems in the area. Respondent further argues

"It is appropriate for a governing body to state findings of fact in a more conclusional form when there is no substantial evi-

dence in the record from opponents addressing the relevant criteria. *Publisher's Paper Company v. Benton County*, 6 Or LUBA 182, 189 (1982). Further, as stated in *Spevark Land Company v. City of Warrenton*, 15 Or LUBA 334, 339 (1987), the city is not required to address all possible adverse affects of a land use decision. Without evidence of potential adverse affects, the city need only address facts and circumstances reasonably likely to occur, which the city has done." Respondent's Brief 6.

We agree with respondent. The city explained, and the record shows, the access to the property will be from Main Street, a major arterial, and Academy Street. Record 47, 62, 63. In addition, the major entrance and building elevator will be relocated to the east side, away from offices to the south and residences to the west. Record 47, 64. The parking lot is of sufficient size to accommodate the parking needs of the building, minimizing parking impacts on adjoining residential streets.

Petitioner points to no argument or evidence submitted to the city in the local proceedings which suggest the proposal will have traffic and parking impacts on adjoining properties. In the absence of such arguments or evidence, we believe the city's decision that ZO Sec. 177(2) is satisfied is adequate and supported by the evidence in the record.¹⁰

Petitioners next argue the city recognized a significant adverse impact of the proposed use would be the loss of the existing ball field. Petitioners argue there is no substantial evidence in the record to support the city's conclusion that there was no alternative plan that would both preserve the off-street parking required under the code and save the ball field.

Respondent notes there is no dispute that under the zoning ordinance the proposed use will require 120 off-street parking spaces. ZO Secs. 140(3) and 144. Respondent argues the site plan at Record 62 and planning staff testimony at Record 19 and 32 shows there is not sufficient area on the property to accommodate both the required parking and the

¹⁰ In particular, we agree with respondent that detailed technical studies about possible traffic impacts were unnecessary, absent some argument by petitioners or evidence that the proposed design orienting traffic and users to the east, away from adjoining uses to the south and west, was insufficient to address such potential impacts.

ball field. Respondent further argues the impossibility of accommodating both the required parking and the ball field is shown by the petitioners' proposal, which placed some of the required parking on Academy and Church Streets. According to respondent, this would violate the ZO Sec. 140(3) requirement that off-street parking be provided. In addition, respondent argues the record shows that alternatives such as the one presented by petitioners would create on-site and off-site traffic circulation problems. Record 31.

We agree with respondent that the record contains substantial evidence to support the city's determination that it is not possible both to provide the required off-street parking and to save the existing ball field.¹¹

This subassignment of error is denied for two reasons. First, petitioners do not explain why the city findings petitioners do not challenge are insufficient to show ZO Sec. 177(2) is satisfied. Second, the findings petitioners do challenge are supported by substantial evidence in the record.

B. ZO Sec. 177(3)

ZO Sec. 177(3) requires the city to find "the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants." The city concluded

"As discussed above, the building will be renovated and its appearance will be greatly improved. Also, the landscaping around the building and the parking area will make the site more attractive and aesthetically pleasing." Record 13.

Petitioners argue:

"Petitioners wholeheartedly disagree with this conclusion, believing that the natural openness of the softball field is vastly more attractive and aesthetically pleasing than black, hard asphalt." Petition for Review 20.

¹¹ Petitioners suggest the city erred by not considering a variance from parking requirements so that the ball field could be saved. Petitioners do not argue or explain how a variance could be granted in the circumstances presented by this case under the ZO criteria for variances. Neither do petitioners argue they raised this issue with the city. Accordingly, we do not believe the city erred by not considering a variance from off-street parking requirements.

Petitioners' disagreement with the city's decision provides this Board with no basis for remand. See *Tichy v. Portland City Council*, 6 Or LUBA 13, 23 (1982). Petitioners do not explain why the evidence supporting the city's discussion of proposed improvements to the building and site does not constitute substantial evidence to support the city's decision.¹²

This subassignment of error is denied.

C. ZO Sec. 177(4)

ZO Sec. 177(4) requires the city to find

"The proposal will preserve environmental assets of particular interest to the community."

The city's findings concerning this criterion are as follows:

"The proposal will allow the preservation, renovation and continued maintenance and upkeep of a landmark building that is a part of the history of Dallas. The proposal will entail the loss of a recreation site which is an asset to the community, however, since no feasible alternatives are available which would preserve the ball field and still allow the proposed use of the building by Polk County and Chemeketa Community College, the importance of preserving and maintaining the building must take precedence over preserving the ball field. The overall effect of the proposal will be to not only preserve an environmental asset of particular importance to the community, which is the Academy building, but to also enhance that environmental asset." Record 8.

The record shows the existing school building is now vacant. Record 29. There is testimony in the record showing the Academy building is no longer a viable facility for the Dallas School District. Record 1. There is also testimony in the record supporting the city's determination that the building is in a deteriorated condition and likely will continue to deteriorate if not renovated so that it may be put back in use. Record 15, 44, 48.

We do not understand petitioners to argue the existing vacant building is not deteriorated or not in need of ren-

¹² It may be that petitioners argue the city must compare the attractiveness of the proposed parking lot with the ball field, whereas the city interprets ZO Sec. 177(3) simply to require the proposed use to be made as attractive as possible. We find the city's interpretation of ZO Sec. 177(3) is correct.

ovation. Neither does petitioner dispute the city's finding that the Academy School is an "environmental asset of particular interest to the city." Rather, petitioners argue the city's admission that the ball field is an environmental asset that will be lost as a result of this decision is an admission that ZO Sec. 177(4) is violated by the proposal. In other words, petitioners argue the city does not have the discretion under ZO Sec. 177(4) to balance the value of environmental assets in cases where measures necessary to preserve one will result in destruction of the other.

Respondent answers that ZO Sec. 177(4) requires the city to find the proposal will "preserve environmental assets." Respondent argues the city properly found that to be the case here, because the Academy School, an environmental asset, will be renovated and restored to use. Respondent notes that ZO Sec. 177(4) does not require preservation of *all* environmental assets. Respondent argues it is not possible to save both the school and the ball field.¹³ Respondent argues we may properly defer to the city's interpretation of ZO Sec. 177(4) to permit balancing of the value of two environmental assets in a situation where it is not possible to save both.

We conclude ZO Sec. 177(4) as applied in this context is ambiguous, and we find the city's interpretation and application reasonable and correct. *McCoy v. Linn County*, 90 Or App 271, 275-276, 752 P2d 323 (1988). As respondent correctly notes, ZO Sec. 177(4) does not expressly provide no environmental asset shall be removed or destroyed. In the circumstances presented by this case, we believe balancing the value of environmental assets is permissible under ZO Sec. 177(4).

This subassignment of error is denied.

The third assignment of error is denied.

The decision of the city is affirmed.

¹³ Other than their argument that an alternative parking arrangement could be developed to serve both the school and the ball field, we do not understand petitioners to argue both the Academy School and the ball field can be saved. We rejected petitioners' argument that the city failed to show no such alternative parking arrangements are possible under the first subassignment of error, *supra*.

Meeting Date: June 23, 1992

Agenda No.: P-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Hearings Officer Decision

BCC Informal _____ (date) BCC Formal June 23, 1992 (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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

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

LD 8-92/MC 1-92 Review the Decision of the Hearings Officer of June 1, 1992, approving, subject to conditions, requested two-lot land division and approving, subject to conditions, request to use an easement as a means of access to new lots instead of providing frontage on a dedicated street, all for property at 16900 NW McNamee Road.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough / bkw

(All accompanying documents must have required signatures)

CLERK OF
COUNTY COMMISSIONERS
1992 JUN 17 PM 2:02
MULTIPLIPLY COUNTY
OREGON



**Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043**

Decision

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

June 8, 1992

**LD 8-92, #50
MC 1-92, #50**

**Type 1 Land Division
Access by Easement**

Applicant requests approval of a Type 1 land division plus approval of an access by easement to permit the sale of a 38-acre portion of the described site to be retained in their natural condition, for permanent easements for pedestrian access from Highway 30 (trail right-of-way) and vehicular access (emergency and maintenance only) from NW McNamee Road.

Location: 16900 NW McNamee Road
Legal: Tax Lot '6', Section 20, 2N-1W, 1991 Assessor's Map
Site Size: 370 Acres'
Size Requested: 174.88 Acres
Property Owner: Agency Creek Management Company
9400 SW Barnes Road, Suite 400, Portland, 97225
Applicant: Friends of Forest Park
5205 SW Menefee Drive, 97201

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-38, Multiple Use Forest District
Minimum lot size of 38 acres

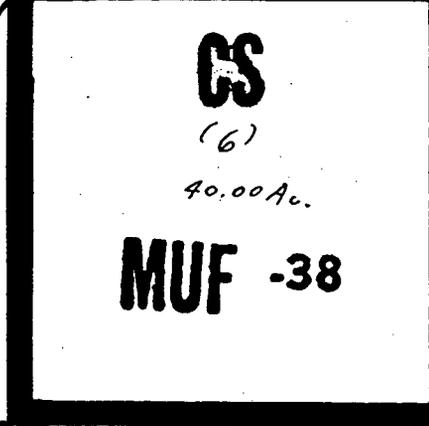
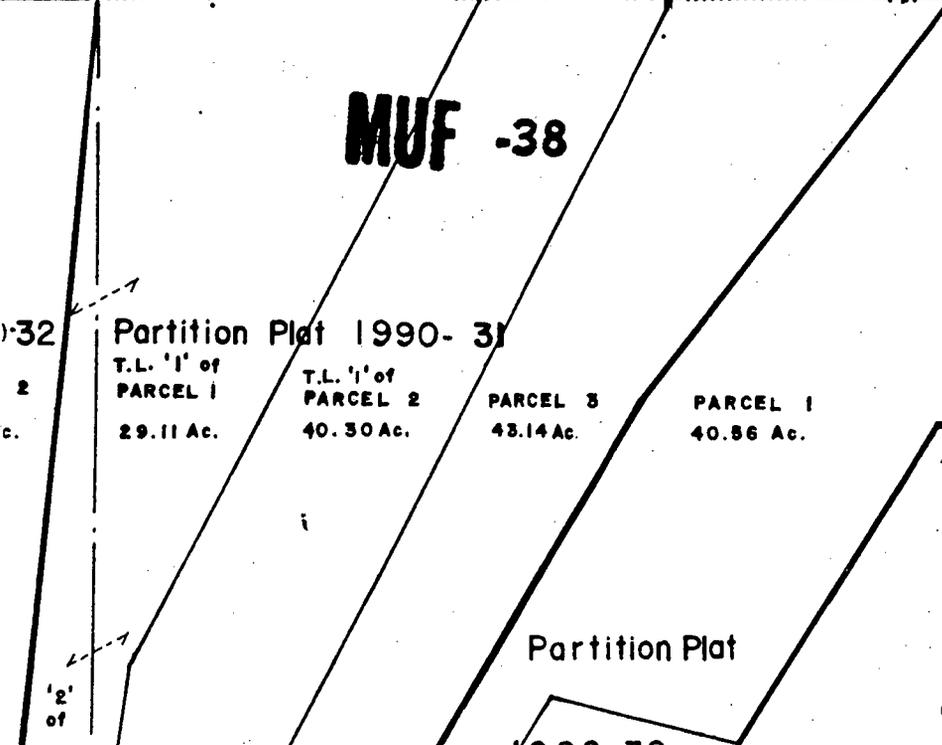
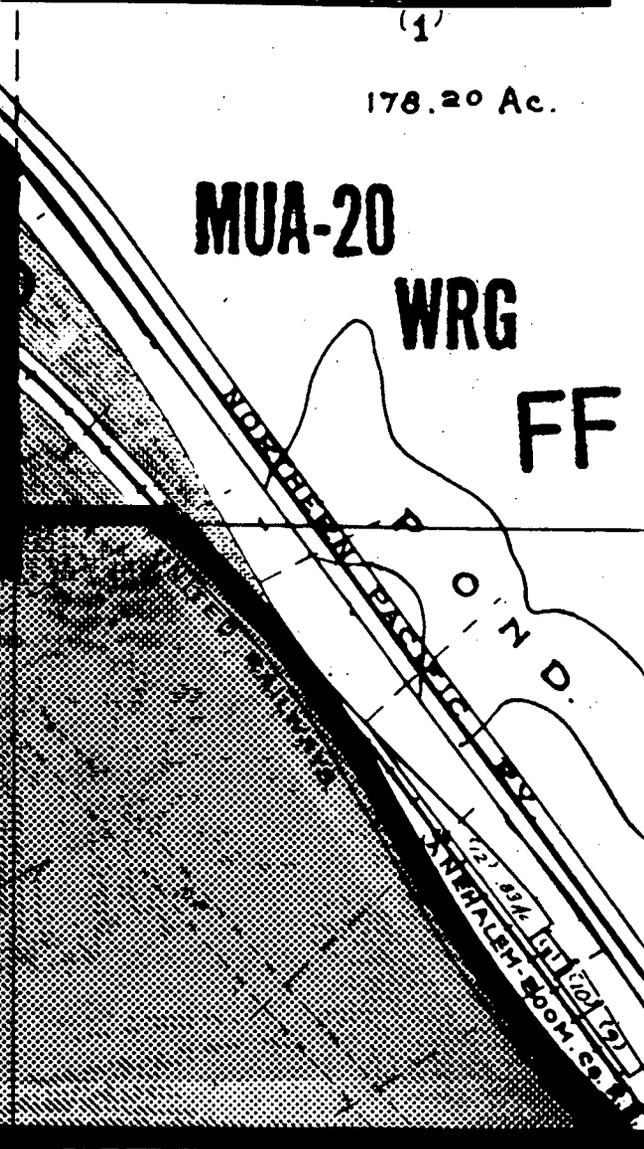
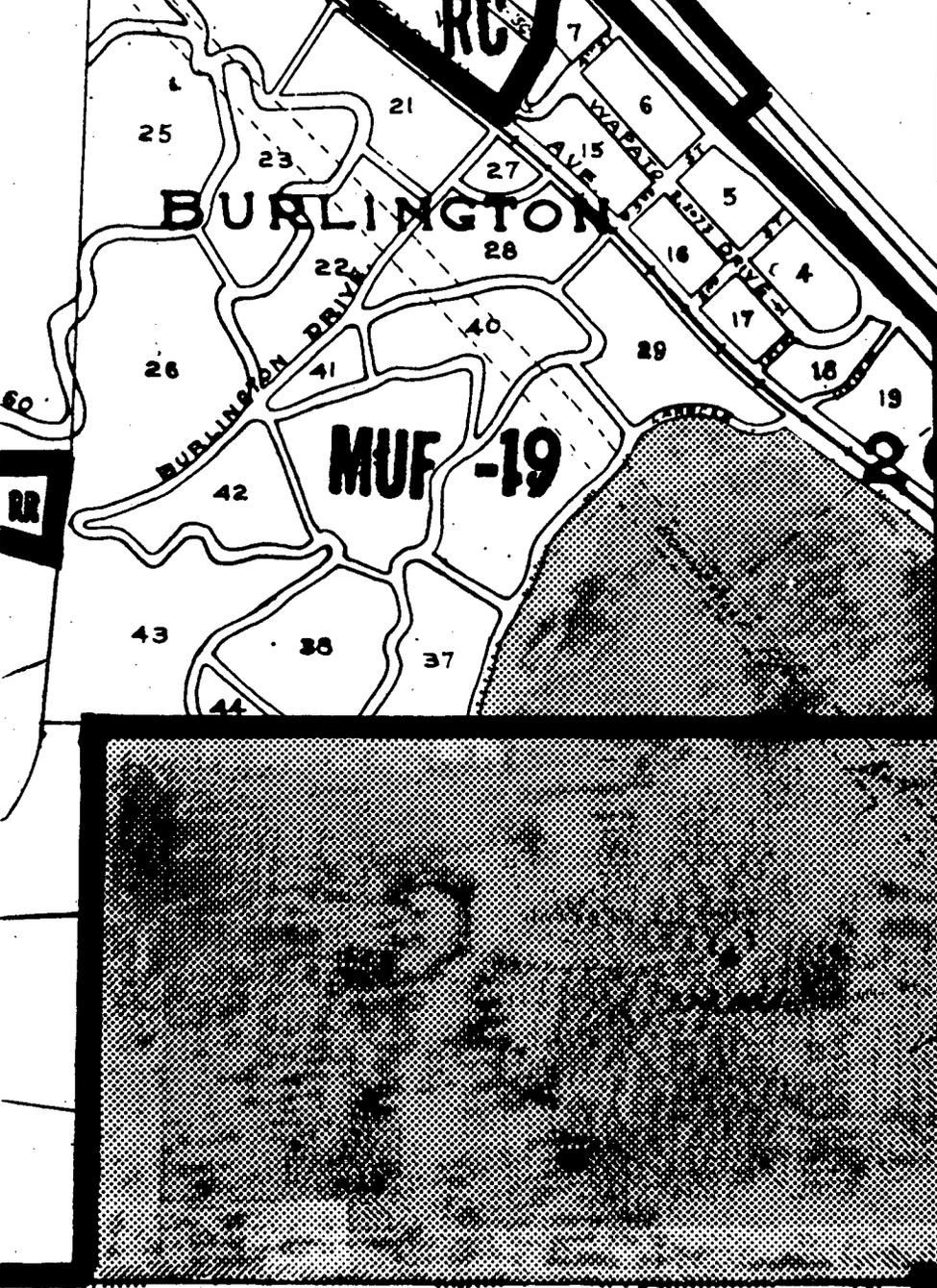
Hearings Officer

Decision #1: **Approve, subject to conditions,** the requested 2-lot land division in accordance with the provisions of MCC 11.45.080(D).
(LD 8-92)

Decision #2: **Approve, subject to conditions,** request to use an easement as a means of access to new lots instead of providing frontage on a dedicated street as required in the MUF-38, multiple use forest district per MCC 11.15.2188, all based on the following Findings and Conclusions.
(MC 1-92)

LD 8-92 / MC 1-92

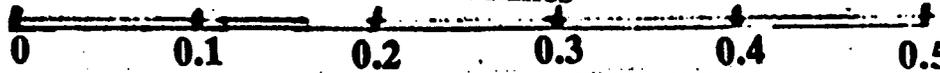
Zoning Map
 Case #: MC 1-92, LD 8-92
 Location: 16900 NW McNamee Road
 Scale: 1 inch to 600 feet (approximate)
 Shading indicates subject properties



(1)
178.20 Ac.

(2)
40.0

Scale in Miles



Boundary Hampton Property



Tax Lot 6 Boundary

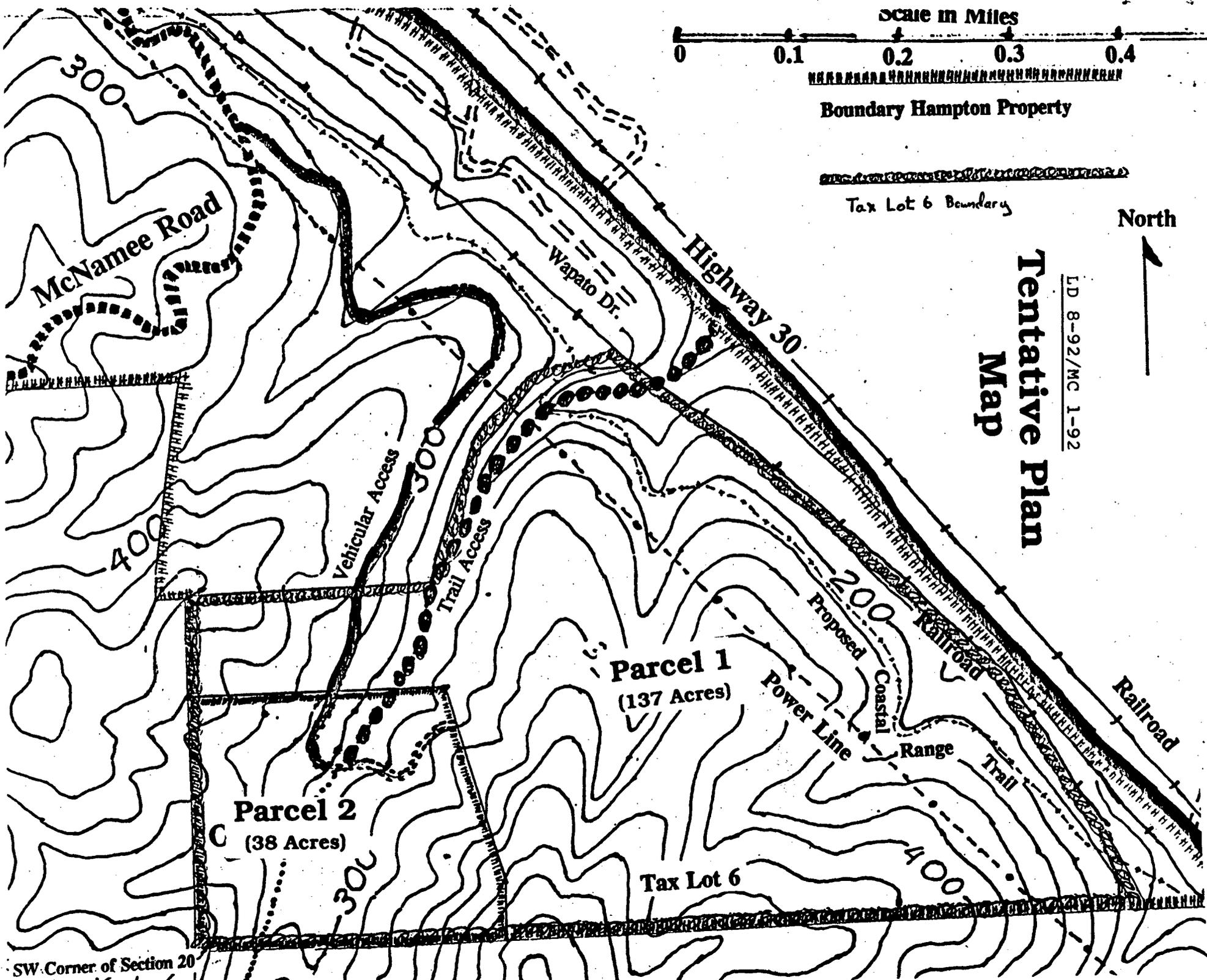


North



Tentative Plan Map

LD 8-92/MC 1-92

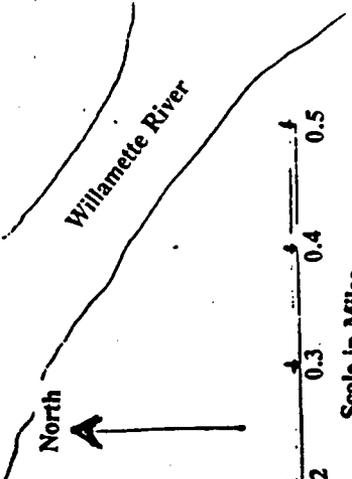


SW Corner of Section 20

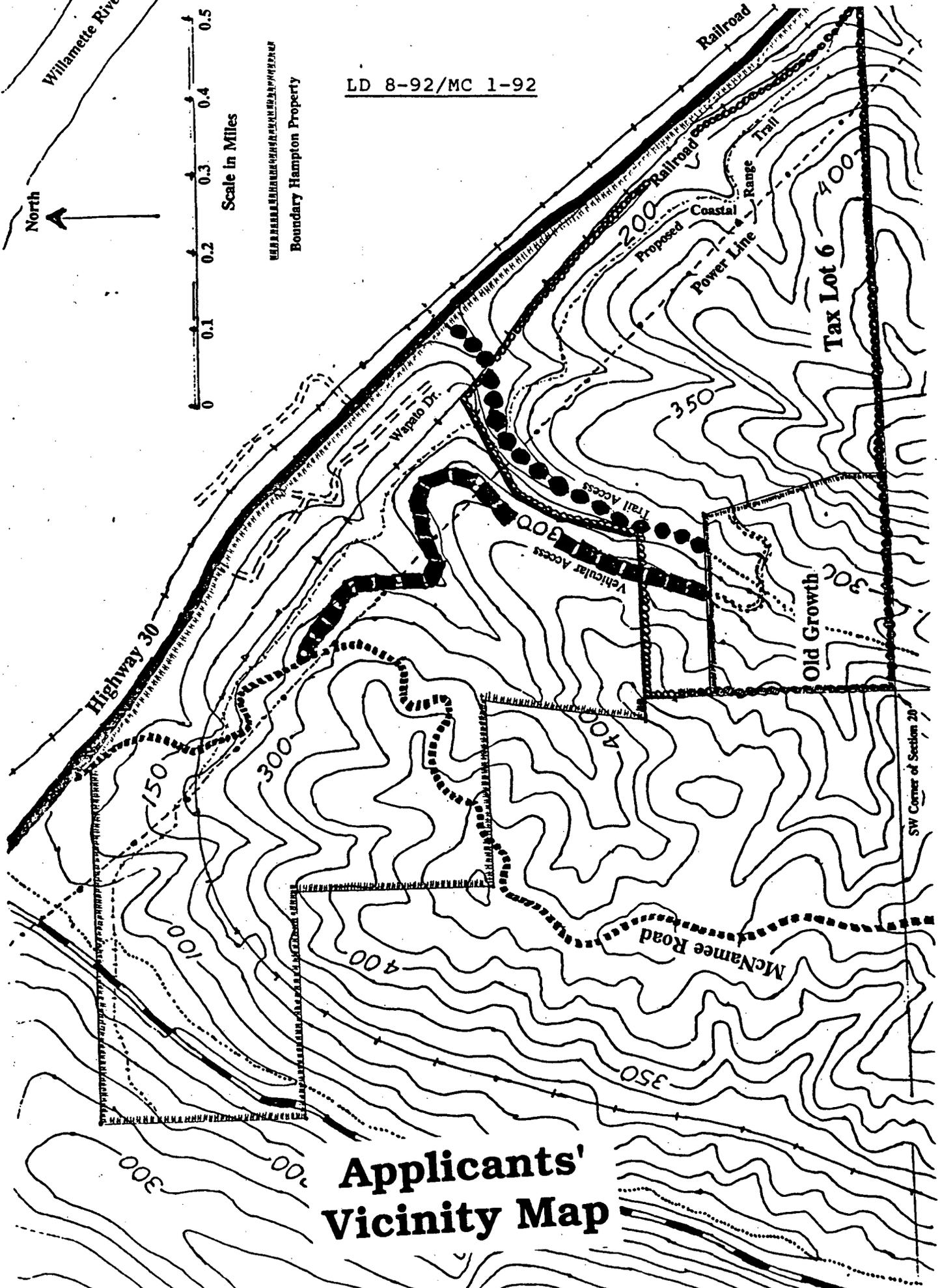
Tentative Plan Map

Vicinity Map

LD 8-92/MC 1-92



Boundary Hampton Property



Applicants' Vicinity Map

Conditions of Approval: (LD 8-92)

1. Within one year of the date of this decision, deliver the partition plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with MCC 11.145.710. **Obtain applicant's and surveyor's *Instructions for Finishing a Type III Land Division.***
2. This land division shall be valid so long as Parcel 2 is used as a conservation area for the protection of open space, forest and wildlife resources in accordance with MCC 11.15.2168(D) and Parcel 1 is used for any use allowed in the MUF Multiple Use Forest district in accordance with MCC 11.15.2168, .2170 or .2170.
3. Further use or development of Parcel 2 for park purposes will require the owner to apply for and obtain Planning Commission approval of a Community Service Use in accordance with MCC 11.15.7005-.7025.
4. Approval is conditioned on the alternative trail access as proposed by the applicant on June 1, 1992, which terminates above the tressle on NW McNamee Road, as shown on Applicant's Exhibit A-1, dated June 1, 1992.

Findings Of Fact (LD 8-92)

1. **Applicant's Proposal:** The applicant proposes to divide a vacant tract of about 175 acres into two parcels. Parcel 1 would contain about 137 acres and Parcel 2 would contain 38 acres. Applicants, the Friends of Forest Park, are buying Parcel 2 from Agency Creek Management Company. Upon completion of the land division the Friends plan to deed Parcel 2 to Multnomah County for a for the creation of a public park. Parcel 1 will continue in forest production. No dwelling will be built on either parcel.

Background: Applicants have been working with the Parks Services Division in their planning for the transfer of Parcel 2 to the County. Development of Parcel 2 as a park will require Community Service Use approval by the Planning Commission. Until such time as Community Service approval for a park is granted, Parcel 2 will be a used as a conservation area for the protection of open space, forest and wildlife resources. Applicants anticipate that the park will be passive in nature, and will not have picnic tables, ball fields or other similar recreational features.

Vehicle Access: A private logging road over an existing easement will serve Parcel 2. The road runs from NW McNamee Road in a southeasterly direction into the site. This staff report addresses the request for approval of access by easement under Recommended Decision #2 (MC 1-92). Terms of the easement state that use of the road will be only for maintenance and care of Parcel 2. The road will not be available for public use.

Pedestrian Access: Applicants initially proposed a pedestrian trail over an easements running into the site from US Highway 30. The pedestrian access will be the sole means of public access to Parcel 2. A revised pedestrian access route was submitted at the hearing on

②
June 1, 1992 which was preferred by a number of area residents (See Applicant's Exhibit A-1, dated June 1, 1992).

Park Usage: Once Parcel 2 is turned over to the county and a park is approved and developed, applicants estimate a volume of between 500 and 1,000 visitor vehicles per year. The demand for off-site parking is expected to be negligible, given the estimated volume. A parking lot at the beginning of the new trail head is also proposed. Development of this parking lot may require additional permits from the County.

2. **Site and Vicinity Information:** The site is on the west side of US Highway 30 in the Burlington areas. The 174-acre land division site is part of an area containing a total of 370 acres owned by Agency Creek Management Co. The area is currently in forest production.

3. **Land Division Ordinance Considerations (MCC 11.45)**

A. The proposed land division is classified as a Type I because it is “[A]. . . *partition associated with an application affecting the same property for any action proceeding requiring a public hearing . . .*” [MCC 11.45.080(D)]. The proposed land division is associated with an application to use an easement as a means of access to a proposed lot that will not have any frontage on a dedicated public road. This staff report addresses the application for access by easement under Decision # 2 (MC 1-92).

B. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:

(1) *The Tentative Plan is in accordance with:*

a) *the applicable elements of the Comprehensive Plan;*

b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and*

c) *the applicable elements of the Regional Plan adopted under ORS Chapter 197. [MCC 11.45.230(A)]*

(2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances; [MCC 11.45.230(B)]*

(3) *The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of this Chapter; [MCC 11.45.230(C)]*

- (4) *The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto associated with the Tentative Plan proposal; [MCC 11.45.230(D)]*
- (5) *If a subdivision, the proposed name has been approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed; [MCC 11 11.45.230(E)]*
- (6) *The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; [MCC 11.45.230(F)] and*
- (7) *Streets held for private use are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets are set forth thereon. [MCC 11.45.230(G)]*

4. **Type I Land Division Approval Criteria:**

A. **Applicable Elements of the Comprehensive Plan**

- (1) **Statewide Goals and Regional Plan:** For the reasons stated below, the proposal satisfies the applicable policies of the Comprehensive Plan. The Multnomah County Comprehensive Plan has been found to be in compliance with Statewide Goals and the Regional Plan by the State Land Conservation and Development Commission.
- (2) **Applicable Comprehensive Plan Policies:** The following Comprehensive Plan Policies are applicable to the proposed land division. The proposal satisfies those policies for the following reasons:
 - (a) **No. 12 - Multiple Use Forest Lands**

Findings: The intent of Policy 12 is to encourage small woodlot management, forestry, reforestation and agriculture. The old-growth forest on Parcel 2 will be preserved. Parcel 1 will continue to be a working forest. Both proposed parcels contain 38 acres or more. For these reasons, the proposed land division complies with Policy 12

- (b) **No. 13 - Air and Water Quality and Noise Levels** This policy seeks to maintain and improve air and water quality and reduce noise pollution in the county

Findings: No significant impact on air pollution will result from the proposed land division as no physical development will occur on the site. Therefore, the proposal satisfies Policy 13.

- (c) **Policy 14 - Development Limitations**

Findings: Policy 14 is concerned with mitigating or limiting the impacts of developing areas having any of the following characteristics: slopes over 20%; severe erosion potential; land in the 100 year floodplain; high seasonal water table within 0-24 inches of the surface for 3 or more weeks a year; a fragipan less than 30 inches from the surface; and land subject to slumping, earthslides or movement. Topographic information presented by the applicant indicate that portions of the site contain slopes exceeding 25 percent. Compliance with the Hillside Development and Erosion Control Ordinance pursuant to MCC 11.15.6700—.6735 would be required for any building site with slopes over 25 percent. Therefore, since no development is proposed for either parcel, the application satisfies Policy 14.

- (e) **Policy 37 - Utilities** This policy requires adequate utilities to serve the site.

Findings: Parcel 2 will be used as a conservation area for the protection of open space, forest and wildlife resources. Parcel 1 will continue in forest production. No dwelling is proposed for either parcel. The proposed uses for each parcel do not require the provision of water or sewage disposal facilities. For these reasons, the proposed land division satisfies Policy 37.

- (f) **Policy 38 - Facilities** This policy requires that facilities such as schools and emergency services be available to serve the use.

Finding: The proposed uses for each parcel do not require facilities beyond those now available. For these reasons, the application satisfies Policy 38.

B. Development of Property [MCC 11.45.230(B)]:

Findings: Approval of the request will not affect one way or the other the ability to develop, use or provide access to adjacent properties. For these reasons, and for the reasons stated by the applicant, the proposal satisfies MCC 11.45.230(B).

C. **Purposes and Intent of Land Division Ordinance [MCC]**

- (1) MCC 11.45.015 states that the Land Division Ordinance. . . ***"is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County."*** The proposed land division satisfies the purpose of the Land Division Ordinance for the following reasons:
- (a) The size and shape of the proposed lots will accommodate proposed uses that are allowed by the Zoning Ordinance. There will be no overcrowding.
 - (b) Water supply is not necessary for the proposed uses of the site. Approval of the proposed land division will not change the demand for fire or police, services or other utilities.
 - (c) The proposed land division complies with the applicable elements of the Comprehensive Plan. The State Land Conservation and Development Commission has found the Comprehensive Plan to be in compliance with Statewide Planning Goals.
 - (d) The proposal meets the purpose of ***"providing classifications and uniform standards for the division of land and the installation of related improvements"*** because the proposal is classified as a Type I Land Division and meets the approval criteria for Type I Land Divisions for the reasons stated in these findings. The conditions of approval assure the installation of appropriate improvements in conjunction with the proposed land division.
- (2) MCC 11.45.020 states that the intent of the Land Division Ordinance is to. . . ***"minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities."*** The proposal complies with the intent of the Land Division Ordinance for the following reasons:
- (a) The proposal minimizes street congestion by providing access to NW McNamee Road from the proposed lots by way of an existing private access road as shown on the Tentative Plan Map. The eventual use of the parking lot at the trail head will also minimize parking congestion.

- (b) Fire protection will continue to be available to the property. The property is not located within the 100 year floodplain. For this reason, the proposal secures safety from fire, flood, geologic hazard, and pollution.
- (c) The proposal meets the area and dimensional standards of the MUF-38 zoning district as explained in Finding 4.D and thereby prevents the overcrowding of land.
- (d) Finding 4.A(2)(d) addresses transportation system development requirements. Finding 4.A(2)(e) addresses water supply and sewage disposal. Finding 4.A(2)(f) addresses education, fire protection and police service. Based on the above findings, the proposed land division facilitates adequate provision for transportation, water supply, sewage disposal, education, and other public services and facilities.

D. Zoning Ordinance Considerations [MCC11.45.390]:

Findings:

- (1) The site is zoned MUF-38, Multiple Use Forest, District.
- (2) The following minimum area and dimensional standards apply per MCC 11.15.2178:
 - (a) The minimum lot size shall be 38 acres, including one-half of the road right-of-way adjacent to the parcel being created. As shown on the Tentative Plan Map, both parcels meet or exceed this requirement
 - (b) The minimum front lot line length shall be 50 feet. Both parcels exceed this requirement.
 - (c) The minimum yard setbacks are 30 feet front, 10 feet side, and 30 feet rear. If any structures were proposed, there would be adequate area on each parcel to meet all yard requirements.

Conclusions (LD 8-92)

- 1. The proposed land division satisfies the applicable elements of the Comprehensive Plan, including Policy 37 relating to utilities..
- 2. The proposed land division satisfies the approval criteria for Type I land divisions.
- 3. The proposed land division complies with the zoning ordinance.

Conditions of Approval (MC 1-92)

1. When recording the partition plat, record an instrument that demonstrates the legal right of the owner of Parcel 2 to use the easement for access to Parcel 2.
2. When recording the partition plat, record deed restrictions regarding the easement which:
 - A. Reference the Planning Commission decision approving access by easement (MC 1-92) and the land division for the property (LD 8-92); and
 - B. Specify maintenance responsibilities for owners of Parcel 2.
3. When submitting the partition plat to the Planning and Development Division, include a copy of the documents referred to in Conditions 1 and 2 above
4. Prior to signing of the partition plat by the Planning and Development Division, provide written confirmation from Fire Patrol Northwest that the proposed easement roadway will be safe and convenient for emergency vehicle use. The report from the district shall address:
 - A. Width of traveled surface;
 - B. Type of surfacing, including width, type and thickness of base rock;
 - C. Slope of roadway;
 - D. Adequate turning areas for fire-fighting apparatus;
 - E. Specifications for turn-outs at appropriate intervals along the private easement road to allow room for two-way vehicle traffic;
 - F. Specifications for keeping brush back from the traveled surface of the easement roadways;
5. Approval is conditioned on the alternative trail access as proposed by the applicant at the June 1, 1992 hearing (Applicant's Exhibit A-1, dated June 1, 1992).

Findings of Fact (MC 1-92)

- 1 **Applicant's Proposal:** Applicant proposes to use an easement over an existing private logging road to provide access to Parcel 2 that is proposed to be created under Land Division Case LD 8-92. The conditions, findings and conclusions for the land division are addressed in this report under Recommended Decision #1. The existing logging road runs from NW McNamee Road across land owned by Agency Creek Management Co. to the north line of Parcel 1 of the site and on into Parcel 2 as shown on the Applicants' Vicinity Map.

2. **Description of Easement:** The logging road is approximately 30 feet wide and has a gravel surface. Applicants state that the easement rights to use of the road are only for maintenance purposes. Public access will be solely via the pedestrian access trail.
3. **Zoning Ordinance Considerations (MCC 11.15):** MCC 11.15.2188 states that all parcels in the MUF, Multiple Use Forest District shall abut a street or have other access determined be *“safe and convenient for pedestrians and passenger and emergency vehicles.”*

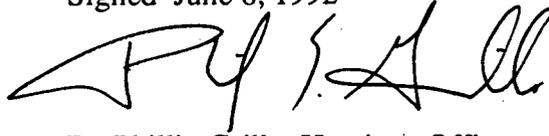
Findings:

- A. The site abuts US Highway 30 Road on the east. Creation of Parcel 2 as a flag lot with direct access off Highway 30 would be impractical in that Parcel 2 is over half a mile from the highway. Utilization of the existing easement road running from McNamee Road to Parcel 2 will provide adequate access to Parcel 2.
- B. The proposed private road system will not use up substantial portions of the site as a “panhandle” as would occur if Parcel 2 were created as a flag lot. Compared to a flag lot, the easement road would result in a more efficient use of the land.
- C. Applicants list Fire Patrol Northwest as the fire service provider for the site. A condition of approval requires written confirmation from Fire Patrol Northwest that the road can handle fire-fighting apparatus with respect to width, type of base, top fill, surfacing, slope, turn-around areas, passing turn-outs and brush clearance. Subject to that condition, the request for access by easement satisfies MCC 11.15.2188.
- D. The revised pedestrian access easement is safe and convenient for pedestrians and will help provide better access to the site.

Conclusions (MC 1-92)

1. The criteria for approval of an alternate means of access as required by MCC 11.15.2188 have been met subject to the stated approval conditions.
2. Approval of an easement for access instead of requiring frontage on a public road is appropriate because the distance between Parcel 2 and the public road makes creation of a flag lots fronting on Highway 30 impractical.

Signed June 8, 1992



By Phillip Grillo, Hearings Officer

Filed With the Clerk of the Board on June 11, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, June 22, 1992 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, June 23, 1992 Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

Meeting Date: June 23, 1992

Agenda No.: P-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Hearings Officer Decision

BCC Informal _____ BCC Formal June 23, 1992
(date) (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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

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

PRE 3-92 Review the Decision of the Hearings Officer of June 1, 1992, approving, subject to conditions, a single family residence on conjunction with an existing farm use, to be occupied by a son, for property located at 9825 NW Kaiser Road.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Garbano / bkw

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 JUN 17 PM 2:02



**Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043**

Decision

June 8, 1992

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

PRE 3-92

**Appeal of Administrative Decision
(Second Farm Help Dwelling)**

Appellants have appealed on Administrative Decision, approving a second farm help dwelling for a relative on the subject site.

Location: 9825 NW Kaiser Road

Legal: Tax Lot '44', Section 6, T1N, R1W

Owner Bowlus & Lynne Chauncey
9825 NW Kaiser Road, 97231

Appellant: KB Thurber, Et Al
9865 NW Kaiser Road, 97231

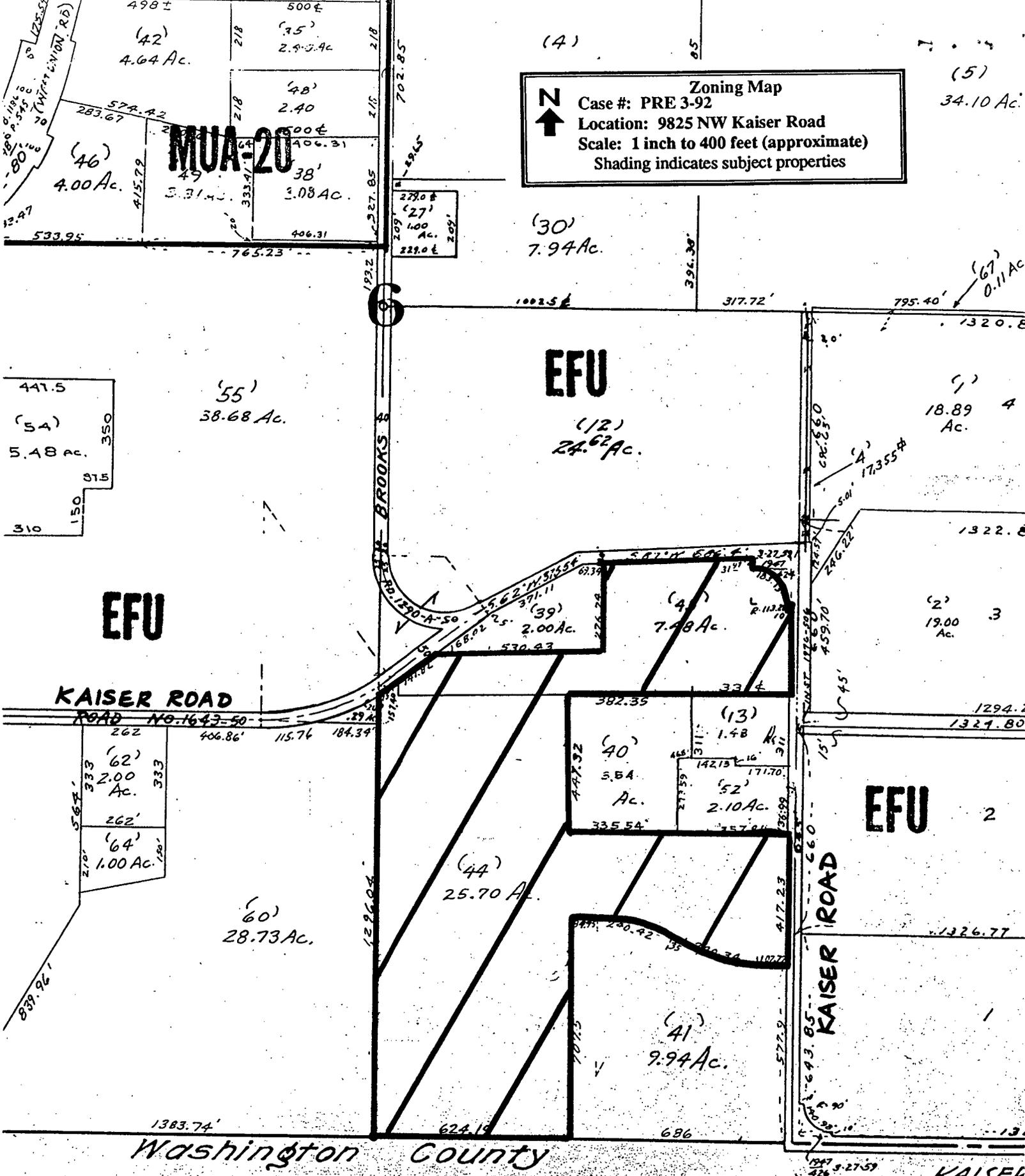
**Comprehensive
Plan:** Exclusive Farm Use

Present Zoning:EFU, Exclusive Farm Use

Hearings Officer

Decision: **Approve, subject to conditions,** a single-family residence in conjunction with an existing farm use, to be occupied by a son, on the above described Lot of Record, based on the following Findings and Conclusions.

PRE 3-92



MUA-20



(30)
7.94 Ac.

EFU

(12)
24.62 Ac.

EFU

KAISER ROAD

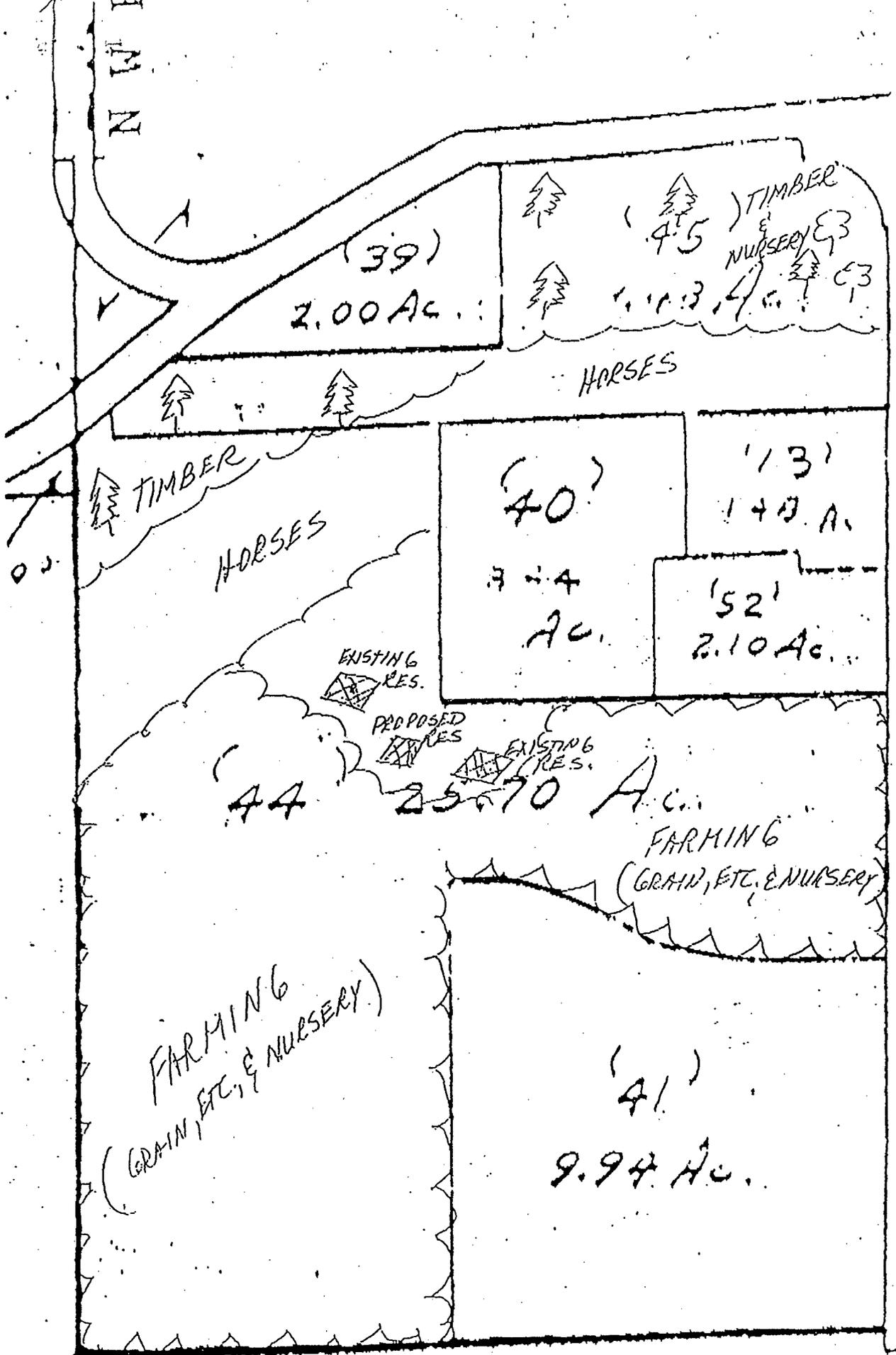
EFU

Washington County

KAISER ROAD

KAISEK

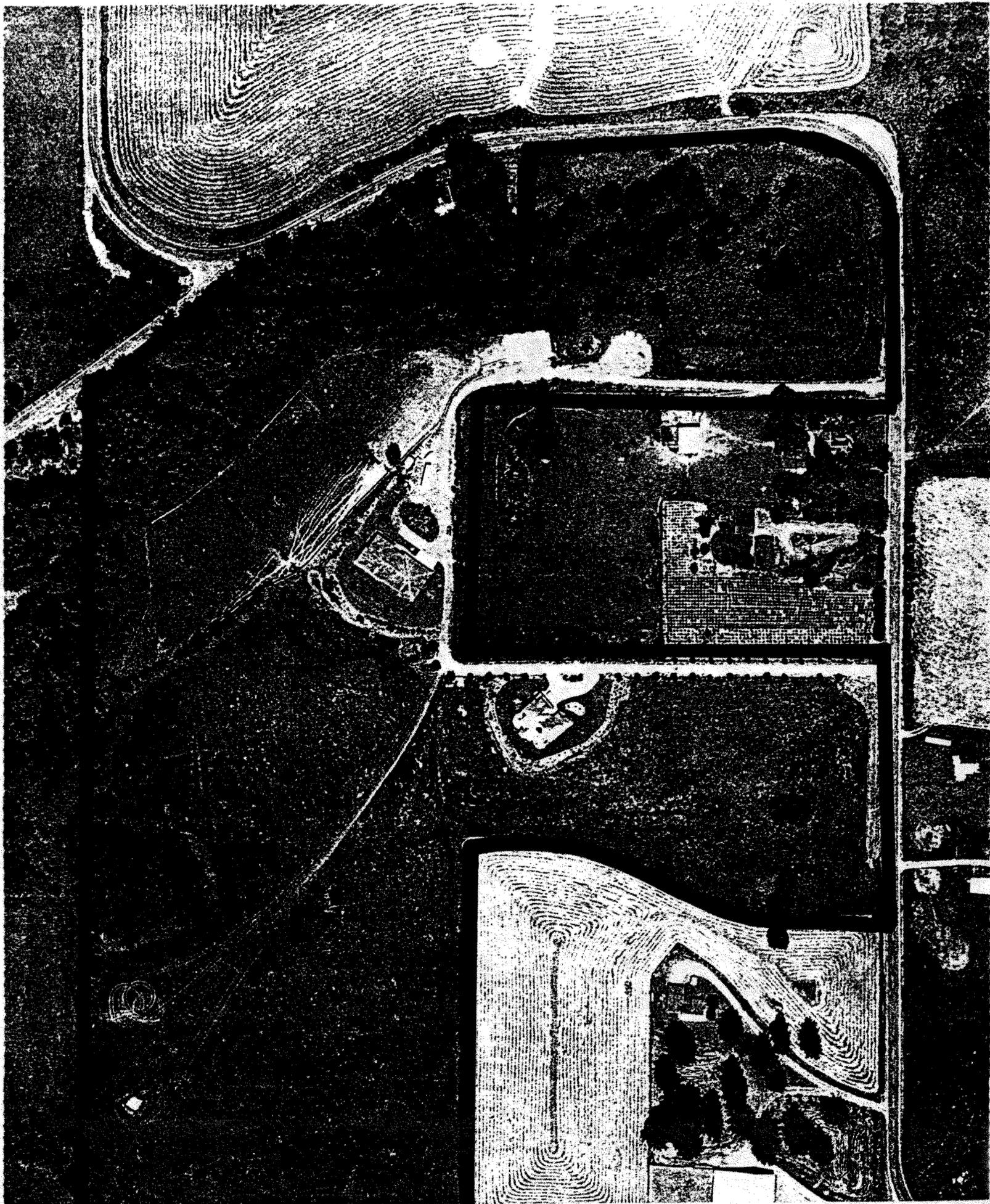
N W B



N W KAISER ROAD

20

CO.



PRE 3-92

Conditions of Approval:

1. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730. Contact Mark Hess at 248-3043 for application materials.
2. The dwelling must be constructed in such a way that it can be removed without requiring major structural alterations. This includes both a mobile home or manufactured dwelling, pursuant to ORS 446.003.
3. The dwelling shall be removed when either:
 - a). The structure is no longer occupied by a relative whose assistance in the management of the farm is or will be required by the farm operator, or
 - b). The farm operator ceases to maintain significant involvement in farm operations, or
 - c). The nature, scope or intensity of the farm operation changes and the relative's assistance is no longer needed by the farm operator.
4. Prior to the issuance of building or occupancy permits for the new farm help residence, the applicants shall demonstrate to the satisfaction of the building official that no other dwellings exist on this Lot of Record other than those which have been legally established and maintained over time.
5. The farm help dwelling authorized by this Decision shall only be conveyed in conjunction with the remainder of the 33.18-acre parcel so as to prevent this dwelling from being conveyed separately. Evidence of the recording of a deed restriction to this effect shall be provided before a building or occupancy permit for this farm help residence is issued. This deed restriction shall be reviewed by County Counsel prior to recording.

Introduction

In Multnomah County, this case presents an issue of first impression. This is the first time the County has been presented with an application for a second farm help dwelling on any of its agricultural lands. The County's Ordinance, MCC 11.15.2010(c), which provides the applicant with an opportunity to obtain a second farm help dwelling, is virtually identical to the statutory provisions of ORS 215.283(1)(e) which was recently enacted by the Oregon Legislature. Fortunately, there is some case law which interprets and applies the statute. At the Planning Director's request, the office of County Counsel has reviewed the relevant case law and has prepared a legal memorandum in that regard which has been made part of the record.

In 1982 the Multnomah County Board of Commissioners approved a request by the applicant for their first farm help dwelling on this 33.18-acre parcel. The purpose of this first farm help dwelling was to construct an additional single family residence on the site to house a farm manager (See PRE 50-81, January 26, 1982). Mrs. Chauncey, the co-owner and co-applicant in the present case, testified at the hearing that the farm manager who occupies the existing farm help dwelling is actually her father. Recently her father, the "farm manager" has become ill with both lung cancer and Alzheimer's disease and his physical involvement in the farming operation has essentially terminated. However, Mrs. Chauncey states that her father continues to serve "as a knowledgeable guide and advisor" to the horse operation, which is a primary component of the farm operation on the site.

The second farm help dwelling now being requested would also house a family member, namely one of the Chaunceys' sons and his family. This dwelling would be located on the same Lot of Record as the dwelling of the farm operator. Mrs. Chauncey has testified that the farm operator is currently designated as Bowlus Chauncey, Lynne Chauncey's husband. It appears from the record that both Lynne and Bowlus Chauncey, all of their sons and a daughter in law all participate to some degree in the operation of this 33.18-acre farm. Mrs. Chauncey's father, the "farm manager" is no longer able to physically participate in the farm operation, but provides some assistance as an advisor to his children and grandchildren.

Approval Criteria

MCC 11.15.2010(c) provides that:

"A single-family residence for a relative may be allowed in conjunction with an existing farm use in the Exclusive Farm Use District when it is found that it will be:

- (1) Located on the same Lot of Record as the dwelling of the farm operator;
and
- (2) Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm is or will be required by the farm operator. "

Findings of Fact and Conclusionsof Law

MCC 11.15.2010(C)(1)

The proposed single family residence is located on the same Lot of Record as the dwelling of the farm operator, Mr. Bowlus Chauncey. This Criteria is satisfied.

MCC 11.15.2010(c)(2)

The proposed single family residence will be occupied by the son of Mr. Bowlus Chauncey, who is currently the farm operator. This son's family will also reside in the proposed dwelling.

One of the central questions in this case is whether this son's assistance is or will be required in the management of the farm by the farm operator.

It should be pointed out that the record contains very little specific information concerning the nature of the various farming operations that currently are taking place or are planned to take place on the site., The record indicates that the Planning Director, in a February 24, 1992 letter, requested more detailed information from the applicants regarding the location and size of the various components of the farm operation,.their involvement in these various components, the assistance needed both now and in the future by residents of the existing and planned farm help dwellings, and other related information. On March 3, 1992, the Chaunceys responded to certain aspects of the Planning Director's letter and the application was proceeded accordingly.

The reason this detailed information seemed important is because, under 1000 Friends of Oregon v. Coos County, 18 Or LUBA 852,.856 (1990), in order to approve the same type of permit in Coos County, a section of that County's ordinance required that the farm operator must "continue to have some significant involvement in farm operations". Therefore, under the Coos County's ordinance, the farm operator must continue to maintain **significant** involvement in the farm operation relative to the family member who may reside in the farm help dwelling. In other words, the Coos County ordinance requires the farm operator to maintain a dominant or at least "significant" involvement in farm operations.

The relevant Multnomah County Ordinance does not contain such a requirement. MCC 11.15.2010(c) is patterned after ORS 215.283(1)(c), neither of which require such analysis. Therefore, the "significant involvement" test discussed in 1000 Friends v. Coos County is not relevant here. As both LUBA and the Court of Appeals pointed out in Hopper v. Clark County 87 Or App 167,.172 (1987), nothing in the statute requires any particular break down of farm duties between the owner and the relative occupying the farm help dwelling.

In this case there is substantial evidence in the record that:

1) A significant portion of the 33-acre parcel (approximately 20 acres) is devoted to the production of various cover crops. Testimony at the hearing indicated that the Chaunceys have an arrangement with a Mr. Mott who provides the labor and advises the Chaunceys on what to plant in this area. The Chaunceys assert that they maintain ultimate control over what is planted in this area, but that they generally abide by Mr. Mott's advice.

2). Approximately five acres of the farm is devoted to timber production. The older timber and the dead wood have recently been removed and replanting is contemplated. The applicant indicates that this work has involved all family members and some friends.

3). Approximately seven acres of the farm is used for breeding, raising, training and marketing of Arabian horses. The main responsibility of foaling, feeding, training and maintenance of the horses is shared by Mrs. Chauncey, two of her sons, a daughter and a daughter-in-law. Apparently Mr. Bowlus Chauncey and Mrs. Chauncey's father advise these members of the family regarding the horse operation. In addition, Mr. Bowlus Chauncey operates and maintains all the equipment used on the farm and he assists with breeding, foaling, training and marketing of the horses. Mr. Chauncey and two of his sons share the responsibility of marketing for all the phases of the farm as well as the purchasing of all supplies and equipment.

4). One of the Chauncey's sons and his family propose to occupy the second farm help dwelling. This particular son operates and helps maintain all the equipment used on the farm. He assists in making crop rotation decisions and helps with pasturing and pasture rotation. He also helps with foaling and vet duties. Together with another brother and his father, he assists with marketing duties concerning all of the farm components. Also, he and his wife are totally responsible for the care and marketing of the farm's Alaskan Malamute dogs.

5). The "farm manager", Mrs. Chauncey's father, has become ill and can no longer be physically involved in farm operations to any significant degree.

6). The County has previously found that livestock requires 24-hour care to preserve their value and breeding success and that eight horses are more than can be care for by one full-time rancher/farmer on a 24-hour basis while pursuing other farm and family obligations (See PRE 50-81, Page 4, January 26, 1982). The applicant currently has seven horses on the farm. The County's earlier finding in this regard was based on evidence which is substantially similar to the facts as they exist today on this aspect of the farming operation.

In summary, the particular son who is requesting a second farm help dwelling on this site assists his father (the farm operator) in almost every aspect of the farm's operation and management. He is significantly involved in the operation and management of most aspects of the farm, as is his father who is technically the farm operator. In short, even if "significant involvement" is required under the statutory test and local ordinance, it exists in this case.

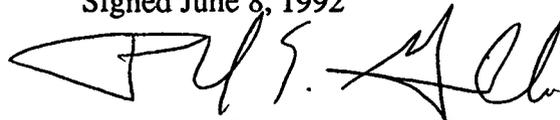
The more troubling question is much broader. The appellants in this case have raised a legitimate concern as to whether or not allowing a second farm help dwelling on agricultural land is in conflict with the overriding statutory and regulatory policy to prevent agricultural land from being diverted to non-agricultural use. I must admit that I have some professional concerns as to whether or not one primary dwelling and two farm use dwellings should be allowed on agricultural lands, even when they are all occupied by family members, albeit one of them who once acted as "farm manager" but who is now only partially able to manage one component of the farm.

Nonetheless, the court in Hopper has considered this precise question and has found as follows:

Petitioners contend, correctly, that there is an overriding statutory and regulatory policy to prevent agricultural land from being diverted to non-agricultural use. See, e.g., 1000 Friends of Oregon v. LCDC, 72 Or App 443,696 P2d 550, rev den 299 Or 584 (1985). However, they do not persuade us that that policy requires that the statute be construed as precluding the construction of this proposed dwelling; the statute's clear import is that the construction of such dwellings, under circumstances of the precise kind present here, is related to and promotes the agricultural use of farm land.

In my view, Hopper disposes of the legal issue raised by the appellants in this case because the statute and the Ordinance are identical. The Planning Director's decision is affirmed, with additional conditions.

Signed June 8, 1992

A handwritten signature in black ink, appearing to read 'P. Grillo', written over a horizontal line.

By Phillip Grillo, Hearings Officer

Filed With the Clerk of the Board on June 11, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to the Hearings Officer decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, June 22, 1992 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, June 23, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



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

NOTICE OF REVIEW

253 2757 4/05/92 500017

1. Name: same Thurber, Kent, Bernard
Last Middle First First Middle
 2. Address: 9865 NW Kaiser Rd., Portland, OR 97231
Street or Box City State and Zip Code

3. Telephone: (503) 645-3724 h.
234-1534 o.

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

- same David and Michele Roy, 9949 NW Kaiser Rd PDX 97231
- same Bebbi and Kent Lorence, 9741 NW Kaiser Rd " "
- same Dennis and Linda Perkins, 9933 " "
- same Mel Hering, 9852 " "
- same Nicholas and Margaret Mecklam, 9858 " "
- same Joe Anderson, Rt 2 Box 428, " "
- same Stan and Phillis Pinbrich, 10971 NW Brooks Rd, " "

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?
PRE 3-92, Approval of
farm help base

6. The decision was announced by the Planning ~~Commission~~ **Director** on MARCH 30, 1992

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?
All parties have either been notified officially by
the county of the decision, or are nearby
residents who wish to preserve the character of
the neighborhood, and to prevent unnecessary
and inappropriate residences on farm land.

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

The addition of another residence on the subject property is unnecessary and inappropriate, under the criteria contained in MCC 11.15.2010 (c).

9. Scope of Review (Check One):

(a) On the Record

(b) On the Record plus Additional Testimony and Evidence

(c) De Novo (i.e., Full Rehearing)

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

Multiple horizontal lines for providing grounds for appeal.

Signed: Scott B. Thuber Date: 4/8/92

For Staff Use Only

Fee:

Notice of Review = \$300.00
 Transcription Fee:
 Length of Hearing NA x \$3.50/minute = \$ 0
 Total Fee = \$ 300.00

Received by: M. Hess Date: 4/8/92 Case No. PRE 3-92



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

NOTICE OF REVIEW

3578 11 488300 00
 253 10-0 6/26/92 488300 00

- Name: Thurber, Bernard, Kent
- Address: 9865 ^{Last} NW Kaiser Rd ^{Middle} Portland, ^{First} OR 97231
Street or Box City State and Zip Code
- Telephone: (503) 645-3724 (h)
234-1534 (o)
- If serving as a representative of other persons, list their names and addresses:
David & Michele Roy, 9949 NW Kaiser Rd PDX 97231
Bobbie & Kent Lorence, 9741 NW Kaiser Rd
Dennis and Linda Perkins, 9933 NW Kaiser Rd
Mel Hering, 9852 NW Kaiser Rd,
Nicholas and Margaret Mecklam, 9858 NW Kaiser Rd
Joe Anderson Rt 2 Box 428
Jan & Phillip Pinterich, 10971 NW Brooks Rd.
- What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Appeal of farm-help house

- The decision was announced by the ^{Hearing officer} ~~Planning Commission~~ on June 8, 1992

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

Everybody named here participated as a party in the hearing.

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

The addition of another residence on the property is unnecessary and inappropriate, under the criteria contained in MCC 11.15.2010

9. Scope of Review (Check One):

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

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

Appellants were surprised by some of the evidence submitted by the husband at the hearing and were not prepared to respond to it adequately at that time without adequate prior notice.

Signed: Ken B. Huber Date: 6/22/92

For Staff Use Only

Fee:

Notice of Review = \$300.00

Transcription Fee:

Length of Hearing 55 min x \$3.50/minute = \$ 152.50

Total Fee = \$ 452.50

Received by: Plum Cayley Date: 6/22/92 Case No. PRF 3-92

Meeting Date: June 23, 1992

Agenda No.: P-5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Hearings Officer Decision

BCC Informal _____ (date)	BCC Formal _____ (date)
DEPARTMENT <u>DES</u>	DIVISION <u>Planning and Development</u>
CONTACT <u>Sharon Cowley</u>	TELEPHONE <u>2610</u>
PERSON(S) MAKING PRESENTATION _____	<u>Planning Staff</u>

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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

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

ZC 2-92/LD 16-92 Review the Decisions of the Hearings Officer of June 1, 1992, approving, subject to conditions amendment of Sectional Zoning Map #415, changing the described property from LR-10 to LR-5; approving, subject to conditions, requested six-lot land division and approving, subject to conditions, modification of a Future Street Plan, adopted in 1980 (LD 3-80), all for property located at 13955 SE Cora Street

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough / bkw

(All accompanying documents must have required signatures)

1992 JUN 17 PM 2:02
MULTNOMAH COUNTY
CLERK OF COUNTY



Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

Decision

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

June 1, 1992

ZC 2-92, #415
LD 16-92, #415

LR-5, Urban Low Density Zoning District
6-Land Division

Applicant requests amendment of Sectional Zoning Map #415, changing the described property from LR-10 low density residential district (minimum 10,000 square feet per dwelling) to LR-5, low density residential district (minimum 5,000 square feet per dwelling). Applicant further requests a land division to subdivide the site into six lots and extend portions of SE 140th Avenue and Cora Street in accordance with the Future Street Plan adopted in 1980 under Land Division LD 3-80. Applicant also proposed modifications to the adopted Future Street Plan.

Location: 13955 SE Cora Street

Legal: Tax Lot 234, Section 11, T1S, R2E WM

Site Size: 1.12 Acres

Property Owner: Bob Smalley
2511 SE 133rd Avenue, Portland, 97236

Applicant: Sunridge Design
8333 SE Stark Street, Portland 97216

Comprehensive Plan: Low Density Residential

Present Zoning: LR-10, Urban Low Density Residential District (min. lot size 10,000 sq. ft.)

Sponsor's Proposal: LR-5, Urban Low Density Residential District (min. lot size 5,000 sq. ft.)

Hearings Officer

Decision #1: Approve, subject to conditions, amendment of Sectional Zoning Map #415, (ZC 8-91) changing the described property from LR-10, low density residential district (minimum lot size, 10,000 square feet) to LR-5, low density residential district (minimum lot size, 5,000 square feet), all based on the following Findings and Conclusions.

Decision #2: Approve, subject to conditions, the requested 6-lot land division, all based on the following Findings and Conclusions.

Decision #3: Approve, subject to conditions, modification of Future Street Plan adopted with LD 3-80 as shown in Applicant's Exhibit titled "As LR-5" attached hereto, all based on the following Findings and Conclusions.

ZC 2-92 / LD 16-92

Zoning Map
 Case #: ZC 2-92, LD 16-92
 Location: °13900 SE Cora Street
 Scale: 1 inch to 200 feet (approximate)
 Shading indicates subject property

LR-5
8
 CS 18-63

LORI-JO

ZC 27-67

STARBUCK

LR-5

LD 3-80

SE. CENTER

SE. GLADSTONE ST.

LR-10

GINGER

LR-10
 2 5 3

ZC 7-86

22

21

SE. CORA ST.

LR-10

7 6 5 4 3 2
 R E F O M

SE. MALL

ST.

SE 1415

SE. GATE 22. BLY
 (CALC)
 201 AC

AS LR10

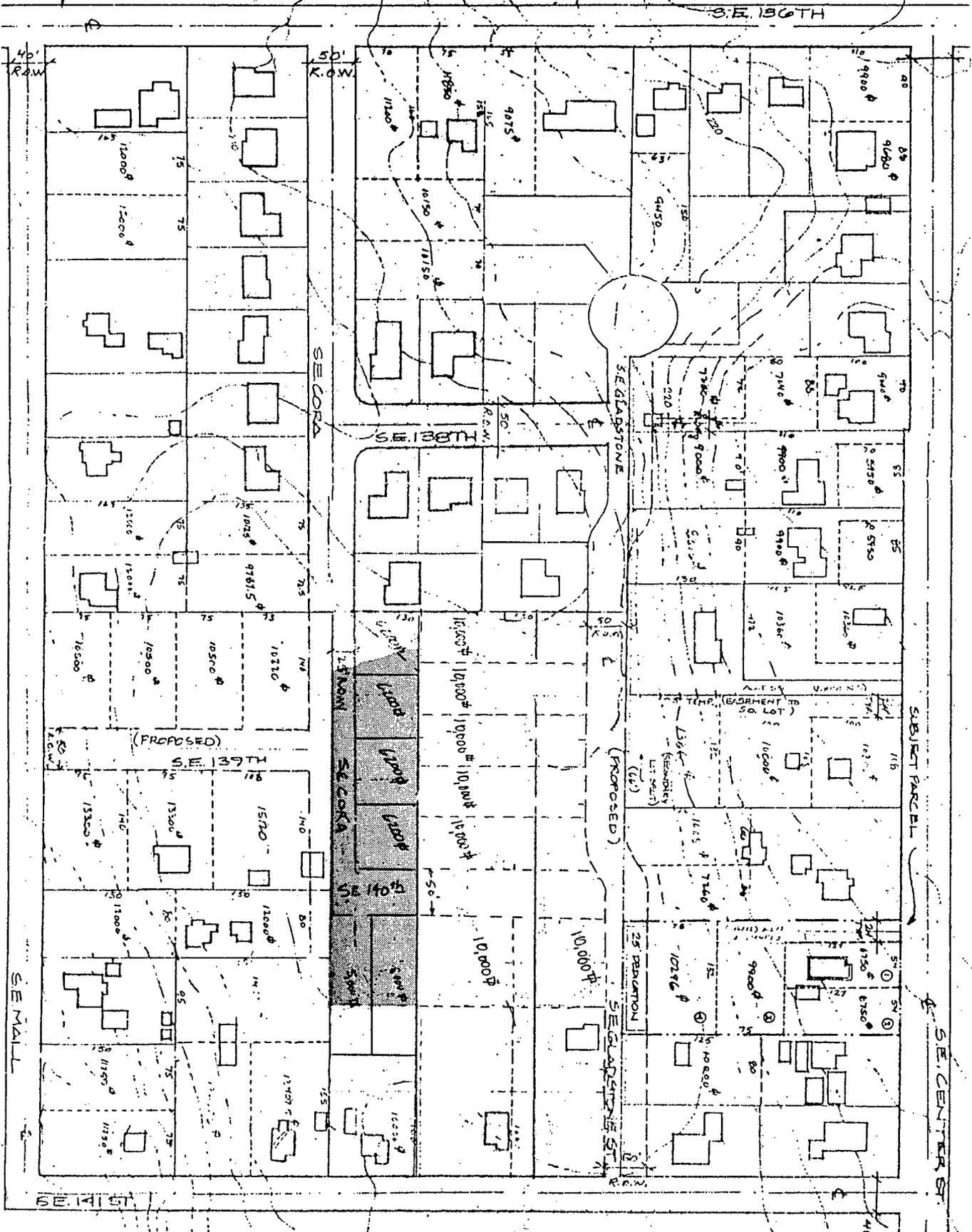
APPROVED FUTURE STREET PLAN (Under Mult Co O: 174)

Case # LD 3-80 Hearing date 03 Mar. 1980

Verified by Irving G Ewen on 03 JUL 1980

Irving G Ewen

Land Level Section, Mult Co Dept of Environ Services



Conditions of Approval: (ZC 2-92 and LD 16-92)

1. Within **one year** of the date of this decision, deliver the final plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with ORS Chapter 92 as amended. **Please obtain applicant's and surveyor's *Instructions for Finishing a Type I Land Division***. Incorporate the following changes into the final plat:
 - A. Show a 1-foot street plug where the south edge of the right-of-way for SE Cora Street follows the south edge of the subject property. Identify the street plug as Tract A to be deeded to Multnomah County.
 - B. Show a 1-foot street plug where the right-of-way for SE 140th Avenue terminates at the north edge of the subject property. Identify the street plug as Tract B to be deeded to Multnomah County.
 - C. Provide a 20-foot corner radius at the intersection of SE 140th Avenue and Cora Street at the southeast corner of Lot 4.
2. Prior to recording the final partition plat, comply with the following Transportation Division requirements:
 - A. Dedicate 25 feet of additional right-of-way to extend the north half of SE Cora Street as shown on the Tentative Plan Map.
 - B. Dedicate 50 feet of additional right-of-way to extend SE 140th Avenue from the east end of Cora Street to the north edge of the subject property as shown on the Tentative Plan Map.
3. Prior to signing the final partition plat by the Multnomah County Planning Division, comply with the Transportation Division requirement to improvements SE Cora Street and SE 140th Avenue and provide storm drainage facilities in accordance with the provisions of the Street Standards Ordinance (MCC 11.60).
4. Prior to signing of the final plat, apply for and obtain a Land Feasibility Study confirming the ability to use on-site sewage disposal system on all six lots.
5. Modify the Future Street Plan adopted pursuant to Land Division Case No. LD 3-80 to show a lotting pattern based on 5,000 square foot lots for the Tax Lots 70 and 142 located north of the subject property.
6. Prior to the issuance of building permits for any newly created lot, improve SE Cora Street to appropriate Transportation Division Standards so that the actual roadway on SE Cora from 138th to 140th is a minimum of 20 feet in width.

Findings of Fact: (ZC 2-92)

1. Applicant's Proposal:

- A. **The Request:** The applicant proposes to subdivide a vacant parcel containing 50,965 square feet into 6 lots. Lots 1-4 each would contain 6,204 square feet. Lots 5 and 6 each would contain 5,000 square feet. The proposed land division includes the extension of SE Cora Street and construction of part of SE 140th Avenue. In order to accomplish the proposed land division the applicant also requests a zone change from LR-10, Low Density Residential District to LR-5, Low Density Residential District.
- B. **Background:** The site is in a superblock for which the County adopted a Future Street Plan in 1980 when it approved Land Division No. LD 3-80. That approval established SE Cora Street and SE 140th Avenue in the easterly part of the superblock. To carry out the lotting pattern shown in the adopted Future Street Plan under the existing LR-10 zoning, the owners of the subject site and the property to the north would have to divide their land under a joint application. The applicant seeks a zone change from LR-10 to LR-5 so that he can divide his land independently of the land to the north.

The current 6-lot land division request would help carry out the adopted Future Street Plan by extending the north half of SE Cora Street about two-thirds of the way across the site and building SE 140th Avenue to the north edge of the site. Completion of the south half of Cora Street would occur during future division of land to the south of the site. Completion of 140th Avenue would occur during future division of land to the north of the site.

- C. **Changes to Future Street Plan:** The proposed land division would modify the adopted Future Street Plan by shifting the location of 140th Avenue about 70 feet to the west. The change makes it possible for east end of the subject site to contain two lots fronting on 140th Avenue. Under the existing Future Street Plan, without the requested zone change, the easterly 37 feet of the subject site would need to be combined with parts of Tax Lot '70' to the north and Tax Lot '38' to the east to produce one 10,000 square-foot lot.

2. Site Conditions and Vicinity Information: Site conditions as shown on the Tentative Plan Map are as follows:

- A. The site is at the east end of SE Cora Street, about 150 feet west of SE 140th Avenue, 325 feet north of SE Mall Street, and 540 feet south of SE Center Street. The Ginger Lane subdivision abuts site on the west and is zoned LR-7. Land to the north, east and south consists of five parcels ranging in size from .33 acres to 2.42 acres, all zoned LR-10, and each having one residence. A one-foot street plug separates the subject site from the present easterly end of Cora Street, making the site landlocked.
- B. **Slope:** The site is relatively flat and contains no slopes exceeding two percent.

- B. **Slope:** The site is relatively flat and contains no slopes exceeding two percent.
- C. **Right-of-Way Dedications and Street Improvements (SE Cora Street):** S.E. Cora Street presently stops at the west edge of the site. The County Engineer has determined that in order to comply with the adopted Future Street Plan it will be necessary for the owner to dedicate right-of-way to extend the north half of SE Cora Street about two-thirds of the way across the site as shown on the Tentative Plan Map as a condition of approval. It will also be necessary for the owner to construct curbs and sidewalks and provide street lighting and additional paving in the newly dedicated portion of S.E. Cora Street abutting the site.
- D. **Right-of-Way Dedications and Street Improvements (SE 140th Avenue):** Southeast 140th Avenue is shown on the Future Street Plan running north from the east end of Cora Street to a proposed extension of SE Gladstone Street. The County Engineer has determined that in order to comply with the adopted Future Street Plan it will be necessary for the owner to dedicate right-of-way for and build SE 140th Avenue from the end of Cora Street to the north edge of the site as a condition of approval.

3. **Zoning Ordinance Considerations (MCC 11.15):**

- A. The existing LR-10 zoning requires a minimum lot area of 10,000 square feet for a residence. Since the subject site contains about 1.12 acres or 48,787 square feet, the LR-10 zoning limits the property to 3 potential single-family building lots plus part of a fourth lot under the existing Future Street Plan after deducting required street dedications. The requested LR-5 zoning requires at least 5,000 square feet of lot area for a residence and would make possible the division of the site into six lots. The total area of each of the six lots would come from the subject site.
- B. Under MCC 11.15.8230 (D) lists approval criteria for a zone change. The burden of proof is on the applicant to demonstrate that:
 - (1) *Granting the request is in the public interest;* [MCC 11.15.8230 (D)(1)]
 - (2) *There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other property;* [MCC 11.15.8230 (D)(2)]
 - (3) *The proposed action fully accords with the applicable elements of the Comprehensive Plan.* [MCC 11.15.8230 (D)(1)]

4. **Response to Approval Criteria** *NOTE:* Information provided by the applicant in response to approval criteria appears in *italics*. Staff comments to the applicant's information appear under the heading **Staff Comment**,

- A. **Public Interest** [MCC 11.15.8230 (D)(1)]

Applicant's Response: *The requested zone change would allow more residential lots than the present LR-10 zoning. This will create more affordable housing sites. The public Policy No. 21, Housing Choice, of the County comprehensive Framework Plan directs the County to provide for "... an adequate number of housing units at price ranges and rent levels commensurate with the financial capabilities of Oregon and the region's households, and to allow for flexibility in housing location, type and density." The County's report, "Housing", as well as recent housing market statistics indicate that there is a substantial unmet demand for affordable housing. The smaller lot size that the LR-5 zone designation provides will help contribute to affordability.*

The approval of this zone change and subdivision would allow the dedication of 25' x 352' and 50' x 95' for SE 140th Street, Thereby starting to initiate the Future Street Plan."

Staff Comment: Powellhurst Community Plan Policy No. 24 (Housing Location) indicates that it is in the public interest to allow LR-5 residential development in the subject area. The Plan refers to the area as a "Residential Development Area" or "Infill Area" because it is a partially developed area where new development will occur over time (page 212, Finding 8.A). Locational Criteria #5 of Policy 24 (page 215) states: *Detached dwellings will be allowed as an outright use in Residential Development Areas. The minimum required lot size per unit must be 5,000 square feet.* Approval of the proposed zone change would allow division of the site into six lots in a manner consistent with the adopted Future Street Plan for the superblock. For these reasons and those stated by the applicant, the proposed zone change satisfies MCC 11.15.8230 (D)(1).

B. Public Need [MCC 11.15.8230 (D)(2)]

Applicant's Response: *The requested zone change would allow more residential lots than the present LR-10 zoning. This will create more affordable housing sites. The public Policy No. 21, Housing Choice, of the County comprehensive Framework Plan directs the County to provide for "... an adequate number of housing units at price ranges and rent levels commensurate with the financial capabilities of Oregon and the region's households, and to allow for flexibility in housing location, type and density." The County's report, "Housing", as well as recent housing market statistics indicate that there is a substantial unmet demand for affordable housing. The smaller lot size that the LR-5 zone designation provides will help contribute to affordability.*

The approval of this zone change and subdivision would allow the dedication of 25' x 352' and 50' x 95' for SE 140th Street, Thereby starting to initiate the Future Street Plan.

Staff Comment: The reasons stated above by the applicant demonstrate that there is

a public need for the proposed zone change. The applicant further addresses the matter of affordability in his response to Plan Policy No. 21 later in this report. As opposed to other property, changing the zone on the site in question meets that need best because adjacent land to the west already has LR-7 zoning and has already been subdivided into lots that are closer in size to those proposed by the applicant. For these reasons, the proposed zone change satisfies MCC 11.15.8230 (D)(2)

C. Comprehensive Plan: The following Powellhurst Community Plan Policies are applicable

(1) **Policy No. 13, Air, Water, and Noise Quality**

Applicant's Response: *"The development of 6 single family homes should have no significant impact on air pollution. Before obtaining building permits, we will be required to have a land feasibility study for each lot before we could install an on-site sanitation system. In the event an on-site sanitation system is not feasible, we would have to wait for the completion of sewers scheduled for 1993."*

Staff Comment: It appears that no significant impact on air pollution will result from the additional house allowed by the proposed zone change and land division. The County Sanitarian will require a Land Feasibility Study for each lot before signing of the final plat. When public sewer becomes available to the site, each lot will have to connect to the sewer. For these reasons, the proposal satisfies Policy 13.

(2) **Policy No. 14, Development Limitations**

Applicant's Response: *"The site is outside the 100 year flood zone and is not in an earth movement area. Surface run-off into the public right-of-way will be handled by storm drain facilities to be approved by the County Engineer. No slopes exceeding 2% exist on the site."*

Staff Comment: For these reasons the proposal satisfies Policy 14.

(3) **Policy No. 21, Housing Choice**

Applicant's Response: *"Re-zoning this property would aid in reducing the land cost of single family residences from a typical 10,000 square foot lot currently selling from \$18,000 - \$20,000 to a typical 5,000 square foot lot ranging from \$12,000 to \$15,000 thus assisting in Policy No. 21 strategies implementation measures:*

'C, Encourage housing that meets the need of youth in terms of size of unity, recreation opportunities, and rent & cost. Support the provision of housing styles for single adults and childless couples in suburban areas.

E. Encourage housing choices for people who do not wish to maintain houses on large lots.

F. Secure fair and equal access to housing so that all segments of society have fair opportunity to secure needed housing.'

Staff Comment: The strategies cited by the applicant appear on page 204 of the Powellhurst Community Plan. This policy directs the county to provide for “. . . an adequate number of housing units at price ranges and rent levels commensurate with the financial capabilities of Oregon and the regions’ households, and to allow for flexibility in housing location, type and density.” The county report, “Housing,” as well as recent housing market statistics, indicate that there is a substantial unmet demand for affordable (housing cost not exceeding 30% of gross income) housing. Approval of the proposed zone change and land division will help meet that demand by providing for additional house beyond the four allowed on the site under the present zoning. For these reasons and those stated by the applicant, the proposal satisfies Policy 21.

(4) **Policy No. 22, Energy Conservation**

Applicant’s Response: *“This proposal will fully develop a vacant parcel within the county’s urban area. Thus, the proposal will help discourage “Urban Sprawl” which is high in energy use. The East-West orientation of the half street extension of SE Cora Street will allow exposure of a large surface area of homes to the winter sun for solar heating.*

Staff Comment: Four of the proposed lots face south and thereby increase the opportunity for reduced heating costs through good solar orientation. For this reason and those stated by applicant, the proposal satisfies Policy 22.

(5) **Policy 24, Housing Choice**

Applicant’s Response: *“The usage identified in the Community Plan calls for this area to be utilized as “Low Density Residential Infill” with 6 - 10 units per acre. The tentative plat map accompanying this zone change request creates 5.35 units per acre. Current zoning would reduce that to 3.57 units per acre.*

The dedication of 25’ right-of-way leaves a lot depth of 70’ (95.42’ - 25’). The setback requirements in LR-10 are 30’ front and 20’ rear yard. This would leave a building envelope depth of only 20’ - with zone change this building envelope would increase to 35’.”

Staff Comment: For the reasons stated by the applicant, the proposal satis-

fies Policy 24.

(6) **Policy No. 35, Public Transportation**

Applicant's Response: *"Tri-Met Line #17 provides East/West service along S.E. Holgate Blvd. about two blocks South of the site."*

Staff Comment: For this reason, the proposal satisfies Policy 35.

(7) **Policy No. 36, Transportation System Development Requirements**

Applicant's Response: *"The development of this parcel would require satisfactory road and street improvements whether developed under LR-10 or LR-5 zoning."*

Staff Comment: Conditions of approval requires the owner to extend SE Cora Street and SE 140th Avenue on the site. The County Engineer has determined that the dedication and improvements are necessary in order for the proposal to comply with the adopted Future Street Plan and the provisions of the county Street Standards Ordinance. For these reasons, the proposal satisfies Policy 36.

(8) **Policy No. 37, Utilities**

Applicant's Response: *"Water service shall come from Powell Valley Water District; sewage disposal, both sanitary and storm, shall be through cess pools as approved by the County Sanitarian. Energy is provided by PGE and Northwest Natural Gas. Communication services are provided by US West."*

Staff Comment: This policy requires a finding that the water, sanitation, drainage and communication facilities are available as follows:

WATER AND DISPOSAL SYSTEM

A. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC SEWER AND WATER SYSTEM, BOTH OF WHICH HAVE ADEQUATE CAPACITY; OR

B. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE SITE; OR

C. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM; OR

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

DRAINAGE

E. THERE IS ADEQUATE CAPACITY IN THE STORM WATER SYSTEM TO HANDLE THE RUN-OFF; OR

F. THE WATER RUN-OFF CAN BE HANDLED ON THE SITE OR ADEQUATE PROVISIONS CAN BE MADE; AND

G. THE RUN-OFF FROM THE SITE WILL NOT ADVERSELY AFFECT THE WATER QUALITY IN ADJACENT STREAMS, PONDS, LAKES OR ALTER THE DRAINAGE ON ADJOINING LANDS.

ENERGY AND COMMUNICATIONS

H. THERE IS AN ADEQUATE ENERGY SUPPLY TO HANDLE THE NEEDS OF THE PROPOSAL AND THE DEVELOPMENT LEVEL PROJECTED BY THE PLAN; AND

I. COMMUNICATIONS FACILITIES ARE AVAILABLE.

The proposed land division satisfies Policy 37 for the following reasons:

Water and Sanitation: The Powell Valley Road Water District has verified that water service will be available to the property by extending a six-inch line in SE Cora Street. Obtaining a Land Feasibility Study from the County Sanitarian regarding the use of on-site sanitation on each lot prior to signing the final plat is a condition of approval. Therefore, the proposal complies with Item *B* above.

Drainage: A condition of approval requires storm drainage facilities to be provided as specified by the County Engineer. Compliance with the condition will assure satisfaction of Items *E* through *G* above

Energy and Communication: Portland General Electric provides electric power, Northwest Natural Gas Co. provides gas service and US West provides telephone service. The proposal satisfies Items *H* and *I* above.

(9) **Policy No. 38, Facilities**

The property is located in the David Douglas School District, which can

Multnomah County Fire District No.10 provides fire protection and the Multnomah County Sheriff's Office provides police protection.

5. Response to Public Testimony

A. LR-5 Zoning Will Not Lead to a Run-Down Neighborhood.

The underlying assumption of almost all of the opposition testimony seems to be that 5,000 sq. ft. lots are too small for owner occupied homes, and that renters are not good for the area around SE Cora between 138th and 141st. I reject this assumption.

First, 5,000 sq. ft. lots are not too small for owner occupied homes. There are enough examples of well maintained, expensive owner occupied homes in LR-5 neighborhoods throughout the County to quickly dispel the argument that LR-5 zoning will lead to a run down, rental dominated neighborhood.

Second, even if 5,000 sq. ft. lots tended to attract primarily single family rental units, which the record does not indicate they do, the comprehensive plan promotes a wide range of housing opportunities within Multnomah County, including rental options.

Third, even if the new homes in this area were to be occupied primarily by renters, I reject the notion that renters categorically do not make good neighbors.

Fourth, the argument that LR-5 zoning is too dense a zone for this "semi-rural" area ignores the reality of this urban location. The comprehensive plan designation is Urban Low Density Residential District which includes LR-5 zoning

Fifth, "affordable housing" does not equate with a low income housing project.

B. Fire Protection is Adequate

Opponents claim that fire protection is not adequate in the area because the proposed half street improvement will not allow fire trucks to reach the scene of a potential fire.

This is a valid issue, however the planning staff reported that John Dorst of the Transportation Division indicated that adequate fire protection can be provided with a 20 foot roadway.

As long as the roadway is actually constructed so that the SE Cora roadway is at least 20 feet wide from 138th to the new 140th, then fire protection access will be adequate. A condition of approval will assure compliance with this requirement.

C. The Surrounding Property Owners Do Not Have A Right to LR-10 Zoning.

Some opponents argue that they have a right to have the existing LR-10 zoning main-

Some opponents argue that they have a right to have the existing LR-10 zoning maintained because they built or are building new homes on LR-10 lots, in reliance on the LR-10 zoning in the area.

The comprehensive plan and zoning ordinances provide for the type of zone change requested, provided the required standards are met. The neighboring property owners do not have a right to the maintenance of LR-10 zoning on the site.

Conclusions: (ZC 2-92)

1. Finding 4 indicates that the proposed zone change meets the Approval Criteria of the Zoning Ordinance as stated in MCC 11.15.8230 (D).

Findings of Fact: (LD 16-92)

1. **Applicant's Proposal:** Please refer to Finding 2 above for ZC 2-92.
2. **Site Conditions and Vicinity Information:** Please see Finding 2 for ZC 2-92.
3. **Land Division Ordinance Considerations (MCC 11.45):**
 - A. The proposed land division is classified as a Type I because it is "[A] . . . *partition associated with an application affecting the same property for any action proceeding requiring a public hearing . . .*" [MCC 11.45.080(D)]. The proposed land division is associated with an application to change the zone of the subject site from LR-10 to LR-5. This staff report addresses the zone change application under Decision # 1 (ZC 2-92).
 - B. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
 - (1) The Tentative Plan is in accordance with:
 - a) *the applicable elements of the Comprehensive Plan;*
 - b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and*
 - c) *the applicable elements of the Regional Plan adopted under ORS Chapter 197 [MCC 11.45.230(A)].*
 - (2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances [MCC*

11.45.230(B)];

- (3) *The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of [the Land Division Ordinance] [MCC 11.45.230(C)]*
- (4) *The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto associated with the Tentative Plan proposal [MCC 11.45.230(D)].*
- (5) *If a subdivision, the proposed name has been approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed [MCC 11.45.230(E)].*
- (6) *The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and [MCC 11.45.230(E)].*
- (7) *Streets held for private use are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets are set forth thereon [MCC 11.45.230(G)].*

4. **Response to Type I Land Division Approval Criteria**

A. **Applicable Elements of the Comprehensive Plan [MCC 11.45.230(A)]**

- (1) **Statewide Goals and Regional Plan:** For the reasons stated below, the proposal satisfies the applicable policies of the Comprehensive Plan. The Multnomah County Comprehensive Plan has been found to be in compliance with Statewide Goals and the Regional Plan by the State Land Conservation and Development Commission.
- (2) **Applicable Comprehensive Plan Policies:** Please refer to Finding 4.C for ZC 2-92:

B. **Development of Property [MCC 11.45.230(B)]:** Pending approval of the proposed zone change, approval of the land division will increase the opportunity for development of the site in accordance with the Comprehensive Plan and the LR-5 zoning. The proposed land division extends the north half of SE Cora Street across about

two-thirds of the site and extends SE 140th Avenue to the adjoining property to the north. The street extensions carry out the original Future Street Plan, except that SE 140th Avenue is shifted to the west so that two full lots can be created on the site on the east side of SE 140th Avenue. Thus, approval of the proposed land division would actually improve access to future lots on the property to the east. For these reasons the proposed land division satisfies MCC 11.45.230(B)

C. Purposes and Intent of Land Division Ordinance [MCC 11.45.230(C)]

- (1) MCC 11.45.015 states that the Land Division Ordinance...*"is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County."* The proposed land division satisfies the purpose of the Land Division Ordinance for the following reasons:
 - (a) The size and shape of the proposed lots will accommodate proposed residential development within the required building yard setbacks without overcrowding, thereby protecting property values.
 - (b) As stated above, adequate public water supply is available for the proposed land division. A condition of approval assures that adequate provision will be made for on-site sewage disposal on all six lots. As stated above, fire and police protection are available to the site. For these reasons, the proposal furthers the health, safety, and general welfare of the people of Multnomah County.
 - (c) As stated above, the proposed land division complies with the applicable elements of the Comprehensive Plan. Since the Comprehensive Plan has been found to be in compliance with Statewide Planning Goals by the State Land Conservation and Development Commission, the proposed land division complies with the Statewide Planning Goals.
 - (d) The proposal meets the purpose of *"providing classifications and uniform standards for the division of land and the installation of related improvements"* because the proposal is classified as a Type I Land Division and meets the approval criteria for Type I Land Divisions as stated herein. The conditions of approval assure the installation of appropriate improvements in conjunction with the proposed land division.

(2) MCC 11.45.020 states that the intent of the Land Division Ordinance is to... "minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities." The proposal complies with the intent of the Land Division Ordinance for the following reasons:

- (a) The proposal minimizes street congestion by providing public street access to all five lots as shown on the Tentative Plan Map.
- (b) Public fire protection is available to the property. The property is not located within the 100-year floodplain, and there are no slopes exceeding two percent. The additional new houses will not significantly increase air pollution levels. For these reasons, the proposal secures safety from fire, flood, geologic hazard, and pollution.
- (c) The proposal meets the area and dimensional standards of the LR-5 zoning district as explained below and thereby provides for adequate light and air and prevents the overcrowding of land.
- (d) Findings 2.C, 2.D, 4.C(6) and 4.C(7) above for ZC 2-92 address street and public transportation. Finding 4.C(8) addresses water supply and sewage disposal. Finding 4.C(2) addresses storm drainage. Finding 4.C(9) addresses education, fire protection and police service. Based on those findings, the proposed land division facilitates adequate provision for transportation, water supply, sewage disposal, drainage, education, and other public services and facilities.

D. **Zoning Ordinance Considerations:** The applicable Zoning Ordinance criteria (MCC 11.15) are as follows:

- (1) Subject to approval of ZC 2-92, the site will be zoned LR-5, Urban Low Density Residential District.
- (2) The following minimum area and dimensional standards will apply per MCC 11.15.2634:
 - (a) The minimum lot size for a single family dwelling shall be 5,000 square feet. As shown on the Tentative Plan Map, all six lots exceed this requirement.
 - (b) The minimum lot width at the building line shall be 45 feet. As shown on the Tentative Plan Map, all six lots exceed this requirement.
 - (c) The minimum yard setbacks shall be 20 feet front, 5 feet side, and 15

feet rear. Compliance with these requirements will be checked during the zoning review process before building permit issuance. There is sufficient buildable area on all six lots to accommodate houses that will satisfy the yard requirements.

(d) The proposed land division complies with the solar access provisions of the Zoning Ordinance. Lots 1-6 do not meet the basic design standard of MCC 11.15.6815(A) because they have neither a north-south dimension greater than 90 feet nor a front lot line within 30 degrees of a true east-west orientation. Compliance with the basic solar design standards is not possible for Lots 1-6 because the road pattern for the area prevents the parcels from being oriented for solar access. Therefore, pursuant to the exception provisions of MCC 11.15.6815(A)(3), the percentage of lots that must comply with MCC 11.15.6815 is reduced from 80 to zero percent.

E. **Subdivision Name [MCC 11.45.230(E)]:** The Assessment and Taxation Division will ascertain that the proposed plat name conforms with applicable statutes and ordinances, including MCC 11.45.230(E).

F. **Street Layout [MCC 11.45.230(F)]:** The extension of SE Cora Street and 140th Avenue in conjunction with the proposed land division is consistent with the adopted Future Street Plan for the surrounding superblock. Therefore, the proposal satisfies MCC 11.45.230(F).

G. **Private Streets [MCC 11.45.230(G)]:** The proposed land division does include any private streets. Therefore, MCC 11.45.230(G) is not applicable..

Conclusions: (LD 16-92)

1. Based on Finding 4.C for ZC 2-92, the proposed land division satisfies the applicable policies of the Comprehensive Plan.
2. Based on Findings 4 for LD 16-92, the proposed land division satisfies the approval criteria for Type I land divisions.

Signed June 1, 1992



By Paul Norr, Hearings Officer

Filed With the Clerk of the Board on June 11, 1992

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, June 22, 1992 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, June 23, 1992 in Room 602 of the Multnomah County Courthouse.

For further information call the Multnomah County Planning and Development Division at 248-3043.

Meeting Date: June 23, 1992

Agenda No.: P-6

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning Commission Decision

BCC Informal _____ (date) BCC Formal June 23, 1992 (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Ed Pickering

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 9 Minutes

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

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

C 8-91 Review the Decision of the Planning Commission of June 1, 1992, amending the recommended East Multnomah County Bikeway Plan Map and recommending adoption of an Ordinance which amends the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C,

First Reading

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yarbrough/bkw

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 JUN 18 PM 3:21
MULTNOMAH COUNTY
OREGON

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Amending the Recommended)
East Multnomah County Bikeway Plan Map)
and Recommending Adoption of an Ordinance)
which Amends the Bikeway Plan Maps in)
Comprehensive Framework Plan Policy 33C)

**RESOLUTION
C 8-91
(AMENDED)**

WHEREAS, The Planning Commission at a public hearing on September 3, 1991 heard public testimony on the East Multnomah County Bikeway Plan Map and recommended the adoption of a proposed ordinance captioned "An Ordinance amending the Bikeway Plan Map of Comprehensive Framework Plan Policy 33C"; and

WHEREAS, Additional public information and education was sought by residents of the affected Springdale/Corbett area, resulting in the formation of a committee of concerned residents as part of the Northeast Multnomah County Community Association; and

WHEREAS, There is widespread support to amend the recommended Bikeway Plan Map to delete Bell Road as a future County bikeway; and

WHEREAS, Bell Road has substantial topographic and alignment constraints that would make implementation of shoulder bikeways difficult and expensive; and

WHEREAS, Other suitable bikeway routes are planned that connect to Corbett and Springdale that provide recreational loop routes connecting to Crown Point Highway; and

WHEREAS, The motion to approve a Resolution recommending the adoption of the proposed amended Ordinance by the Multnomah County Board of County Commissioners received a Planning Commission vote of ___ in favor, ___ opposed, and ___ abstain; and

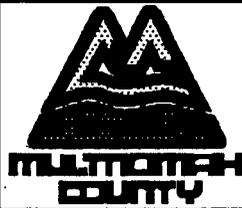
WHEREAS, For recommendation for approval of revision of an adopted plan the Multnomah County Code subsections 11.05.190 (B) and (C) require an affirmative vote of at least five members of the Planning Commissioners.

NOW, THEREFORE BE IT RESOLVED that Resolution C 8-91 and the corresponding portions of the Ordinance captioned "An Ordinance amending the Bikeway Plan Map of Framework Plan Policy 33C" is hereby amended and recommended for approval by the Board of County Commissioners.

Approved this 1st day of June, 1992



Richard T. Leonard, Chair
Multnomah County Planning Commission



**Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043**

EXHIBIT A

Staff Report

This Staff Report consists of Findings of Fact and Conclusions

June 1, 1992

**C 8-91 (Amended) Adoption of the Comprehensive Plan Amendment
of the Bikeways Map in Policy 33C**

AMENDMENTS TO THE MARCH 2, 1992 STAFF REPORT

At its March 2, 1992 meeting, the Multnomah County Planning Commission continued the hearing on Item C 8-91, the East Multnomah County Bikeway Plan Map, at the request of the Bicycle Planning Task Force of the NE Multnomah County Community Association so that remaining issues between East Multnomah County residents and the County could be resolved. The Findings of Fact in Exhibit A, the staff report of March 2, 1992 are amended as follows: paragraphs H., I., and J. added to section 1; and section 11 replaced in its entirety.

STAFF RECOMMENDATION:

Approve the submitted Ordinance that amends the Bikeways Map in Multnomah County Comprehensive Framework Plan Policy 33C.

Findings of Fact:

1. Compliance with Statewide Planning Goal No. 1, Citizen Involvement:

GOAL: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

- A. The proposed Plan amendment was presented to the Executive Committee of the Northeast Multnomah County Community Organization in December 1990 for their review and input.
- B. The revised Plan amendment was presented at the annual meeting of the Northeast Multnomah County Community Organization March 13, 1991.
- C. Copies of the recommended Plan amendment were displayed in various public places in the East Multnomah County area of concern, with an invitation to inquire of additional information, and testify at the Planning Commission Hearing.

- D. Written responses were received from East Multnomah County residents and businesses, which resulted in revisions to the recommended East Multnomah County Bikeways Plan Map.
- E. A public meeting was held September 23, 1991, in the Springdale/Corbett community where the public was provided the opportunity to ask questions and express concerns; responses were provided in writing to all persons in attendance.
- F. A committee of residents was formed to study the Plan and recommend potential revisions which were submitted to the Northeast Multnomah County Community Association for their consideration and action.
- G. Based on community input and general consensus, a revised East Multnomah County Bike-way Plan Map was submitted to the Planning Commission on March 2, 1992.
- H. Two meetings were held with the Bicycle Planning Task Force (BPTF) where ideas were exchanged and solutions negotiated leading to Issue Resolution included in the Staff Report as Exhibit C.
- I. Staff attended an area-wide meeting sponsored by BPTF where issue resolutions were pre-sented to the public for their comment and staff responded to questions.
- J. Multnomah County has agreed to provide to the Northeast Multnomah County Community Association (NEMCCA) a list of East County roads within NEMCCA's area of concern with proposed paving dates, and certain notifications concerning timely public input regarding proposed revisions to the County Transportation Capital Improvement Plan.

2. Compliance with Statewide Planning Goal No. 8, Recreational Needs:

GOAL: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Designating and developing bike routes that have high scenic value and lead to recreational destinations, in close proximity to a relatively dense urban population, satisfies a recreational need of residents and visitors to East Multnomah County and the Columbia River Gorge National Scenic Area. Promoting safe and convenient bicycling transportation maximizes energy conservation both in transportation to recreational destinations and as a recreational activity of itself.

3. Compliance with Statewide Planning Goal No. 12, Transportation:

GOAL: To provide and encourage a safe, convenient and economic transportation system.

Bikeway route additions are based on criteria of providing safe and convenient bicycle travel with an economically cost-efficient bikeway system.

4. Compliance with Statewide Planning Goal No. 13, Energy Conservation:

GOAL: To conserve energy.

Development of County bikeways, based upon an up-to-date Bikeways Map, provides for a highly energy-efficient mode of travel and a reasonable alternative to motorized travel for certain types of trips. A comprehensive and connected bikeway system promotes bicycling and conservation of energy through a relative reduction in depletion of non-renewable energy resources.

5. Consistency of revisions to the Bikeway Plan Map with the Multnomah County Comprehensive Framework Plan (CFP) Policy 33C:

- A. Streets with good bicycle access and travel potential are identified.
- B. Identification and approval of bikeway routes provides for future bike route projects.
- C. Future street improvement projects on newly designated bike routes will be designed to accommodate bicycles.
- D. East County routes will provide for scenic and recreational bicycle travel.

6. Criteria for the addition of East Multnomah County Bikeways to the Bikeways Plan Map in CFP Policy 33C:

- A. Provide bicycle access to Springdale and Corbett rural services centers.
- B. Provide bicycle access to area schools.
- C. Provide scenic routes for recreational cycling.
- D. Roads with relatively low average daily traffic (ADT) volumes.
- E. Loop routes that connect to, and parallel Columbia Highway as alternative and supplemental routes to cycling on Columbia Highway.
- F. Compatibility with Columbia River Gorge Management Plans and Multnomah County Bicycle Master Plan.

7. The East Multnomah County Bikeways Plan Map is a component of the Multnomah County Master Transportation Plan and the 1990 Multnomah County Bicycle Master Plan.

8. East Multnomah County Bikeways include:

Evans Road - Columbia Highway to Hurlburt Road.

Hurlburt Road - Columbia Highway to Littlepage Road.

Larch Mountain Road - Columbia Highway to end.

Littlepage and Knieriem Roads - Columbia Highway to Hurlburt Road.

Mershon Road - Columbia Highway to Ogden Road.

Ogden Road - Woodard Road to Mershon Road.

Woodard Road - Columbia Highway to Columbia Highway.

9. Bicycling is an increasingly popular recreational activity and mode of travel such that there is an increasing need to provide a bicycle-friendly street system, and to further develop the unbuilt County bikeways network.
10. The objective of the East Multnomah County Bikeways Plan is to develop and maintain an extensive network of bicycle transportation facilities that provide safe, efficient, and enjoyable bicycle travel, that is consistent with land uses.
11. Multnomah County has agreed to investigate establishing a countywide standard for lane sharing on rural roads with input from the County Bicycle Citizen Advisory Committee and community groups, and present it's findings to the Planning Commission for possible amendment to the County's Bicycle Master Plan.

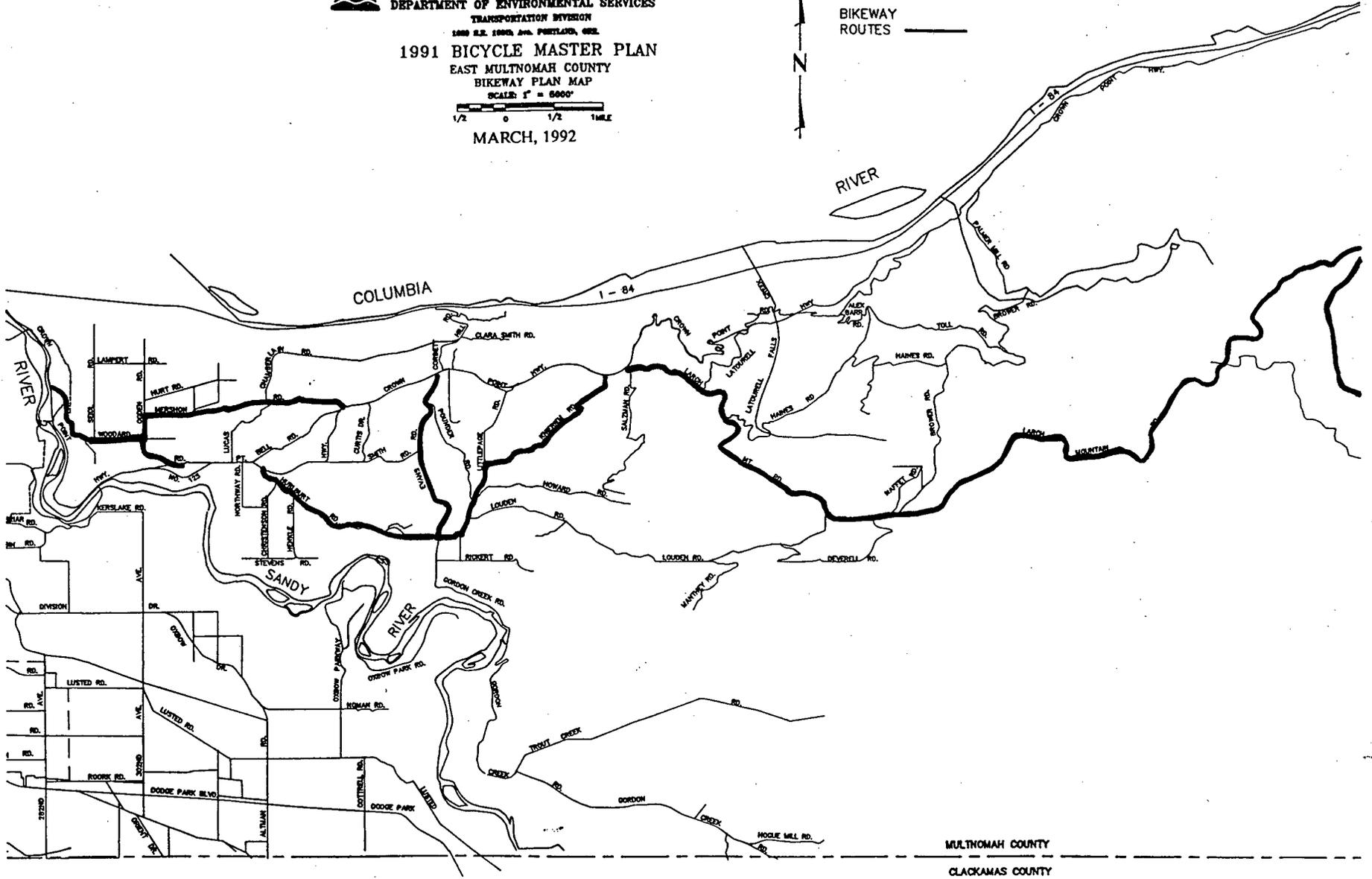
Conclusion:

1. The East Multnomah County Bikeways Plan Map, March, 1992, fulfills the applicable Statewide Planning Goals.
2. The amendments to the Bikeways Map in CFP Policy 33C comply with the stated Policies of CFP Policy 33C.
3. Designation of East County bikeways is a prerequisite to implementing bikeway facilities that support recreational activities and visitation to the Columbia River Gorge and surrounding areas.



MULTNOMAH COUNTY
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 TRANSPORTATION DIVISION
 1600 S.E. 100th Ave. PORTLAND, ORE.
1991 BICYCLE MASTER PLAN
 EAST MULTNOMAH COUNTY
 BIKEWAY PLAN MAP
 SCALE: 1" = 6000'
 1/2 0 1/2 MILE
 MARCH, 1992

BIKEWAY ROUTES



MULTNOMAH COUNTY
CLACKAMAS COUNTY

EXHIBIT C

ISSUE RESOLUTION

June 1, 1992

**C 8-91 (Amended) Adoption of the Comprehensive Plan Amendment
of the Bikeways Map in Policy 33C**

- Recognizing East County's concerns for preserving the rural character and existing road shoulders, and preservation of private property, bikeway development shall occur with the least possible impact on the community.
- The type of bikeway facility to be developed will be determined on a case-by-case basis through the County capital improvement and project development processes, so that community concerns can be addressed prior to project construction.
- Based on Bicycle Planning Task Force (BPTF) input, a rural countywide standard for lane-sharing will be established and applied to East County bikeways where appropriate, instead of paved shoulders.
- If shoulder bikeways are appropriate and existing gravel shoulders are at least four-foot wide, then paved shoulders will be constructed at the time of road resurfacing.
- At the suggestion of BPTF, where gravel shoulders are narrower than four feet wide because of roadside obstructions (ditches, banks, landscaping), paved shoulder bikeways will be narrower but no less than three feet wide.
- Bicycle facilities require a higher standard of maintenance than facilities for motor vehicles; cyclists will ride in the travel lane if there is debris or other hazards on the paved shoulder. The Transportation Division responds to all notifications of hazardous conditions on County roads. Countywide maintenance standards will be developed for bikeways. East County bikeways will be maintained as frequently as necessary to assure their safe use in accordance with the adopted standards.
- County Transportation Division will support the community's efforts to have existing paved shoulders on Crown Point Highway swept and made more useable for cyclists.
- Icy road conditions are hazardous to travelers in East County. The Transportation Division has proposed testing "open-grated" asphalt which is more porous and coarser than existing pavement, as a means to reduce the hazards from road ice.
- Transportation Division will support the community's efforts to provide additional law enforcement capabilities in East County, (safety action team, town constable, other), and will provide public information to cyclists and motorists regarding rules of the road, safety and property concerns.

- The "Getting There by Bike" brochure produced by the County will include information on restroom and drinking water facilities in East County.
- Multnomah County has not previously condemned private property for bikeway purposes. There are no plans to condemn property as a result of the East Multnomah County Bikeway Plan, and we do not foresee the need to condemn private property to implement the plan. Condemnation proceedings are established by state and local statutes and require a public process and hearing.
- Transportation Division will support the community's efforts to provide public facilities in East County, such as restrooms at Women's Forum.
- A countywide Bicycle Advisory Committee will be formed to provide public input for the county's Bicycle Program, including a representative from East County.
- Equestrians use gravel shoulders to ride along County roads in East County. Wherever possible, gravel shoulders will be retained for horseback riding.

Meeting Date: June 23, 1992

Agenda No.: P-7

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning Commission Decision

BCC Informal _____ (date) BCC Formal June 23, 1992 (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Ed Pickering

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 9 Minutes

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

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

C 8-91 Review the Decision of the Planning Commission of June 1, 1992, amending the recommended East Multnomah County Bikeway Plan Map and recommending adoption of an Ordinance which amends the Bikeway Plan Maps in Comprehensive Framework Plan Policy 33C,

First Reading

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Paul Yaubang / hkw

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 JUN 17 PM 2:08

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**

2 **FOR MULTNOMAH COUNTY, OREGON**

3 **ORDINANCE NO. _____**

4
5 **An ordinance amending the Bikeways Plan Map of the Comprehensive Framework**
6 **Plan Policy 33C.**

7
8 **Multnomah County Ordains as follows:**

9
10 **Section I. Findings.**

11 **(A). Comprehensive Framework Plan Policy 33C states the County's policy to identify**
12 **streets with good bicycle access and travel potential for designation of future bike route**
13 **construction projects and to assure that future street improvements will be designed to**
14 **accommodate bicycles.**

15 **(B). In 1990, the Multnomah County Transportation Division updated the Bicycle**
16 **portions of the Framework Plan previously amended in 1983.**

17 **(C). The Northeast Multnomah County Community Association advised in the**
18 **preparation of the East Multnomah County Bikeways Plan Map.**

19 **(D). All affected local, regional, and State governmental agencies were contacted in**
20 **order to assure a coordinated countywide bicycle network.**

21 **(E). The resulting East Multnomah County Bikeways Plan Map, March, 1992, and the**
22 **amendment of the Framework Plan Policy 33C Bikeways Map fulfill Statewide Planning Goal**
23 **1, Citizen Involvement; Goal 8, Recreation; Goal 12, Transportation; and Goal 13, Energy**
24 **Conservation, as demonstrated in the Findings of Exhibit A.**

25

26

1 (F). Policy 33C of the Multnomah County Comprehensive Framework Plan was
2 acknowledged to be in conformance with the Statewide Planning Goals by the State
3 Department of Land Conservation and Development (DLCD) in 1980. Later amendments of
4 Policy 33C in 1983 and 1990 were also approved by DLCD. Adoption of the East Multnomah
5 County Bikeways Plan Map does not change any text in Plan Policy 33C.

6 (G). Exhibit A, Sections 5 through 10 (the Staff Report) and Exhibit B (the East
7 Multnomah County Bikeways Plan Map, March, 1992), incorporated as part of these Findings,
8 explain how all amendments to the Bikeways Map in Policy 33C comply with Comprehensive
9 Framework Plan Policies and are necessary to provide for safe and enjoyable bicycle travel in
10 East Multnomah County, and that portion of the Columbia Gorge National Scenic Area thereof.

11 (H). The East Multnomah County Bikeways Plan Map will be a component of the
12 Multnomah County Master Transportation Plan and the Multnomah County Bicycle Master
13 Plan which supplement the Comprehensive Framework Plan.

14 (I). A 1991 East Multnomah County Bikeways Plan Map was approved at a public
15 hearing on September 3, 1991, by the Planning Commission and, following additional public
16 discussion and consideration by the Northeast Multnomah County Community Association, an
17 amended East Multnomah County Bikeway Plan Map was considered and approved at a
18 Planning Commission hearing on March 2, 1992. The March 2, 1992 East Multnomah County
19 Bikeways Plan Map was then considered at public hearings on _____, 1992 and
20 _____, 1992 before the Board of County Commissioners. At each of the hearings all
21 interested persons were given an opportunity to appear and be heard.

22
23 Section II. Purpose.

24 (A). The East Multnomah County Bikeways Plan Map, March, 1992 (Exhibit B) is
25 adopted as a component of the Master Transportation Plan.

26 (B). The five 1990 Bikeway Plan Maps are supplemented with adoption of the East

1 Multnomah County Bikeways Plan Map, March, 1992.

2

3

4

5 Section III. Adoption.

6 This ordinance being necessary for the health, safety, and welfare of the people of
7 Multnomah County, shall take effect on the thirtieth day after its adoption, pursuant to Section
8 5.50 of the Charter of Multnomah County.

9 ADOPTED THIS _____ day of _____, 1992, being the date of its
10 second reading before the Board of County Commissioners of Multnomah County.

11

12

13 (SEAL)

14

15

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

16

17

18

19 REVIEWED:

20

21

John DuBay, Deputy County Counsel
of Multnomah County, Oregon

22

23

24

25

26



MULTNOMAH COUNTY
DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION

1620 S.E. 190th Ave. PORTLAND, ORE.

1991 BICYCLE MASTER PLAN

EAST MULTNOMAH COUNTY

BIKEWAY PLAN MAP

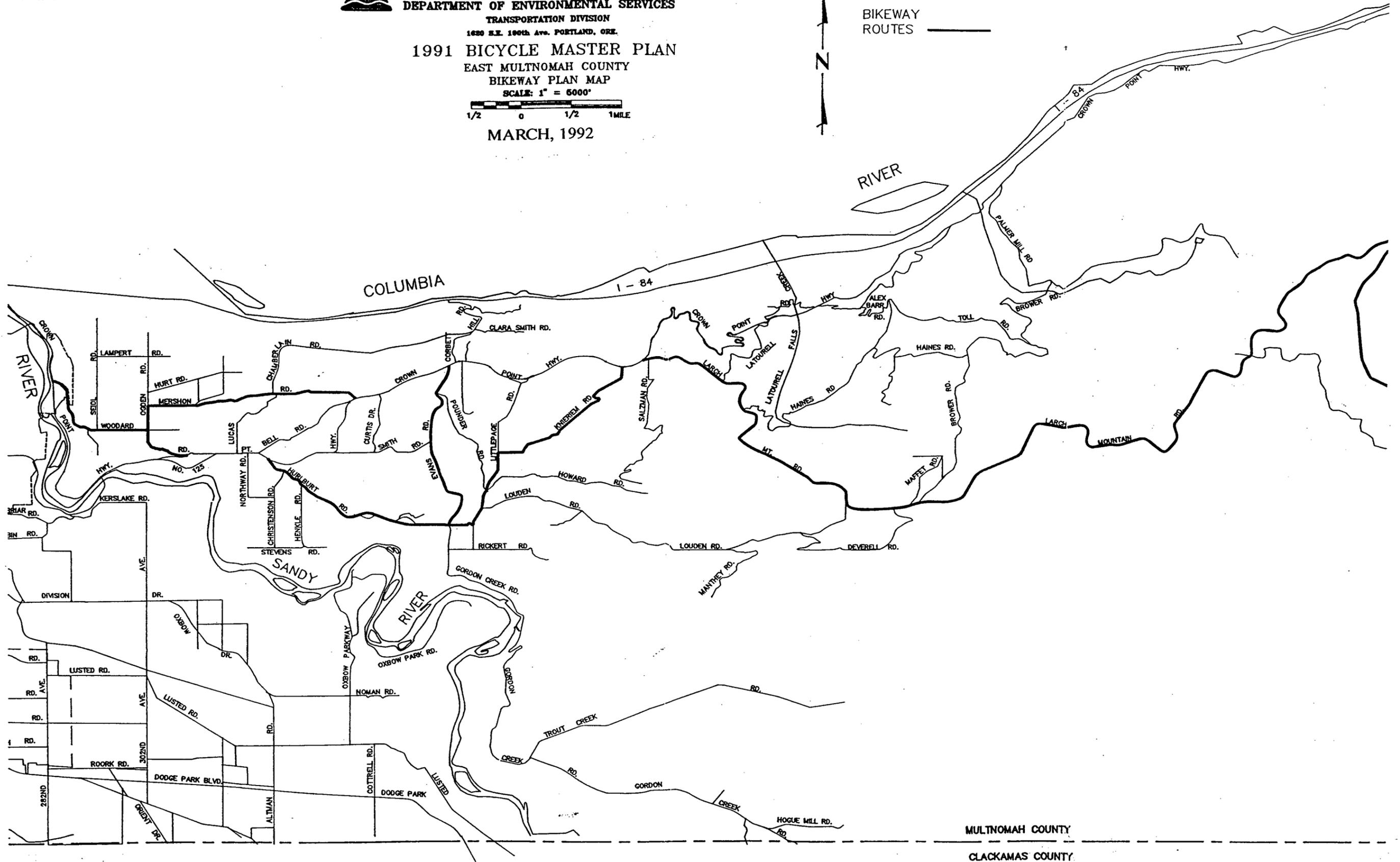
SCALE: 1" = 6000'



MARCH, 1992



BIKEWAY
ROUTES



MULTNOMAH COUNTY
CLACKAMAS COUNTY

Meeting Date: June 23, 1992

Agenda No.: P-8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Auto Wrecker's License Renewal

BCC Informal _____ (date) BCC Formal June 23, 1992 (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION _____

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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

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

Recommend approval of auto wrecker's license renewal for property at
28901 SE Dodge Park Blvd., (Desbien's Classic Auto Wrecking and Towing)

1992 JUN 17 PM 2:06
MULTNOMAH COUNTY
CLERK OF COUNTY

(If space is inadequate, please use other side)

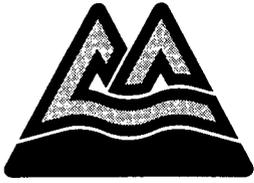
SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *Sharon Cowley*

(All accompanying documents must have required signatures)



MULTNOMAH COUNTY OREGON

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

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

June 23, 1992

Honorable Board of County Commissioners
Room 605, Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, Oregon 97204

RE: **Auto Wrecker's License -Renewal**

David L. Lucky
(dba Desbiens Classic Auto Wrecking and Towing, Inc.)
28901 SE Dodge Park Blvd., Gresham, 97080

Recommend: Approval of Business Location

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license be approved, based upon findings that they satisfy the location requirements for same as contained in ORS 822.10 and .135.

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Robert N. Hall, Senior Planner

RNH:sec

Enclosure - Wrecker's Application

DESBIENS AUTOMOTIVE & TOWING, INC.

12689 N.E. WHITAKER WAY • P.O. BOX 30244 • PORTLAND, OREGON 97230
(503) 256-4226

April 13, 1992

Multnomah County
Division of Planning
Irv Ewen
2115 S.E. Morrison St.
Portland, OR 97214

SUBJECT: Lifting violations on the property located at
28901 S.E. Dodge Park Rd. Gresham, OR

Dear Mr. Ewen,

As a follow up on our conversation about the property located
at 28901 S.E. Dodge Park Rd. Gresham, OR.

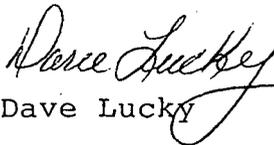
We are removing the sign in question. We will resubmit the
plans when we get the bigger poles.

As for now we request that you remove the violation that is
on the property so that we can get our wrecker license.

We would like to thank you in advance for all of the assistance
that you have given us.

I am enclosing our application for business certificate and
our check for the amount of \$54.00.

Sincerely Yours,


Dave Lucky

RECEIVED
APR 16 1992

Multnomah County
Zoning Division



Multnomah County Sheriff's Office

ROBERT G. SKIPPER
SHERIFF

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

(503) 255-3600

MEMORANDUM

TO: SHARON COWLEY
Administrative Assistant

FROM: DEPUTY H. HAIGH
Intelligence Unit

DATE: December 20, 1991

SUBJECT: WRECKER'S LICENSE RENEWAL

Attached is an Application for Business Certificate as a Wrecker of Motor Vehicles for Desbian's Classic Auto Wrecking and Towing, Inc., 28901 SE Dodge Park Boulevard, City of Gresham, 97080. The Sheriff's Office recommends the license be approved as long as zoning requirements have been satisfied.

Thank you for your attention.

HH/jlz/630-AINT

Attachment

RECEIVED
DEC 23 1991

Multnomah County
Zoning Division



APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

▼ CERTIFICATE NUMBER ▼

ORIGINAL
 RENEWAL

NOTE: FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.
PLEASE TYPE OR PRINT LEGIBLY WITH INK.
DO NOT SUBMIT THIS APPLICATION WITHOUT YOUR SURETY BOND AND THE REQUIRED FEE.

1 NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) Desbiens Classic Auto Wrecking and Towing Inc.			BUSINESS TELEPHONE (503)256-4226
2 MAIN BUSINESS LOCATION (STREET AND NUMBER) 28901 SE Dodge Park Blvd.		CITY Gresham	ZIP CODE 97080
3 MAILING ADDRESS PO Box 30244		CITY Portland	STATE OR
		ZIP CODE 97230	COUNTY Mult.

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

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

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

5 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
David L. Lucky	President	10-26-42	(503)760-8120
6 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
11326 SE Lexington	Portland	OR	97266
7 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
Alreata M. Lucky	Sec/Tres.	4-29-48	(503)7608120
8 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
11326 SE Lexington	Portland	OR	97266
9 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
			()
10 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 230 ft. X 170 ft.

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

12 NAME David L. Lucky	TITLE President	RESIDENCE TELEPHONE (503)760-8120
----------------------------------	---------------------------	---

13 ADDRESS, CITY, STATE, ZIP CODE 11326 SE Lexington Portland, OR 97266

14 SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER X	DATE 4/13/92
---	------------------------

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

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

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

FEE: \$54.00

▼ PLACE STAMP OR SEAL HERE ▼

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:

16 NAME SHARRON KELLEY	TITLE COMMISSION VICE-CHAIR	PHONE NUMBER 248-5213
17 SIGNATURE X Sharron Kelley	DATE 6/23/92	

BUSINESS REGULATION SECTION
1905 LANA AVE., NE
SALEM, OR 97314-2350

SURETY BOND

YLI 218963

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

LET IT BE KNOWN:

THAT DESBIENS CLASSIC AUTO WRECKING AND TOWING, INC.
(OWNER, PARTNER, CORPORATION NAME)

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

HAVING PRINCIPAL PLACE OF BUSINESS AT 28901 DODGE PARK BLVD., PORTLAND, OR 97080
(ADDRESS, CITY, STATE, ZIP CODE)

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

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

P.O. Box 4627, Portland, OR 97208-4627 503-245-6242
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

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

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

THIS BOND IS EFFECTIVE March 1 19 92 AND EXPIRES February 28 19 93 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 28th DAY OF February 19 92.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER) <i>David L. Lucke</i>	TITLE <i>Pres.</i>
SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE) <i>Helen L. Seidl</i>	TITLE Attorney in Fact

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

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

NAME Manager, Portland Branch Old Republic Surety Company	TELEPHONE NUMBER 503-245-6242
ADDRESS P.O. Box 4627	
CITY, STATE, ZIP CODE Portland, OR 97208-4627	

APPROVED BY ATTORNEY GENERAL'S OFFICE

**DESBIENS CLASSIC AUTO
WRECKING & TOWING**
28901 SE DODGE PARK BLVD.
GRESHAM, OREGON 97080

1141

24-22/1230
BRANCH 092

PAY
TO THE
ORDER OF

April 13 19*92*
Department of Motor Vehicle

\$ *5400*

THE SUM 54 DOLS 00 CTS

DOLLARS

U.S. BANK
MENLO PARK BRANCH
P.O. BOX 16517 PORTLAND, OR 97216
UNITED STATES NATIONAL BANK OF OREGON

FOR

Christa Lopez

⑈001141⑈ ⑆1230002201⑆ 092 0007 820⑈

6/24/92 FORWARDED ORIGINAL DMV
APPLICATION AND CHECK TO
BUSINESS REGULATION SECTION
1905 LANA AVENUE, NE
SALEM, OREGON 97314-2350

Meeting Date: JUN 23 1992

Agenda No.: B-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

Region 2040: Choices for the 21st Century

SUBJECT: (Local Government Kit Work Session)

BCC Informal June 23, 1992 BCC Formal _____
(date) (date)

DEPARTMENT DES DIVISION Planning and Development

CONTACT R. Scott Pemble TELEPHONE 248-3182

PERSON(S) MAKING PRESENTATION R. Scott Pemble / Dave Prescott

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: _____

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

As part of Metro's Region 2040 program, elected officials of local governments are asked to discuss future urban forms and how they would accommodate growth. The Planning staff will administer Metro's "Local Government Kit" to the County Board to elicit their growth comments.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *R. Scott Pemble*

(All accompanying documents must have required signatures)

1992 JUN 17 PM 2:02
MULTNOMAH COUNTY
CLERK OF COUNTY COMMISSIONERS
OREGON

REGIONAL GROWTH THEMES

Themes about the location or form of growth. The map and policies should emphasize accommodating growth:

- #1. In the central city
- #2. In cities or activity centers outside the central city
- #3. In suburban areas at current densities of development
- #4. Inside the current UGB (no growth outside the UGB)
- #5. In high-density corridors radiating from the central city, or around suburban cities or activity centers
- #6. In new towns or neotraditional neighborhoods inside the UGB
- #7. In satellite cities outside the UGB
- #8. In any urban form that is different from those listed above

Themes about the purposes of planning urban form. The map and policies should emphasize the importance of the following functions (but not to the exclusion of others):

- #9. Mobility by automobile
- #10. Mobility by non-auto modes
- #11. Environmental quality, open space, natural resource protection
- #12. Economic development
- #13. Affordable housing
- #14. Balancing jobs and housing

GLOSSARY

PLANNING CONCEPTS

Mixed-Use Urban Center. A concentration of development which contains both residences and non-residential land uses, at densities which are higher than average in a region. The concentration likely will include more than one type of employment (e.g., retail, manufacturing, services, etc.). The concentration likely will be found at a location well served by at least one mode of transportation (e.g., highways), and preferably by additional modes (e.g., bus, light rail, air, freight rail, etc.), as well as by pedestrian and bicycle improvements. There will be several concentrations in the region in the future, as there already are today. The concentrations will likely vary in size, density and mix of land uses.

Neotraditional Neighborhoods. Neighborhoods designed according to the design ideas of Peter Calthorpe and Andres Duany. The designs emphasize a central place of mixed use and higher density on a transportation corridor, direct auto and non-auto connections to the central place, a mixture of uses and housing types, and higher average densities than those found in typical suburban subdivisions.

Region. The area within and contiguous to the metropolitan urban growth boundary.

Satellite City. As described by the Clackamas County Economic Development Commission, satellite cities are "places within the natural orbit of a major city" that avoid prime agricultural and forest lands; are relatively self-sufficient, with a full range of urban services, as compared to a bedroom community; have a population of at least 50,000 to enable full use of transportation enhancements, e.g., light rail; are surrounded by greenbelts, i.e., non-urbanized land; and have direct, easy access to the "parent city."

Urban Form. The extent and shape of the urban area and the organization of land use types, densities, and complementary public facilities, within that urban area.

Glossary - continued

THEMES

Themes about the location or form of growth. Emphasize accommodating growth:

- #1. In the central city.** Emphasize accommodating expected population growth within Portland, the central city of the region. Even under this theme, however, it is likely that a majority of the expected population growth will locate inside the central city. For example, Portland's Livable City Project establishes a target of capturing 20% of the region's projected growth, an increase from today's 3%.
- #2. In cities or activity centers outside the central city.** This theme emphasizes expanding large suburban cities like Gresham or Beaverton, new hubs at smaller cities, or existing activity centers, like Clackamas Town Center and Washington Square. Portland's growth would be closer to the current regional projection of 3% of total growth.
- #3. In suburban areas at current densities of development.** In recent years most population and employment growth in the region has occurred outside the central city. Most of that population growth has been accommodated by housing construction in unbuilt areas. Single-family development has occurred at an average of about 5 dwelling units/ net acre (about 3.5 d.u./gross acre). Multi-family development has occurred at an average of over 16 d.u./net acre, though in Multnomah County the average is over 28 d.u./na (about 17 d.u./ga). Over half of all building permits issued between 1985 and 1989 were for multiple-family units.
- #4. Inside the current UGB (no growth outside the UGB).** Increase densities throughout the region as necessary to ensure that the expected population growth is accommodated without expanding the current UGB. This theme is the only theme which assumes no movement of the current UGB. Other themes *suggest* maintaining the UGB (for example theme numbers 1, 5, 6, 10), but it could be expanded. Other themes *suggest* expanding the UGB (for example theme numbers 3, 7, 9).
- #5. In high-density corridors radiating from the central city, or around suburban cities or activity centers.** Corridors are those areas within one-fourth to one mile on either side of major transportation facilities. Consideration of which existing or new corridors should be stressed and whether to favor growth throughout the corridor or growth at the connections between the corridors should be made.

Glossary - continued

- #6. **In new towns or neotraditional neighborhoods inside the UGB.** These towns/neighborhoods should be as self-sufficient as possible, offering employment, housing, recreation, and shopping opportunities. The ideas presented by Duany and Calthorpe at last year's conference apply here (see definition of neotraditional neighborhood above).
- #7. **In satellite cities outside the UGB.** This growth could occur close to or farther from the current UGB and may take place in areas which might be designated as future urban reserves. These communities should be as self-sufficient as possible, offering employment, housing, recreation and shopping opportunities.
- #8. **In any urban form that is different from those listed above.** You will have to use your imagination to come up with a different form (if not completely different than those above, then at least a different combination of the elements).

Themes about the purposes of planning urban form. Emphasize the importance of the following functions (but not to the exclusion of others):

- #9. **Mobility by automobile.** Locate land uses and population in a way that allows the automobile the best possibilities for continuing as the dominant transportation mode. This theme would plan to expand or add new roads throughout the region, considering how well your proposed transportation system addresses expected congestion problems and the policies that must accompany the development of the system (e.g., parking, transportation system or demand management, pricing).
- #10. **Mobility by non-auto modes.** Locate land uses and population in a way that allows transit, walking, and biking the best possibilities for accommodating travel demand. This theme would plan how to expand or add new facilities throughout the region. Consideration of how the transportation system addresses expected congestion problems and the policies that must accompany the development of the system (e.g., parking, transportation system or demand management, pricing) should be included.

Glossary (continued)

- #11. Environmental quality, open space, and natural resource protection.** Locate land uses and population in a way that allows the best possibilities for preserving environmental quality. However, this theme should still be developed to accommodate all the growth. A key consideration is how much environmental protection the region can have without unacceptable losses of other components of quality of life, like the employment choices and wages brought by economic development.
- #12. Economic development.** Locate land uses and population in a way that allows the best possibilities for economic growth. Identification of existing employment centers and the critical transportation links that serve them is critical.
- #13. Affordable housing.** Land uses and population are located in a way that allows the best possibilities for developing affordable housing. Considerations may include whether housing *affordability* adequately covers the range of housing issues that public policy should address, the factors that contribute to housing affordability, and the urban form most compatible with development densities, types, and designs offering the greatest range of housing opportunities for citizens of all income groups.
- #14. Balance of jobs and housing.** Locate land uses and population in a way that allows the best possibilities for people to live near where they work. Emphasize locating jobs and housing with different levels of affordability as close together as possible to reduce commuting trips and distance. One consequence of this theme is the reliance on more local transportation modes.

REGION 2040 TELEPHONE SURVEY SUMMARY APRIL, 1992

During the week of April 6, 1992, Decision Sciences, Inc. administered a random sample telephone survey of 405 tri-county residents in order to assess values, beliefs, and opinions related to the future of the Portland metropolitan area. The questionnaire consisted of 28 questions and made extensive use of open-ended questions to provide for in-depth qualitative information. Quality control measures that were taken to assure a valid study included random digit dialing, questionnaire pretesting, callbacks, and formal content-analysis of responses to open-ended questions.

When asked what the respondent liked most about where they lived, important are convenience (mostly in terms of transportation to and from one's neighborhood), closeness to downtown, not being crowded, a small town feel, the people, quiet, good neighbors, natural beauty, and low or no crime stood above the other reasons.

When asked what they disliked about their neighborhood, traffic congestion, crime, the people, and that nothing was to dislike stand out.

Respondents were asked to identify communities or neighborhoods in which they would find it appealing to live, and responses are too diverse to easily classify. However, when asked what about their choice made it appealing, mentioned most often is a country or rural feel and nice, well maintained houses and yards.

Related to appealing places in which to work, again locations are difficult to classify, but most mentioned reasons why they would be appealing include accessibility and convenience, being close to home, and easy transportation.

Related to appealing places in which to shop, two-thirds mention malls or downtown locations. In terms of why they found their choice appealing, standouts include having a wide selection, variety, or diversity, everything being compact or close by, shopping being near home, and to some extent, easy transportation.

Six out of ten respondents see the quality of life in the next 20 years in the metropolitan area as getting worse, 20% see it as getting better, 17% see it as staying about the same, and 3% were unsure. Reasons for a deteriorating quality of life include a perception of things growing too fast, of an increase in crime and a decrease in public safety, and of an increase in traffic congestion. Reasons for it getting better include an increased emphasis on and awareness related to the environment, a growing economy, and a belief that things would get better only if land use planning were used.

Telephone Survey - continued

While all sub-groups fell on the 'worse' side, respondents who live in an area changing from rural to suburban are more likely to rate their future quality of life as getting better, while rural residents are more likely to rate it as getting worse. Frequent users of mass transit are more likely to choose better, while non-users are more likely to choose worse.

A series of six questions were presented in a tradeoff format, using a 7-point rating scale where 1-3 indicated strength of favor for one tradeoff, 4 meaning both tradeoffs were equally attractive (or unattractive), and 5-7 indicating strength of favor for the other tradeoff. Following are the results for the questions that revealed clear preferences.

The question trading off growth primarily in developed areas versus growth in undeveloped areas was presented, and the indications are that growth in primarily developed areas was preferred.

The next question offered the tradeoff of investment in roads for cars versus investment in mass transit, and there is strong preference on the mass transit side. For all scenarios, this one had the most clear results. In addition, mass transit users are more likely to choose investment in mass transit, as are households with no children living in them and females.

For the question trading off living and working in the same area versus living separate from, then commuting to work, results are not clear, but it appears that there was a tendency of polarization, where either end of the scale (1 or 7) was chosen most and equally as often, but since 2 was chosen more often than 6, there is the tendency for living and working in the same area to be slightly favored.

The final question presented the tradeoff of a public policy being needed to encourage affordable housing through the use of smaller homes, smaller land parcels, multiple unit housing, and other cost reducing design options, versus the belief that the market will take care of itself under consumer demand, and that public policy is not needed. Results indicate some preference for such a policy, not strongly, but enough to support it.

In sum, for the six questions, we find strong support for mass transit, considerable support for growth in developed areas only, a little support for living and working in the same areas, some support for a public policy for affordable housing, and no clear preference for either mixed use (residential and commercial) centers versus residential and commercial separation or for suburban-like growth versus downtown-like growth.

A more detailed report, including demographic and geographic subgroup variations, will be available following the Metro Growth Conference.

SUMMARY OF REGION 2040 STAKEHOLDER INTERVIEWS

As part of the public involvement process for the Region 2040 project, 60 stakeholder interviews will be conducted. The following is a summary of the first 25 interviews conducted.

Regional stakeholders most like the area's liveability, particularly the convenient access to employment, shopping, and a wide variety of recreational activities. Open space/greenspaces, a good educational system, a healthy economy and the diversity of the region's population are also frequently identified as important regional attributes.

Increasing traffic congestion is the most disliked aspect of living in the region. There is a concern about the loss of farmland and the identity of established neighborhoods from increased growth. Other negative factors frequently cited include the tax structure (and associated unstable school funding), crime, the long-term effects of growth on the region's livability, and a lack of affordable housing.

There is almost universal agreement that the transportation system will improve, primarily due to a commitment to the expansion of mass transit. The region's open space and parks system is also expected to improve, due to changing attitudes about the value of the natural environment and an attendant public willingness to finance improvements. The economy will improve as it diversifies and the educational system will improve as better means of school financing are developed.

There is less agreement on what aspects of the region will remain the same over the next 20 years. People will continue to want to use their private autos, resulting in an ongoing need to expand the transportation system. An undiminished environmental ethic will exhibit itself in continuing efforts to protect the region's livability.

Ironically, there is also strong agreement that traffic congestion will increase with increasing population growth, especially in the short term. There is also general agreement that the public sector will be unable to provide adequate services to keep up with projected growth in the region, primarily because of the public's unwillingness to finance needed services. The educational system is also expected to be in worse shape, due both to a lack of investment in higher education and a lack of vision/leadership to address the system's problems. The area's environment, particularly its air quality and water quality/quantity, will deteriorate due primarily to population pressures.

The majority of stakeholders believe that growth should be focused in existing areas versus undeveloped areas, because there is adequate land available within urban growth boundaries to accommodate projected growth and undeveloped areas need to be preserved as open space and for long-term growth needs. Others believe that, while it is advantageous to try to concentrate growth, there will always be a market demand to expand into new, undeveloped areas.

Stakeholder Interview Summary - continued

The majority of stakeholders believe that future transportation system improvements must address both cars and mass transit, given that private auto use will not decrease significantly overnight. There is a need to make mass transit work for the middle class, to make driving more expensive through demand management pricing and other disincentives, to focus transit money on light rail, and to incorporate the needs of pedestrians and bicyclists in transit/road planning.

Stakeholders are split on the question of suburban-type growth versus a few downtown-type centers. Those favoring the former are concerned that concentrating densities creates "downtown problems" and that most people still prefer a suburban lifestyle. Those supporting more densely developed centers believe that "it is more efficient to grow up than out" and that such centers will reduce traffic congestion, promote mass transit, and better preserve the remaining open space in the region.

Stakeholders are evenly divided on the question of living and working in the same areas versus living separately from work. Living/working in the same area is felt to improve air quality, increase the efficiency of mass transit, decrease auto use, reduce the cost of public services, and respond to changes in workstyles (telecommuting). Conversely, living separately from work should be a matter of personal choice, as many people still desire to live in single-family dwellings.

There is a strong preference for mixed use centers versus residential-shopping separation because such centers "make better use of the land", reduce public service costs and decrease traffic congestion.

There is a clear split on whether public intervention versus a free marketplace is needed to ensure the affordability of future housing. Those favoring public policy believe that the market either responds too slowly or is unwilling to respond to affordable housing needs. Others believe that the market adequately responds to all types of housing needs.

Policy choices that should be considered as part of the Region 2040 effort include environmental factors (air quality, water quality and quantity, greenspaces, energy needs/sources), the capacity of the region to absorb growth, the future of agriculture and government structure.

LOCAL GOVERNMENT QUESTIONNAIRE

Jurisdiction/Agency _____

(Check One)

Appointed Official _____

Elected Official _____

Identification of important values, i.e. things that we value and that should be maintained or enhanced for the future are critical to the development of alternative scenarios and the selection of an alternative. This first part of the questionnaire includes questions about some selected values and asks you for your opinion on some of the choices that we will face as a region in the future.

1. What do you **like most** about the part of the metropolitan area where you live?

2. What do you **like least** about the part of the metropolitan area where you live?

3. What are the **three primary reasons** why you think other people like to live, work and shop in the Portland region?

4. Name the **three things** that you think other people **dislike most** about the region as a place to live, work and shop?

Questionnaire - continued

5. In the next 20 years, what do you see in the Portland region as getting better, staying about the same, or getting worse? Why?

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Questionnaire - continued

The population of the metropolitan area is expected to increase by as much as 500,000 more people in 20 years. This growth will bring more jobs and opportunities for shopping and entertainment, more need for public services, and more pressure on natural areas and environmental quality.

The following questions deal with some of the issues and tradeoffs that will be addressed in the Region 2040 effort. These same questions are being posed in all the public involvement efforts.

6. Some people believe that to provide public services and transit effectively, maintain environmental quality, and protect farm and forest land, new growth and development should occur within existing neighborhoods and business districts. Others believe that focusing growth in existing areas will be expensive, even disruptive, and that new growth should occur on vacant land, moving out from the fringes of the existing developed area. Using a 7-point scale, where 1 is **growth primarily in developed areas** and 7 is **growth in undeveloped areas**, which number comes closest to the way you personally feel?

1	2	3	4	5	6	7	8
Growth Primarily in Developed Areas						Growth in Undeveloped Areas	Don't Know

COMMENTS:

7. Traffic congestion has increased as the Portland metropolitan area has grown. Some people believe that public funds should be used to widen existing roads and build new ones to preserve the convenience and freedom of driving a car. Others believe future transportation problems are best resolved by greater investment in mass transit. Again, using the same 7-point scale where 1 is **investment in roads for cars** and 7 is **investment in mass transit**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Roads for Cars						Mass Transit	Don't Know

COMMENTS:

Questionnaire - continued

8. Though Portland will almost certainly remain the central city of the region, as growth occurs other urban centers will get larger. Some people feel that market forces will cause such growth to retain its suburban character, with mostly moderate concentrations of low-rise shopping centers and offices. Other people believe that public policy and investment should encourage the growth of new, large-scale, high-rise office and commercial development in a few centers outside downtown Portland. Again, using the same 7-point scale where 1 is **suburban-like growth** and 7 is **downtown-like growth**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Suburban like-Growth						Downtown- like Growth	Don't Know

COMMENTS:

9. Some people want to live close to where they work to reduce commuting time, perhaps close enough to walk or ride a bicycle to work. Other people prefer to live in an area with residences only for reasons of space, privacy, or design, and to rely on the car and mass transit to get to work. Using the 7-point scale where 1 is **live and work in the same area** and 7 is **live separate from work area**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Live and Work in Same Area						Live Separate from Work Area	Don't Know

COMMENTS:

Questionnaire - continued

10. Some people feel that in the future, areas should be planned so that residential and commercial areas are mixed together and designed so that it is easy to walk or bicycle to shopping for everyday needs like groceries and the cleaners. Others feel that there should be a separation between residential and shopping areas to avoid any negative impacts on housing like noise and traffic and that people will always use their cars for shopping trips. Again, using a 7-point scale, where 1 is mixed use centers and 7 is residential-shopping separation, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Mixed Use Centers Only						Residential- Shopping	Don't Know

COMMENTS:

11. Finally, some people believe that to ensure affordability of future housing, we should initiate public policies that encourage some smaller homes, smaller land parcels, more attached housing units, and other designs that reduce costs. Others believe such policies are not only unnecessary but perhaps wasteful, and that the marketplace will produce more affordable housing in response to demand from consumers. Again, using the same 7-point scale where 1 is public policy for housing affordability and 7 is no need for public policy for housing affordability, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Policy for Housing Affordability						No need for Public Policy for Housing Affordability	Don't Know

COMMENTS:

Questionnaire - continued

12. Of the themes on the list and those discussed today, which theme did you like best and why? (Refer to list of themes.)

13. If you were to define a theme that best characterizes how you think the region should look in 2040, how would you describe it?

14. What are the greatest strengths of your theme?

15. What are the greatest weaknesses of your theme?

Questionnaire - continued

16. Do you have any comments on this presentation/workshop format?

17. Do you have any suggestions about how to encourage public involvement as part of this Region 2040 effort?

18. Are there any other major policy choices, concerns or issues you think should be considered as part of the Region 2040 effort?

THANK YOU FOR YOUR TIME AND INTEREST. WHEN COMPLETED, PLEASE RETURN AS SOON AS POSSIBLE TO YOUR FACILITATOR.

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