

ANNOTATED MINUTES

Tuesday, July 17, 19 90 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

The following Decisions are reported to the Board for Acceptance and Implementation by Board Order:

1. RPD 3-90
APPROVE, SUBJECT TO CONDITIONS, requested RPD, rural planned-development designation on the subject site;

LD 15-90
APPROVE, SUBJECT TO CONDITIONS, requested two-lot land division, all for property located at 7413 NW Thompson Road
Continued from July 3, 1990

ACCEPTED

INFORMAL BRIEFINGS

2. Alternate Revenue Analysis - requesting direction to enter into a contract with a consultant for the purpose of providing additional analysis - Presented by Jack Horner

DISCUSSION TO BE CONTINUED ON WEDNESDAY, JULY 18,
1990 AT NOON - FOLLOWING PDC

July 17, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Update on 1990 Multnomah County Fair which will be held from July 14 through July 29, 1990 - Presented by Paul Yarborough, Bill McKinley, Jan Johnson, Maria Rojo de Steffey

STAFF STATED THIS WOULD BE THE BEST MULTNOMAH COUNTY FAIR EVER. ADDITION OF COUNTY EXHIBIT IN THE MULTNOMAH ROOM AND MORE LIVESTOCK THIS YEAR. WORKED HARD AT MAKING COUNTY FAIR AN ATTRACTION FOR FAMILIES

2. Briefing on implementation of County Program Evaluation Plan - Presented by Merlin Reynolds and Evaluation Work Group

RESCHEDULED TO TUESDAY, JULY 24, 1990 - 9:30 AM

3. Informal Review of Formal Agenda of July 19, 1990

POLICY DEVELOPMENT COMMITTEE

Wednesday, July 18, 1990 - 9:00 AM to Noon
Portland Building, Conference Room A

1. 1st Strategic Planning Meeting of FY 90/91
-

Thursday, July 19, 1990 - 9:00 AM
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) for the purpose of discussing Labor Negotiations

**CORRECTION TO AGENDA - EXECUTIVE SESSION HELD ON
TUESDAY, JULY 17, 1990 - 9:00AM**

Thursday, July 19, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

- C-1 Presentation of a Certificate of Achievement for excellence in Financial Reporting for the Department of General Services' Finance Division

PRESENTATION OF CERTIFICATE AND PLAQUE TO DAVE BOYER, FINANCE DIRECTOR, FOR THE SIXTH CONSECUTIVE YEAR. DAVE BOYER GAVE THANKS TO FINANCE STAFF FOR ALL THEIR HARD WORK AND PRESENTED PLAQUE TO JEAN UZELAC

DEPARTMENT OF GENERAL SERVICES

- R-1 First Reading of an ORDINANCE authorizing the production of a local voters' pamphlet for Multnomah County

ORDINANCE 657 APPROVED WITH NOTED LANGUAGE CHANGES ON TITLE TO INCLUDE "AND DECLARING AN EMERGENCY", AND ON PAGE 3 SECTION 3 (2) TO READ "THE DIRECTOR SHALL PREPARE..."

NON-DEPARTMENTAL

- R-2 Second Reading and Possible Adoption of an ORDINANCE Establishing a Task Force on Child Abuse Prevention, Intervention, Prosecution, and Treatment, and Directing the Preparation of a Report to the Board

ORDINANCE 658 APPROVED

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Order in the Matter of Establishment of S.W. Iron Mountain Boulevard from S.W. Terwilliger Boulevard southeasterly to the North Boundary of Clackamas County as a County Road to be known as S.W. Iron Mountain Boulevard, No. 4986

ORDER 90-109 APPROVED

- R-4 Ratification of an Intergovernmental Agreement Amendment #3 Supplemental agreement with the City of Wood Village for Multnomah County, Transportation Division, to perform certain maintenance functions on city streets for FY 90/91

APPROVED

- R-5 Ratification of an Intergovernmental Agreement Amendment #3 Supplemental agreement with the City of Fairview for Multnomah County, Transportation Division, to perform certain maintenance functions on city streets for FY 90/91

APPROVED

- R-6 Ratification of an Intergovernmental Agreement Amendment #3 Supplemental agreement with the City of Troutdale for Multnomah County, Transportation Division, to perform certain maintenance functions on city streets for FY 90/91

APPROVED

DEPARTMENT OF HUMAN SERVICES

- R-7 Ratification of an Intergovernmental Agreement Between the Oregon Department of Education and Multnomah County Department of Human Services, Health Division, to perform health and sanitation evaluations of school food preparation facilities operating under the United States Department of Agriculture (USDA) summer food service

APPROVED

- R-8 Notice of Intent in the matter of Approval on an Application for funding to carry out a community-based childhood lead poisoning prevention program by the Health Division

APPROVED

- R-9 Notice of Intent in the matter of Approval of a Grant Application submitted to the Oregon Youth Conservation Corps for partial funding of the Civic Action Team Project through the Social Services Division/Youth Program Office

APPROVED

R-10 Resolution in the Matter of Multnomah County's Participation in Maclaren Downsizing

(continued from 7/12/90)

RESOLUTION 90-110 APPROVED

R-11 Ratification of an Intergovernmental Agreement Between the State of Oregon, Department of Human Resources, Children's Services Division and Multnomah County, Enabling the Juvenile Justice Division to Further Develop its Services Directed to Decreasing Youth Gang-Related Incidents and Gang Membership in the Portland Area - July 1, 1990 through June 30, 1991 - (continued from 7/12/90)

APPROVED

R-12 Ratification of an Intergovernmental Agreement Between the State of Oregon, Department of Human Resources, Children's Services Division and Multnomah County, Enabling the Juvenile Justice Division to Provide Evaluation and Diagnostic Services, Disposition of Parole Violations, Detention Back-up, Community Programs and Services, and a Process for Making Training School Placement and Parole Placement Decisions - July 1, 1990 through June 30, 1991 (continued from 7/12/90)

APPROVED

STAFF DIRECTED TO SUBMIT WORK PLAN TO THE BOARD

**CORRECTION
TO THE AGENDA**

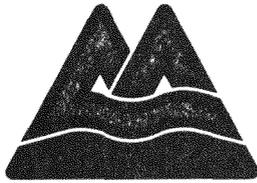
**Tuesday, July 17, 1990 - 9:00 AM
Multnomah County Courthouse, Room 602**

EXECUTIVE SESSION

The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) for the purpose of discussing Labor Negotiations

EXECUTIVE SESSION HELD. NO DECISIONS MADE

(Replaces Executive Session on Thursday, July 19, 1990 - 9:00 AM)



MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

July 16 - 20, 1990

- Tuesday, July 17, 1990 - 9:30 AM - Planning Items Page 2
- Tuesday, July 17, 1990 - 9:45 AM - Informal Briefings . . Page 2
- Tuesday, July 17, 1990 - 1:30 PM - Informal Briefings . . Page 2
- Wednesday, July 18, 1990 9:00 AM - Policy Development
Committee Page 3
- Thursday, July 19, 1990 - 9:00 AM - Executive Session . . Page 3
- Thursday, July 19, 1990 - 9:30 AM - Formal Meeting. . . . Page 3

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

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

Tuesday, July 17, 19 90 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

The following Decisions are reported to the Board for Acceptance and Implementation by Board Order:

1. RPD 3-90
APPROVE, SUBJECT TO CONDITIONS, requested RPD, rural planned-development designation on the subject site;

LD 15-90
APPROVE, SUBJECT TO CONDITIONS, requested two-lot land division, all for property located at 7413 NW Thompson Road

Continued from July 3, 1990

INFORMAL BRIEFINGS

2. Alternate Revenue Analysis - requesting direction to enter into a contract with a consultant for the purpose of providing additional analysis - Presented by Jack Horner
3. Briefing on "Reaffirming Rehabilitation II Beyond the 'Nothing Works' Myth" conference - Presented by Commissioner Anderson, Grant Neslson, Wayne Salvo

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Tuesday, July 17, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Update on 1990 Multnomah County Fair which will be held from July 14 through July 29, 1990 - Presented by Paul Yarborough, Bill McKinley, Jan Johnson, Maria Rojo de Steffey
2. Briefing on implementation of County Program Evaluation Plan - Presented by Merlin Reynolds and Evaluation Work Group
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POLICY DEVELOPMENT COMMITTEE

Wednesday, July 18, 1990 - 9:00 AM to Noon

Portland Building, Conference Room A

1. 1st Strategic Planning Meeting of FY 90/91
-

Thursday, July 19, 1990 - 9:00 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

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Thursday, July 19, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

- C-1 Presentation of a Certificate of Achievement for excellence in Financial Reporting for the Department of General Services' Finance Division

DEPARTMENT OF GENERAL SERVICES

- R-1 First Reading of an ORDINANCE authorizing the production of a local voters' pamphlet for Multnomah County *& Emergency*

NON-DEPARTMENTAL

- R-2 Second Reading and Possible Adoption of an ORDINANCE Establishing a Task Force on Child Abuse Prevention, Intervention, Prosecution, and Treatment, and Directing the Preparation of a Report to the Board

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Order in the Matter of Establishment of S.W. Iron Mountain Boulevard from S.W. Terwilliger Boulevard southeasterly to the North Boundary of Clackamas County as a County Road to be known as S.W. Iron Mountain Boulevard, No. 4986

- R-4 Ratification of an Intergovernmental Agreement Amendment #3 Supplemental agreement with the City of Wood Village for Multnomah County, Transportation Division, to perform certain maintenance functions on city streets for FY 90/91
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DEPARTMENT OF HUMAN SERVICES

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- R-8 Notice of Intent in the matter of Approval on an Application for funding to carry out a community-based childhood lead poisoning prevention program by the Health Division
- R-9 Notice of Intent in the matter of Approval of a Grant Application submitted to the Oregon Youth Conservation Corps for partial funding of the Civic Action Team Project through the Social Services Division/Youth Program Office
- R-10 Resolution in the Matter of Multnomah County's Participation in Maclaren Downsizing
(continued from 7/12/90)
- R-11 Ratification of an Intergovernmental Agreement Between the State of Oregon, Department of Human Resources, Children's Services Division and Multnomah County, Enabling the Juvenile Justice Division to Further Develop its Services Directed to Decreasing Youth Gang-Related Incidents and Gang Membership in the Portland Area - July 1, 1990 through June 30, 1991 - (continued from 7/12/90)
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(continued from 7/12/90)



MULTNOMAH COUNTY OREGON

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1021 S.W. FOURTH AVENUE
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CORRECTION

TO THE AGENDA

Tuesday, July 17, 1990 - 9:00 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) for the purpose of discussing Labor Negotiations

(Replaces Executive Session on Thursday, July 19, 1990 - 9:00 AM)

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7/13/90
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MULTNOMAH COUNTY OREGON

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

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JANE McGARVIN • Clerk • 248-3277

BOARD OF COUNTY COMMISSIONERS

Tuesday, July 3, 1990

1:30 p.m., Room 602

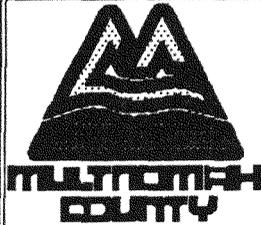
A G E N D A

The following Decisions are reported to the Board for acceptance and implementation by Board Order:

- Approved*
- RPD 3-90** Approve, subject to conditions, requested RPD, rural planned-development designation on the subject site;
- LD 15-90** Approve, subject to conditions, requested two-lot land division, all for property located at **7413 NW Thompson Road.**
- PR 2-90** Approve requested amendment of the Comprehensive Plan Map, changing the designation of the subject property from Exclusive Farm Use to Multiple Use Forest;
- ZC 4-90** Approve, subject to conditions, requested amendment of Sectional Zoning Map #91-C, changing the described property from EFU, exclusive farm use to MUF-19, multiple use forest, all for property located at **10141 NW 160th Avenue**
- ZC 5-90** Approve, subject to conditions, requested amendment of Sectional Zoning Map #418, changing the described property from LR-7, low density residential district (minimum lot size of 7,000 square feet) to LR-5, low density residential district (minimum lot size of 5,000 square feet);
- LD 17-90** Approve, subject to conditions, requested three-lot land division, all located on property at **10505 SE Schiller Street**

Continued

Continued
to 9:30am
7/17/90



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

Decision

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

June 11, 1990

RPD 3-90, #121/122
LD 15-90, #121/122

Rural Planned Development
Two-Lot Land Division

Applicant requests change in zone designations from MUF-19, Multiple Use Forest District to MUF-19, RPD, Multiple Use Forest District, Rural Planned Development District, plus a land division in order to divide the subject property into two building lots.

Location: 7413 NW Thompson Road.

Legal: Tax Lots '102' and '32,' Section 25, 1N-1W,
1989 Assessor's Map

Site Size: 21.34 Acres

Size Requested: Same

Property Owner: James E. Bartels, et. al.
7144 NW Thompson Road Portland, 97229

Applicant: Same

Comprehensive Plan: Multiple Use Forest

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

Sponsor's Proposal: MUF-19, Multiple Use Forest District
Rural Planned-Development; Lot sizes vary, average 10 acres

PLANNING COMMISSION

Decision #1: Approve, subject to conditions, the requested RPD,
(RPD 3-90) rural planned-development designation of the subject site;
Decision #2: Approve, subject to conditions, requested two-lot land
(LD 15-90) division of the subject site above based on the following
Findings and Conclusions

RPD 3-90/LD 15-90

IN.I.W.

City of Portland

City of Portland Boundary

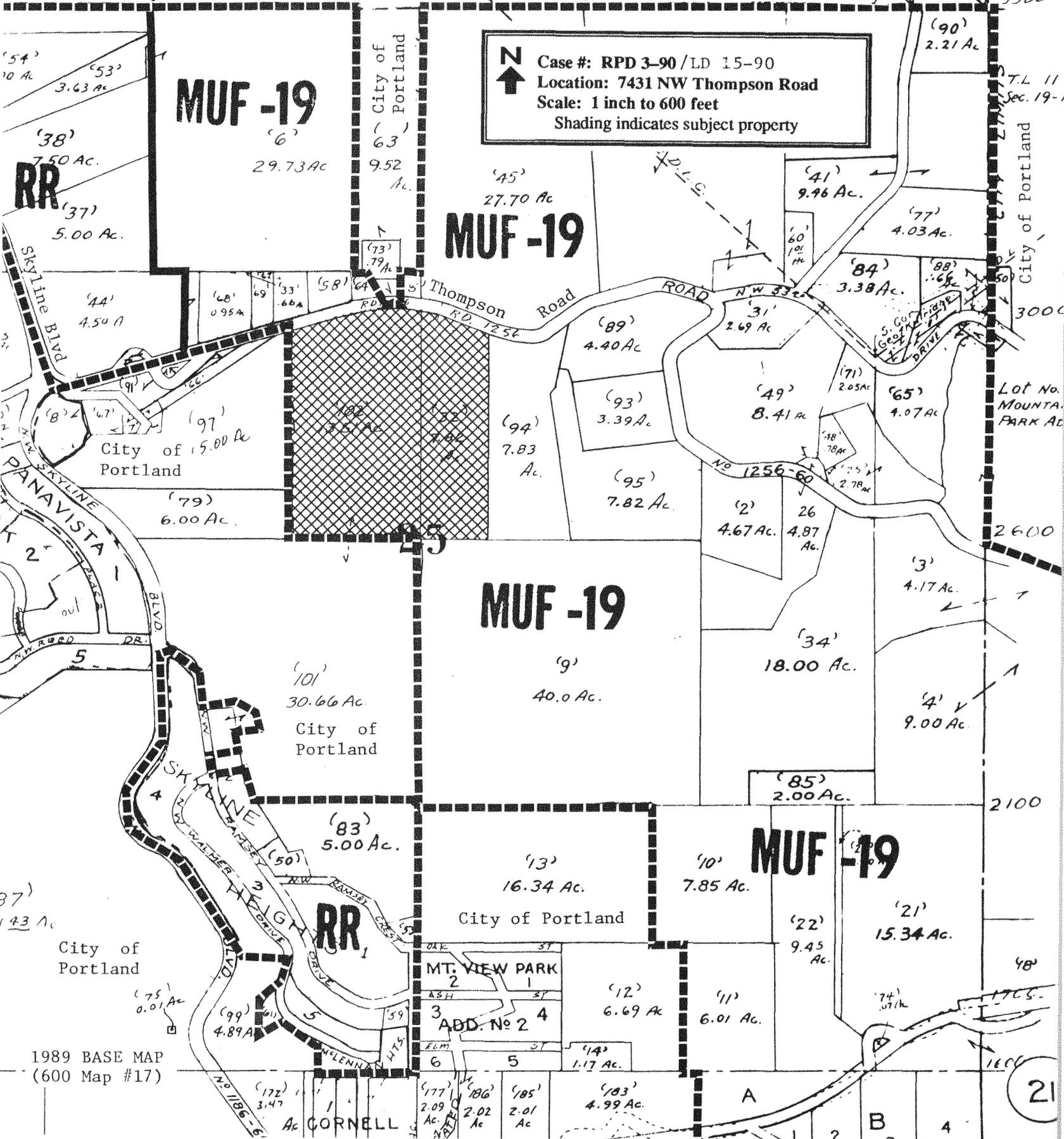
N
 Case #: RPD 3-90/LD 15-90
 Location: 7431 NW Thompson Road
 Scale: 1 inch to 600 feet
 Shading indicates subject property

MUF -19

MUF -19

MUF -19

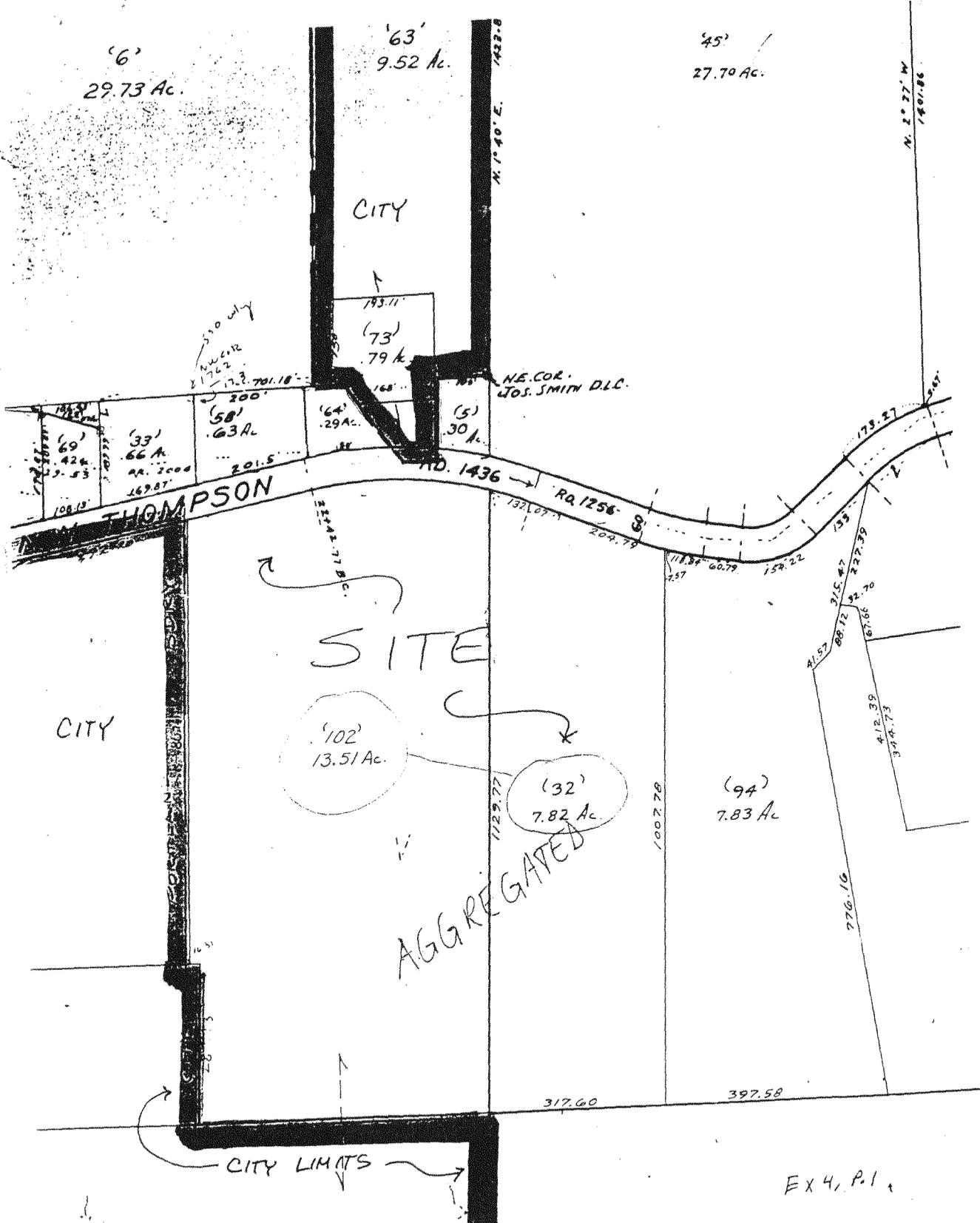
MUF -19



1989 BASE MAP
(600 Map #17)

CORNELL

21



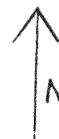
RPD 3-90
 LD 15-90

TENTATIVE MAP PLAN

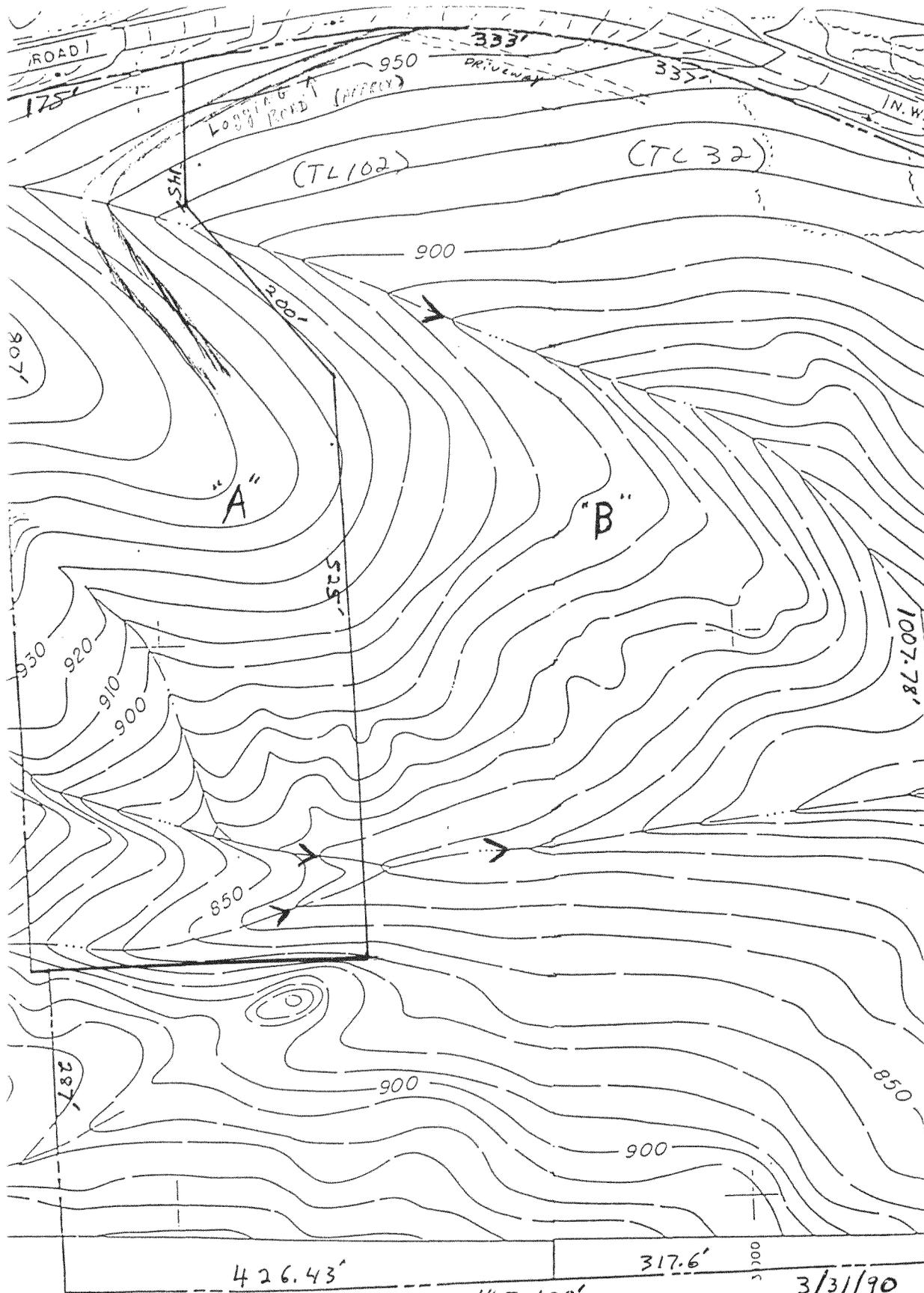
TAX ROLL DESCRIPTION: TL 102, ACRES

TL 32, ACRES

NATURAL FEATURES: WOODED



LD 15-90
RPD 3-90



Conditions of Approval (RPD 3-90 and LD 15-90)

1. Within one year of the date of this decision, deliver the final partition 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 III Land Division.**
2. No further division of either parcel shall occur until the subject property is inside the Urban Growth Boundary.
3. There shall be a single access drive from N.W. Thompson Road to serve both parcels with the location to be generally as shown on the tentative plan map
4. Prior to issuance of building permits, meet requirements of the Engineering Services Division regarding access to NW Thompson Road. Contact Dick Howard at 248-3599 for additional information.
5. Prior to issuance of building permits, record a statement with the Division of Records and Elections acknowledging the rights of owners of nearby property to conduct accepted forest or farming practices.
6. Prior to issuance of building permits, complete County Design Review procedures. Design Review plans shall specify areas proposed for clearing, significant trees (6-inch or greater trunk diameter) to be removed or retained on the site, and specifications for the proposed private drive. The private drive shall be at least 20-foot wide for those portions serving two or more residences and 10-foot for the remainder. Plans should include details on driveway grade (slope) and any associated cut and/or fill. Contact Mark Hess at 248-3043 for additional information.
7. On the Design Review Plan designate 75% of the gross acreage of the total site as land to remain in trees and not to be used as a home site.
8. Prior to issuance of building permits, apply for and obtain permits for subsurface sewage disposal systems on each lot. Contact Phil Crawford at 796-7248 for additional information.
9. Prior to issuance of building permits obtain a Hillside Development Permit for each parcel under MCC 11.15.6710

Findings of Fact: (RPD 3-90)

1. **Applicant's Proposal:**

*NOTE: The applicant has provided a narrative statement in response to the General RPD Plan requirements and RPD approval criteria in MCC 11.15.7735 and .7750, respectively. The narrative is attached to this report as Attachment 1. Material from the applicant's statement quoted in this report appears in **bold type**.*

- A. The applicant proposes to divide a vacant 21.34-acre tract of land into two parcels. Parcel A would contain about 5 acres and Parcel B would contain about 16 acres. The subject site consists of two tax lots that are both owned by the applicant. Tax Lot 102 contains 13.51 acres and Tax Lot 32 contains 7.83 acres.
- B. The County Comprehensive Plan designates the site as Multiple Use Forest and the zoning is MUF-19, Multiple Use Forest District. The applicant seeks Rural Planned Development (RPD) approval because although the site already contains two tax lots, the MUF zoning regulations aggregate the two lots and treat them as one because of their common ownership and because each lot individually is below the 19-acre minimum lot size in the zone. Approval of the RPD request would allow division of the site into two lots. The applicant intends to build a detached house on one parcel and sell the other parcel as a site for a detached single-family house.
- C. The applicant states that the most likely building site on Parcel A is a plateau accessed by the current logging road, approximately 250 feet from Thompson Road. The most likely building site for [Parcel] B is along Thompson Road, on tax lot 32.

2. **Site Conditions and Vicinity Information:** Site conditions as shown on the Tentative Plan Map and general vicinity information are as follows:

- A. The site is located on the south side of N.W. Thompson Road approximately 1/4 mile east of N.W. Skyline Boulevard. Northwest Thompson Road is a 2-lane rural collector road.
- B. The site abuts both the Portland city limits and the METRO Urban Growth Boundary (UGB) on all of its west and part of its south property line. In addition, the city limits and UGB extend to the centerline of Thompson Road for a short distance across from the site. Land inside the Portland city limits is zoned FF, Farm and Forest with a minimum lot size of 2 acres.
- C. **Slope:** The site is steep, with slopes ranging from 30 to 36 percent or greater. Development or construction on the site would require County approval of a Hillside Development Permit under MCC 11,15.6710.
- D. **Future Street Improvements (N.W.Thompson Road):** Northwest Thompson Road is 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 would be necessary for the owner to commit to participate in future improvements to N.W. Thompson Road through deed restrictions in conjunction with any development of the site.

3. **Ordinance Considerations:** *NOTE: The Rural Planed Development (RPD) provisions in the Zoning Ordinance were repealed on February 20, 1990. However, since this application was accepted February 5, it falls under the provisions that were then in effect. This report is written as if the RPD provisions still existed.*

The Multiple Use Forest District provides that Rural Planned Developments—a type of Conditional Use—may be permitted only upon affirmative findings as follows:

- A. The proposal must satisfies 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.*
- B. Under MCC 11.15.2172(C) the approval authority must find, in approving an RPD, that:
- (1) *The capability of the land for resource production is maintained;*
 - (2) *The use will neither create nor be affected by any hazards; and*
 - (3) *Access for fire protection of timber is assured;*
- C. Under MCC 11.15.7750, the approval authority must find that the proposed RPD will:
- (1) *Substantially maintain or support the character and the stability of the overall land use pattern of the area;*
 - (2) *Utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil conditions, drainage or flooding, vegetation or the location or size of the tract;*
 - (3) *Be compatible with accepted farming or forestry practices on adjacent lands;*

- (4) *Be consistent with the Comprehensive Plan and the purposes described in MCC.7705.*
- (5) *Satisfy applicable standards of water supply, sewage disposal, and minimum access; and*
- (6) *Not require public services beyond those existing or programmed for the area.*

4. **Response to Approval Criteria:**

A. **General Conditional Use Criteria (MCC 11.15.7120)**

- (1) *consistent with the character of the area; [MCC 11.15.7120(A)]*

The portion of the basin outside the urban growth boundary, as is this property, currently has low-density residential development. The adjacent property inside Portland city limits has low to medium density (e.g., Ramsey Heights, Gale's Ridge--under development on sites ranging from one-half acre to five acres). To this applicant's knowledge, all the surrounding property is currently used essentially as residential property. The proposed two sites would be significantly larger than many, if not most, of the residential sites outside the urban growth boundary in the Basin. Further, property just over Skyline, within 1/4 to 1/2 mile of tax lot 102, has been or is being developed for residential use--e.g., Reed Drive, Panavista, Forest Park Estates, and the development at Skyline and Thompson. There are two houses to the immediate east of the property, one of which is our current residence. The other is on a 7.82 acre parcel. There are two houses across Thompson from the property.

In terms of building site size, the proposal satisfies this criterion. Approval of the proposed RPD would result in 2 parcels; one 5 acres and one 16 acres, with a house on each parcel. In those parts of the surrounding area with the same MUF-19 zoning as the subject site, there are houses on parcels ranging in size from under 2 to over 27 acres. In those parts of the surrounding area that are in Portland and have city zoning designations, there are houses on even smaller lots. Houses on parcels of the size proposed under this RPD request would not be out of character with those in the surrounding area. For these reasons, the proposal satisfies MCC 11.15.7120(A).

- (2) *Will not adversely affect natural resources; [MCC 11.15.7120(B)]*

The proposed RPD would not have a negative effect on protection of the area. Site development and the location of buildings in the long run would minimize any adverse environmental impact. The presence of the houses will have a smaller effect on natural

resources, including Balch Creek, than clear cutting at some date in the future on this site.

- (3) ***Will not conflict with farm or forest uses in the area;***
[MCC 11.15.7120(C)]

There is no established farming or forestry practices on adjacent lands. The property is surrounded by residential uses. Part of the south boundary adjoins a 40-acre parcel, which has not been developed, but which is not being used for forestry or farming. The building sites would be far removed from that parcel. The remaining adjacent land is residential.

As discussed above, adjacent land inside the City of Portland is experiencing increasing residential development, and there are houses on many of the parcels in the nearby unincorporated area. To the extent that farm or forest uses might at any time occur on the adjacent 40-acre parcel or elsewhere in the vicinity, the addition of two residences through approval of the requested RPD would not appear to conflict with such uses. For this reason, the proposal satisfies MCC 11.15.7120(C).

- (4) ***Will not require public services other than those existing or programmed for the area*** [MCC 11.15.7120(D)]

The proposal will not require public services beyond those already existing in the area. Power and phone already serves the area. Water and sewage will be on-site. Fire protection is from Fire District #1 JT. Schools are Portland School District. For these reasons, the proposal would satisfy MCC 11.15.7120(D)

- (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)]

The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife. For this reason the proposal would satisfy MCC 11.15.7120(E)

- (6) ***Will not create hazardous conditions;*** [MCC 11.15.7120(F)]

The property has no known development limitations which would preclude use of the property as proposed. It is anticipated any building construction on lot B would occur near Thompson Road, near the north property line. Lot A's probable building site is approximately 200 to 250 feet from Thompson, and is now served by a logging road. Both areas are relatively level and substantially removed from the drainageway leading to Balch Creek. The majority of vegetation will be retained during site development to mitigate any natural problems and minimize the visual impact of subsequent

residential construction. Although the proposed building sites appear to be on the least steep portions of the subject site, any construction on the site would require a Hillside Development Permit as stated in Finding 2.C. Subject to approval of appropriate Hillside Development Permits, the proposal would satisfy MCC 11.15.7120(F)

(7) ***Will satisfy the applicable policies of the Comprehensive Plan.*** [MCC 11.15.7120(G)]

(a) **No. 13 - Air and Water Quality and Noise Level**

Air and water quality should be unaffected by this proposed use. Disposal will be by an approved on-site disposal system. Prior to issuance of a building permit for any residence on the site the County Sanitarian would require a Land Feasibility Study confirming the ability to use on-site sewage disposal system for that residence. For these reasons, the proposal satisfies Policy 13.

(b) **No. 14 - Development Limitations**

For reasons stated in Finding 4.A.(6) above, the proposal satisfies Policy 14.

(c) **Policy 16 - Natural Resources**

For reasons stated in Finding 4.A.(2) above, the proposal satisfies Policy 16.

(d) **Policy 20 - Arrangement of Land Uses**

The applicant has stated that the proposed RPD would create two home sites. The proposed density that would be achieved by reducing the required minimum lot size from MUF-19 would still be substantially lower than the density that already exists for most home sites in the adjacent area. Impact on services would be minimal, as utilities are already present in the area, and sanitary and water would be supplied on-site.

The text of Policy 20 appears on page 81 of the Comprehensive Framework Plan and states that the County's policy *to support higher densities and mixed land uses within the framework of scale, location and design standards which (A) assure a complimentary blend of uses; (B) reinforce community identity; (C) create a sense of pride and recognition; and (D) maintain or create neighborhood long-term stability.* A reading of the related Introduction and Strategies on pages 80-81 suggests that the context of the policy is urban rather than rural, since

the text refers to "community plans," "the location of commercial uses in industrial areas" and so on. Since the Comprehensive Plan and Zoning designation (Multiple Use Forest) for the site is rural, Policy 20 is not applicable.

(e) **Policy 21 - Housing Choice**

This proposal, by allowing two single family residences to be built instead of one, should (admittedly to a very minimal extent) increase housing choice.

(f) **Policy 22 - Energy Conservation**

The Alder and Maple on this site would provide a renewable source of wood fuel. Thus, the residence would support wood utilization as a renewable energy resource.

(g) **Policy 23 - Redevelopment**

The applicant has stated that the proposed RPD will more efficiently utilize land that has remained essentially vacant after being logged off by the prior owners, and is in an unusual area surrounded by the city of Portland, and by residential uses. Applicant is uncertain when the conifer was logged, but it occurred numerous years ago. The proposal will allow the property to be more fully utilized without changing the low density residential character of this part of the upper basin outside the UGB.

The Redevelopment policy deals with urban as opposed to rural areas as shown by the reference in the introduction at page 90 of the Comprehensive Framework Plan Policy document the "redevelopment of blighted, obsolete, aging or inefficiently designed industrial, commercial and residential areas." Policy 23 is not applicable to the subject site.

(h) **Policy 37 - Utilities**

Upon approval of this conditional use proposal, land feasibility studies for septic approval will be conducted on each building site. No difficulty is anticipated, as septic tank drain field systems have been approved for property surrounding these parcels on all sides. Water supply will be provided by private wells. Portland General Electric and U.S. West/PNB have service in place along N.W. Thompson Road and can adequately serve the proposed sites.

(i) **Policy 38 - Facilities**

Chapman Grade School, West Sylvan Middle School and Lincoln High School are the applicable public education

facilities. Fire protection is provided by Fire District No. 1 JT. Police protection is provided by Multnomah County, using the city of Portland police via an intergovernmental agreement.

B. Specific Criteria For RPD's in MUF District [MCC .2172(C)]

- (1) *The capability of the land for resource production is maintained;* [MCC 11.15.2172(C)(1)]

The capability of the land for resource production is maintained and the proposal does not contemplate taking all or a substantial portion of the land out of timber production.

- (2) *The use will neither create nor be affected by any hazards; and* [MCC 11.15.2172(C)(2)]

For reasons stated in Finding 4.A.(6) above, the proposal satisfies MCC 11.15.2172(C)(2).

- (3) *Access for fire protection of timber is assured;* [MCC 11.15.2172(C)(3)]

Any residential development on the site would be subject to the Residential Use Development Standards of the MUF zoning district. Those standards address fire access among other things. For this reason, the proposal satisfies MCC 11.15.2172(C)(3)

C. Findings Required to Approve an RPD (MCC .7750)

- (1) *Substantially maintain or support the character and the stability of the overall land use pattern of the area;* [MCC 11.15.7750(A)]

For the reasons stated in Finding 4.A(1) the proposal satisfies MCC 11.15.7750(F)

- (2) *Utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil conditions, drainage or flooding, vegetation or the location or size of the tract;* [MCC 11.15.7750(B)]

At pages 3 and 4 of his narrative the applicant states that the topography and wooded land does not lend itself to farming. As to forest uses, most of the conifers were logged a number of years ago and not replanted. The property contains some remaining conifers and some Alder and Maple. As noted above, applicant has reason to believe intensive logging would be opposed by various interest groups. Further, as recent LCDC studies and Goal 4 proposed rules recognize, 20 acre parcels are too small for economical sustained commercial forest uses, particularly where a riparian strip may need

to be left along the drainage branches, and the land is surrounded by residences.

The applicant narrative also states in part at page 2 under the heading "Consistency with Comprehensive Plan" that the site's use for economic forestry purposes is limited because of the relatively small size of the parcel, the presence of drainage branches leading into Balch Creek, opposition of the Northwest District Association, and likely opposition of groups including Forest Park Neighborhood Association and Friends of Forest Park to intensive management of the property for logging and related forestry practices.

The combination of the location of the property and the terrain of the tract, including the presence of Balch Creek and including this odd spot not with reference to the Urban Growth Boundary and the City boundaries, but with reference to Cornell Road and Thompson Road going into urbanizing areas now, make it generally unsuitable for agricultural or forest uses, in particular, forest harvesting. Therefore, the proposal satisfies MCC 11.15.7750(B) and that the property is generally unsuited for forest uses.

- (3) *Be compatible with accepted farming or forestry practices on adjacent lands; [MCC 11.15.7750(C)]*

For the reasons stated in Finding 4.A(4) the proposal satisfies MCC 11.15.7750(F)

- (4) *Be consistent with the Comprehensive Plan and the purposes described in MCC.7705. [MCC 11.15.7750(D)]*

MCC.7705 states in part that the purpose of the RPD section is "provide . . . for the orderly development of rural land demonstrated as not suitable for agricultural or forest uses, . . ." For the reasons stated above, the subject site has been demonstrated as unsuitable for forest use. For this reason, the proposed RPD satisfies MCC 11.15.7750(D).

- (5) *Satisfy applicable standards of water supply, sewage disposal, and minimum access; and [MCC 11.15.7750(E)]*

For the reasons stated in Findings 4.A(7)(a and h) and 4.B(3) the proposal satisfies MCC 11.15.7750(E)

- (6) *Not require public services beyond those existing or programmed for the area. [MCC 11.15.7750(F)]*

For the reasons stated in Finding 4.A(4) the proposal satisfies MCC 11.15.7750(F)

Conclusions: (RPD 3-90)

1. Based on the above findings, the proposed RPD satisfies the approval criteria both for Rural Planned Developments in general and for Rural Planned Developments in the Multiple Use Forest district in particular.

Findings of Fact: (LD 15-90)

1. **Applicant's Proposal:** Please refer to Finding 1 under RPD 3-90.
2. **Site Conditions and Vicinity Information:** Please refer to Finding 2 under RPD 3-90.
3. **Land Division Ordinance Considerations (MCC 11.45):**
 - A. The proposed land division is closely related to the accompanying Rural Planned Development (RPD) request. Approval of the land division cannot occur without approval of the RPD.
 - A. The proposed land division is classified as a Type III because it is *a minor partition which will result in one or more parcels with a depth to width ratio exceeding 2.5 to 1* [MCC 11.45.100(D)]. Parcel A has a depth to width ratio of 2.9 to 1.
 - C. MCC 11.45.390 lists the approval criteria for a Type III 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 complies with the applicable provisions, including the purposes and intent of* [the Land Division] *chapter.*[MCC 11.45.230(C)].

(4) . . . and that the tentative plan complies with the Zoning Ordinance. (MCC 11.45.390).

4. **Response to Type III Land Division Approval Criteria:**

A. **Applicable Elements of the Comprehensive Plan [MCC 11.45.230(A)]:** Approval of the proposed land division depends on approval of the proposed RPD. For reasons stated in the Findings for RPD 3-90, the proposed RPD satisfies the RPD approval criteria, including the applicable elements of the Comprehensive Plan. Therefore, the proposal satisfies MCC 11.45.230(A)

B. **Development of Property [MCC 11.45.230(B)]:** Approval of the land division would provide the opportunity for development of the site with two residences instead of one. Approval of the request would not affect the ability to develop or provide access to adjacent properties. For these reasons the proposal satisfies MCC 11.45.230(B)

C. **Purposes and Intent of Land Division Ordinance [MCC 11.45.230(C)]:** For reasons stated in the Findings for RPD 3-90, the proposed RPD satisfies the RPD approval criteria and therefore satisfies the MUF-19 provisions of the Zoning Ordinance for reasons stated below. Since the proposed land division satisfies the provisions of the Zoning Ordinance it therefore complies with the purpose and intent of the Land Division Ordinance.

D. **Zoning Ordinance Considerations [MCC 11.45.390]:** The applicable Zoning Ordinance criteria are as follows:

- (1) The site is zoned MUF-19, 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 19 acres. As shown on the Tentative Plan Map, both proposed parcels contain less than 19 acres. Due to approval of the RPD the parcels are permitted to be of the size proposed.
 - (b) The minimum front lot line length shall be 50 feet. As shown on the Tentative Plan Map, both proposed parcels exceed this requirement.

Conclusions: (LD 15-90)

1. The proposed land division satisfies the applicable elements of the Comprehensive Plan.
2. The proposed land division satisfies the approval criteria for Type III land divisions.
3. The proposed land division complies with the zoning ordinance.

IN THE MATTER OF RPD 3-90/LD 15-90

Signed June 11 1990


By Richard Leonard, Chairman 

Filed With the Clerk of the Board on June 21, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, July 2, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 3, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

- ZC 6-90** **Approve, subject to conditions,** request for amendment of Sectional Zoning Map #414, changing the described property from LR-7, low density residential district (minimum lot size of 7,000 square feet) to LR-5, low density residential district (minimum lot size of 5,000 square feet);
- LD 19-90** **Approve, subject to conditions** requested five-lot land division, all for property located at **12636 SE Boise Street.**

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

- CS 4-90** **Approve, subject to conditions,** requested change in zone designation from LR-5, low density residential district to LR-5, C-S, low density residential, community service district, to allow construction of a church and parking facility to serve approximately 985 members, for property located at **5544 SE 128th Avenue.**
- CU 8-90** **Approve, subject to conditions,** the relocation of an existing rural service commercial use for an automobile, truck and farm equipment repair shop onto this property, for property located at **400 NE Evans Road.**
- CU 10-90** **Approve, subject to conditions,** request for a conditional use for development of this property with a non-resource related single family residence, for property located at **38755 NE Knieriem Road**
- CU 9-90** **Approve, subject to conditions,** requested conditional use for development of this property with a non-resource related single family residence, for property located at **34234 SE Smith Road.**
- CU 11-90** **Approve, subject to conditions,** requested conditional use to convert an existing single family residence into a sporting goods and hobby supply store;
- SEC 6-90** **Approve** an SEC, Area of Significant Environmental Concern permit because the subject site is within the Columbia River Gorge Scenic Area, all for property located at **35935 East Crown Point Highway.**

DRAFT

PLANNING COMMISSION HEARING SUMMARY

Case # _____

Planning Commission Hearings:

<i>Date(s)</i>	<i>Length of Hearing</i>	<i># s Testifying</i>

Decision: Approved Denied
 Approved with conditions: no yes _____ # of conditions

Vote: Yes _____ No _____ Abstentions _____

Staff recommendation Approve Denied

Planning Commission reversal: Yes No

Reasons for Planning Commission reversal, if applicable:

DATE SUBMITTED 7/10/90

(For Clerk's Use)
Meeting Date JUL 17 1990
Agenda No Ag. # 2 AM

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: ALTERNATE REVENUE ANALYSIS

Informal Only* 7/17/90
(Date)

Formal Only _____
(Date)

DEPARTMENT GENERAL SERVICES DIVISION PLANNING & BUDGET

CONTACT JACK HORNER TELEPHONE X2486

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD JACK HORNER

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

REQUEST DIRECTION TO ENTER INTO CONTRACT WITH CONSULTANT FOR PURPOSE OF PROVIDING ADDITIONAL ANALYSIS (TO ANSWER QUESTIONS REC. FROM THE BCC) IF APPROVED, DIVISION WILL REQUIRE A BUDGET MODIFICATION OF APPROXIMATELY \$5000.00 TO COVER THE WORK.

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

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 10 MINUTES

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other _____

BOARD OF COUNTY COMMISSIONERS
CLATSOP COUNTY
OREGON
1990 JUL 12 PM 2:21

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Jonda Alexander

BUDGET / PERSONNEL: [Signature]

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

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

ALTERNATE REVENUE STUDY SCOPE OF WORK

Section I. Purpose, Objective, and Goal of this Contract

The purpose of this contract is to continue economic and tax incidence research and analysis pursuant to the development of alternate revenue source options for Multnomah County. The objective of this contract is to identify and quantify the effects of certain options, explain differences between these options, and derive prototypic examples from the options. The goal of this contract is to submit a brief letter of transmittal along with tables and exhibits that address the identified issues.

Section II. Property or Services Furnished by Multnomah County

Multnomah County will provide Western Economic Services with authorization to contact a variety of people at the state and county level regarding the administration of tax revenues.

Section III. Property or Services Furnished by WES

WES will gather all data, develop analysis, prepare correspondence, documents, and exhibits. WES will provide Multnomah County with all other property and services sited herein except those mentioned in Section II.

Section IV. General Requirements of Project

This project is a continuation of earlier research documented in the study entitled Multnomah County Alternate Revenue Source Evaluation. It will involve additional background research, data collection, and analysis pursuant to a narrowed scope of options. The major focus in the options will entail income taxes in the form of individual payroll or gross payroll on the firm. The basic assumptions underlying the research will entail two revenue neutral fund levels that 1> replace the Library and Jail serial levies (a \$24 million revenue requirement); or 2> replacement of the levies and the Business Income Tax (a \$40 million revenue requirement). Revenue enhancement issues may be considered but will be explicitly identified as such.

Section V. Specific Requirements

1> Project Orientation

a. WES will meet with the contract liaison and representatives of Multnomah County to discuss the time schedule, project strategy, analytical services, deliverables, and exchange pertinent data, information, and other materials.

b. WES understands that Mr. Ben Buisman will be the contract liaison representing Multnomah County. Mr. Jack Horner will represent Mr. Buisman in his absence.

2> Analysis specific to the individual payroll tax

a. WES will identify the level of individual payroll tax necessary to eliminate all county reliance on property tax. This is estimated to be approximately \$95 million for the fiscal year 1990-91. WES will identify the approximate percent reduction in the average or a typical individual's property tax due to this change. WES will also identify the percent change incurred by eliminating only the serial levies.

b. WES will assess the applicability of exempting the first \$15,000 of income from the individual payroll tax. WES will also address feasibility of a graduated or progressive individual payroll tax schedule.

c. WES will address how the tax will be collected from self employed individuals and how that tax might be structured to limit the ability of business and individuals to avoid paying the tax.

d. WES will present data relating to the range of rates for an individual payroll tax and where they are used throughout the country. Available information regarding the degree to which these rates discourage workers to enter the work force will be evaluated.

e. Western Economic Services will discuss the concept of an administrative burden of this tax on businesses.

f. Additional analytical issues may comprise:

* The difference in tax incidence between changes in the BIT, gross payroll, employer, and individual payroll tax;

* Several scenarios for individual homeowners, workers, and renters, showing who pays under a \$24 million and \$40 million revenue option;

- * Additional scenarios of prototypic businesses in order to identify prospective gross payroll and individual payroll taxes;
- * Attempt to identify the percentage of county residents directly paying property tax, as well as the number of dollars that these county residents pay in property tax;
- * The tax deductibility of the individual payroll tax;
- * What is the affect of targeting a decrease in property taxes exclusively to individual homeowners. (This may include such things as property tax rebate if the homeowner can document living in the home); and,
- * What are the annual costs for the Multnomah County Inverness Jail 1 and 2, the library, and anticipated new juvenile home.

3> Analysis of Tax on Gross Receipts

- a. WES will identify the major advantages and disadvantages regarding deductibility and the ease of administration relating to a tax on gross receipts.
- b. WES will identify a general notion regarding the regressivity of business tax and the degree to which it might discourage business locations.

4> Analysis of tax on restaurant receipts

- a. WES will evaluate what might happen if the county were to implement a sales tax on restaurant-served foods and contrast that with the event that the state passes a general sales tax.
- b. WES will supply additional detail on the concept and variety of entertainment tax, as well as any increase in the car rental tax. WES will identify if there are difficulties in collection or administration costs and explain in further detail any basis for estimating the amount of money collected under this type of tax.
- c. WES will attempt to identify whether available analysis exists for those who eat out by income level and infer from this research the progressivity of that selective sales tax.

PROPOSED TIME SCHEDULE

<u>Week of</u>	<u>Sequence of Events</u>
July 2	Project Orientation July 6. WES and Multnomah County discuss a time schedule, deliverables, project strategy, and other details. Western Economic Services begins research and analysis on the alternate revenue sources and submits confirmation memo.
9	Western Economic Services continues to research issues as well as contact individuals within the county and state government to inquire as to research and data. WES will contact Jack Horner by phone to address any details and submit confirmation memo.
16	WES will continue developing research and analysis pursuant to the revenue alternatives. WES anticipates meeting with Ben Buisman prior to July 20. WES will submit a confirmation memo regarding that meeting.
23	Western Economic Services and Multnomah County will more firmly discuss any additions or deletions from the anticipated Scope of Work, as well as address any additional questions that the County Commissioners or the Board Staff may have. WES will submit a confirmation memo.
30	WES will submit a letter of transmittal, tables, and exhibits regarding the questions identified in the Scope of Work and submit these on August 2. WES does not anticipate being in the office on August 3. Western Economic Services begins construction of the a brief report of the study issues. No progress review this week.
August 6	Multnomah County will have an opportunity to review and make comments regarding the memos, exhibits, and tables.
13	WES will contact the contract liaison and discuss the draft letter of transmittal, diagrams and charts, evaluate whether there are additional studies or issues which the county would like WES to consider. WES will submit a final memo by August 17 related to the above issue.
20	WES will remain available to address additional issues. These will be scheduled in accordance with the needs and requirements of Multnomah County and available time and schedule of Western Economic Services.

DATE SUBMITTED 7-10-90

(For Clerk's Use)
Meeting Date JUL 17 1990
Agenda No. Inf # 3 Am

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Briefing: "Reaffirming Rehabilitation II
~~Beyond the 'Nothing Works' Myth~~" conference

Informal Only* July 17, 1990
(Date)

Formal Only _____
(Date)

DEPARTMENT BCC & Community Corrections DIVISION _____

CONTACT Pauline Anderson TELEPHONE 248-5220

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Pauline Anderson, Grant Nelson, Wayne Salvo

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

Briefing on reaffirming rehabilitation conference
by Commissioner Anderson, Wayne Salvo and Grant Nelson.

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

ACTION REQUESTED:

- INFORMATION ONLY
- PRELIMINARY APPROVAL
- POLICY DIRECTION
- APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 30 minutes

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

-General Fund

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Pauline Anderson

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

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

CLERK OF COUNTY COMMISSIONER
1990 JUL 10 AM 12:31
OREGON

NOTES FROM REAFFIRMING REHABILITATION II, 6/21/90

Sexual Offenders Workshop, Judith Becker, Ph.D. and Jerome G. Miller, D.S.W.

There are several theories about the precursory conditions and experiences/forces that produce sexual phobias. All have the common bases of ROT - Repression, Oppression and Trauma.

In the major study by the presenters:

90 percent were male;

all had engaged in multiple acts (23 to 281);

50 percent developed paraphilic arousal prior to 18 years of age.

There is substantial reason to believe that these numbers are artificially low because victims fail to report and perpetrator tend to minimize.

Presenters believe the following etiology is correct:

Predisposing factors (living situation)

Early sexual experiences --- Cognitive dysfunction

No consequences/behavioral reinforcement

Deviant interest pattern established.

Most of the study group with well established deviant sexual patterns also have had "regular sex."

In the adolescent program over the last 6 years, 87 percent had been arrested one or more times and were given scant attention by juvenile system. Average age 16.5 years, 40 percent of the victims 8 years old or younger, each offender had 1 to 4 victims each, number of deviant acts ranged from 1 to 224.

Dangerous offenders had 1 to 994 acts, younger victims, victimized boys and girls equally, 52 percent had themselves been sexually victimized as children, 34 percent victimized physically.

Sixty-one percent of all the youth in the study group said they did not use alcohol or drugs, but those that used preferred alcohol. Most did not use sexually explicit material as part of or causal to the deviant sexual behavior.

Treatments that were used on these offenders included:

blocking or decreasing androgens - low use, results not conclusive;

antipsychotic medications - viable for some populations;

surgery of brain limbic functions - not warranted;

psychoanalysis - not clearly documented on a replicable basis as successful;

behavior modification - varying successes

multi-component approach - successful.

Multi-component approach consists of:

verbal satiation - 8 sessions

cognitive restructuring - 4 sessions (role playing)

covert sensitization - 4 sessions (determine precursory elements and link to future punishments)

social skills - 4 sessions

anger control - 4 sessions

sex education - 4 sessions

relapse prevention - 2 sessions.

Thirty 1.5 hour sessions total.

Thirteen percent recidivism after one year of program completion but did not count program drop-outs who ended treatment mid-term. Drop-out problems seemed linked to the original

pressures placed on offender to participate in program and some psychopathologies. Recidivists had greater domestic discord, failed to internalize victim suffering, and often had a wide range of original victimization which made for a more diffused treatment approach.

This study was printed in the "Journal of Interpersonal Violence" dated December 1986. I have a reprint for those interested (but it does not copy well).

In discussing this further with Dr. Becker, she also mentioned that for sex offenders "you are never really done" because sexual behavior is very powerful and the programs with the best results treated the offender for several years. It is her belief the sexual offenders begin the deviant patterning process very early in life and once the patterns were established they were very difficult to change, in essence the person had to be "un-learned."

WAYNE C. SALVO, Director
Multnomah County Probation Services

COPY

PRESENTENCE INVESTIGATION REPORT



DEPARTMENT OF JUSTICE SERVICES
PROBATION SERVICES DIVISION
4427 SE 17th Avenue
Portland, OR 97202-4708
(503) 248-5051

JUDGE Frank L. Bearden
DEFENDANT TROY RAY
DEFENSE COUNSEL Leland Burger
REFERRAL DATE April 25, 1990
SENTENCING DATE June 18, 1990
PREPARED BY Becky D. McQueen
TELEPHONE 248-5051

Table with 3 columns: Charge, Cit/DA/C No., Plea. Row 1: Menacing, C9001-30, No contest.

1. DEFENDANT'S ADDRESS PO BOX, Oregon

Telephone DOB/Age 10/10/69, 20 years old

Rents Owns Living with Parents, Dennis & Ronda

Length of Residency in Metropolitan Area Approximatley 17 years

2. EDUCATION 10th grade, Mountain View High School in Bend, Oregon

3. EMPLOYMENT Occupation Unemployed

Name of Employer N/A

Length of Present Employ/Unemploy N/A Wage/Salary N/A

Other Income None

4. MILITARY Branch N/A Discharge N/A

Date of Service N/A

5. MARITAL Times Married None Present Status N/A

Children in Home None Ages N/A

6. FINANCIAL/MONTHLY EXPENDITURES

Savings N/A Mortgage/Rent N/A

Indebtedness (less mortgage) None Payment on Debts N/A

Child Support Ordered N/A Current N/A

Total Monthly Household Income Unavailable

Total Monthly Expenditures Unavailable

TO: The Honorable Frank L. Bearden
Multnomah County Circuit Court

June 12, 1990
Page 2

RE: ██████████, TROY RAY - PSI

7. PAST RECORD and/or PENDING CHARGES:

PER LEDS, PPDS, CLACKAMAS COUNTY PROBATION:

<u>DATE</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
06/18/87	*Rape I Sodomy I	Conviction.
12/05/89	Menacing	Conviction.
01/24/90	Att. to Commit Crime/Kidnap II (reduced to Menacing)	Current offense.

* Per Multnomah County Juvenile Parole Officer Elwood Miller.

8. SCOPE OF THE OFFENSE:

According to Portland Police report # 90-7██████, the defendant was arrested for Attempted Kidnapping in the second degree on January 24, 1990.

The victim in this case, Deborah ██████████ (DOB 3/19/70), was walking with her sister from the Memorial Coliseum towards the hotel where they were staying. They were approached by the defendant. She reported that the defendant walked up behind her and said "you want to die tonight?" She continued walking. He followed and repeated the statement. The victim reported she told the defendant that she was meeting her husband, but he was not dissuaded. He jumped in front of her and said "you better go the other way with me" and pointed back towards the Coliseum. He then stated "you better make it easy on yourself, because I could easily blow your brains out." The victim and her sister made their way to the hotel lobby where a Security Guard was able to apprehend the defendant. The victim's sister, Barbara ██████████, reported that while she and the victim were walking from the Coliseum to the hotel, the defendant said to her "she's going with me" indicating the victim. The Security Guard for the Viscount Hotel, Brian Johnson, said that when he approached the defendant, the defendant stated "I have a gun" and put his hand in his coat pocket.

9. DEFENDANT'S STATEMENT (typed verbatim):

"me, Freddy, aaron and Don where in Dons room and Don runs down to the gas staition store and gets a half rack of beer, I drank 4 beers and Freddy asked Don if he'd take us to

TO: The Honorable Frank L. Bearden
Multnomah County Circuit Court

June 12, 1990
Page 3

RE: ██████████, TROY RAY - PSI

9. DEFENDANT'S STATEMENT (cont.):

Gresham so we could catch the max to Portland, Don said he would for gas money and head out Freddy ask aaron if he wanted to go in on a bottle of Jim Beam. and aaron said how much and Freddy said 8 dollars. don stopped in Welches at the liquor store and bought one fifth of Jim Beam. he dropped us off at the train. From Welches to Gresham Freddy and I, were taking straight shots all the way to Gresham and on the Train we got off The Train at Loyd Center and walk around for about an hour. Some how me and Freddy lost aaron at Loyd Center so me and Freddy went ahead and went to the Coliseum and got are tickets we stood in line for awhile as I was going out to look for aaron. he was coming in and went in to get are seats, me and Freddy had the seat next to each other and aaron's seat was to rows over, Freddy and I didn't want to get in trouble for dinking so I went and bought two cokes and I went into the Restroom and went into one of the stalls and Poured the rest of the Jim Beam in our drink towards the end of the wrestling matches they had an intermission and we went and smoked a ciggerett. Then we - me and Freddy went back to our seats and a little bit later I started to get sick and I started to the Bathroom I don't remember if I past out or fell asleep! But when I left the Bathroom all the lights were on and they were taking the wrestling ring apart. and my friends were gone and I couldn't find my way out of the coliseum when I did I saw a lady getting into the cab so I ran and asked her where the train was and she didn't say any thing, just got into the cab and left, so I started walking across the Parking lot and I think there was two girls and ask them to help me find the train and they kept saying something about husbands, finding they got me mad and I yelled at them because they wouldn't help me the same Black guy grabs me and I got scared and started throwing punches and then ran a bunch of people grabbed me and dragged me into a Bathroom and kicked me and slammed my head in the floor. Then I ended up in the back of a Police car I don't remember how I got from The Bathroom to there but I was there!"

10. VICTIM'S STATEMENT:

Deborah ██████████ reports that initially she believed the defendant was trying to "pick her up". He began making threatening statements as he followed her, she became extremely fearful. She reports that his threats and intimidation escalated when they reached an area which was partially secluded, and he said: "why don't you make it easy

TO: The Honorable Frank L. Bearden
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RE: ██████████, TROY RAY - PSI

10. VICTIM'S STATEMENT (cont.):

on yourself because I could easily blow your brains out." Ms ██████████ believed that the defendant was "high" on something, because he seemed extremely tense; however, she did not detect an odor of alcohol on him.

She claims she has not been seriously affected by the crime but is quite fearful and anxious when she is out at night alone or even with a girlfriend.

She believes that although one year may be the maximum sentence possible, the defendant deserves more than one year in jail.

11. DISTRICT ATTORNEY'S RECOMMENDATION:

Deputy District Attorney Jill Otey will make the following sentencing recommendations:

- 1) 6 months jail;
- 2) 5 years formal probation;
- 3) Suspend imposition of sentence;
- 4) Sex offender evaluation & treatment to include pythesmograph & polygraph;
- 5) No pornography;
- 6) Alcohol/drug evaluation & treatment as recommended;
- 7) No alcohol or drugs;
- 8) Diminished 4th amendment rights;
- 9) Urinalysis testing;
- 10) Maintain employment;
- 11) Court appointed attorney fees;
- 12) Victim's assessment fee of \$20; and
- 13) Probation supervision fee.

Ms Otey believes that the victim was very fortunate that she was not harmed much more seriously than she was in this incident. She views the defendant as a dangerous sex offender.

12. SOCIAL HISTORY:

The defendant was born October 19, 1979, in San Diego, California to Dennis & Ronda ██████████. He is the oldest of two children. Jennifer ██████████, age 18, resides in Portland.

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12. SOCIAL HISTORY (cont.):

The defendant reports that the family moved frequently until he was 2-3 years of age, when they arrived in Oregon. Within Oregon, they have lived in Government Camp, Estacada and Bend. He reports attending high school in Bend. Per the defendant's father, the defendant completed his GED while in custody at MacLaren School for Boys on a Rape I, Sodomy I conviction.

The defendant reports involvement in AA meetings for the past two months (3x/week) at the suggestion of his Close Street Supervision Officer. He does not believe that he is an alcoholic but states that he has an alcohol problem.

He reports that he did use drugs and alcohol unwisely when he was younger, but that he is currently abstinent. He reports his parents disapprove intensely of drug usage of any kind, that his childhood was normal and his family is very close.

Past employment includes work as a grocery store clerk, dishwasher, and grounds keeper/landscaper. He reports being fired from his job as a pantry worker at Timberline Lodge earlier this year because he came to work under the influence of alcohol and argued with his supervisor. He is currently employed "on call" by Marmott Gas Station where he is paid \$5 per hour. The defendant expresses a desire to join the Coast Guard when and if he can be accepted.

13. COLLATERAL CONTACTS:

Dennis ██████████, Defendant's father

The defendant's father confirmed social history information. To the best of his knowledge, the defendant does not use drugs or alcohol very often, but has done so in the past. The defendant's paternal grandfather was reportedly alcoholic. Mr. ██████████ believes he would recognize true "alcoholic" behavior and that his son does not exhibit such behavior. He believes that his son was "conditioned" to believe he was alcoholic while at MacLaren. He views the criminal behavior of his son as an attempt to "regain 3-4 years of his life" lost due to his wardship at MacLaren.

Mr. ██████████ has obviously been extremely involved with his son's juvenile cases. He expresses that "anyone who cared enough to look the records over" would see that his son's 1987 Rape I/Sodomy I conviction was "rail roading."

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RE: ██████████, TROY RAY - PSI

13. COLLATERAL CONTACTS (cont.):

Mr. ██████████ states that the only thing his son is guilty of is poor judgement and irresponsible behavior in choosing his friends and in his work habits at times.

Ronda ██████████, Defendant's mother

The defendant's mother reports that he is basically a good kid who did not have any problems until after the 1987 Rape I/Sodomy I conviction. She believes that the only thing he did wrong in regards to the instant offense was to get drunk. She does admit she does not know any details of the case, other than what the defendant told her (which was that he got so drunk he does not know what he did). She insists that her son's 1987 conviction was a result of being "set-up" by some people who's drugs he had destroyed. She reports that she and her husband were at one time involved in under-cover drug work with the police and that the defendant suffered socially as a result of their work.

Ms ██████████ reports that the defendant and his father do not get along very well. Her husband's very "hard" on the kids and has at times "beat" them.

Alta Brady, Attorney (Previously with Deschutes County D.A.'s Office)

Ms Brady reports that while working as a prosecutor with Deschutes County D.A.'s office in 1987, she was involved in the prosecution of a forcible rape case against Troy ██████████, subsequent to his conviction on Rape I/Sodomy I in 6/87. The victim was the defendant's girlfriend.

The case was found to be in the jurisdiction of the juvenile Court. The defendant was convicted. The case was appealed and reversed on the basis that it was not in the jurisdiction of juvenile Court. The victim later recanted via a notarized statement, which Ms Brady felt was a result of external pressure.

Ms Brady reports further that the defendant first came to the attention of the Deschutes County District Attorney's office when the defendant's sister came in and complained of being raped by her father and the defendant as well as being stabbed in the leg by the defendant with a pair of scissors.

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RE: ██████████, TROY RAY - PSI

13. COLLATERAL CONTACTS (cont.):

The defendant's sister also turned in a signed notarized statement saying that she made the story up to get attention.

Roy Miller, Attorney with SAIF Corp. (Previously with Deschutes County DA's Office)

Mr. Miller reports he was involved in prosecution of rape cases against the defendant in 1987, while he was employed by Deschutes County District Attorney's office.

He classified the defendant as "one of the most dangerous offenders I've been involved with." His thought, at the time he was dealing with the defendant were "someday he will kill someone."

He confirms the information provided by Alta Brady in regards to the rape cases. Mr. Miller stated he had "every reason to believe there was all kinds of abuse going on within the family."

Jim Hamer, Deschutes County Adult Parole & Probation Office (Previously with Deschutes County Juvenile Parole)

In his role as sex offender treatment specialist, Mr. Hamer conducted the sex offender evaluation for Juvenile Court in association with the defendant's 1987 Rape I/Sodomy I conviction. Mr. Hamer reports that the defendant was "one of the most dangerous offenders he had ever evaluated."

Jennifer ██████████, defendant's sister

I asked Ms ██████████ about the allegations she had made in the past about being sexually assaulted by her father and her brother, the defendant. She reports that she was hoping to get away from her home at the time the allegations were made. She claims that a friend made the report for her and subsequently CSD picked her up from school and detained her. While she was detained she was pressured by her family to withdraw her complaint, which she did ultimately because "I was afraid he (her father) would kill me." She claims that her brother in fact did not rape her. He did chase her and cut her leg with scissors on one occasion. This was "because he was jealous" that she had boyfriends but he could not maintain a relationship with a girlfriend. Ms ██████████ reports forced sexual intercourse and other sexual contact with her

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RE: ██████████, TROY RAY - PSI

13. COLLATERAL CONTACTS (cont.):

father when she was age 6-14. She reports that her mother has confided in her that Dennis ██████████ forced sexual activity between her and her son, the defendant. She claims Dennis ██████████ has said "I don't know where I got this demented mind." Other times, he explains his behavior as instructive "teaching." Ms ██████████ is extremely fearful of her father. She believes "we will all die by the hand of Dennis someday." She reports this is an idea expressed frequently in discussion between her, her mother and the defendant.

She reports that her father threatened to kill Nicki ██████████ (one of the victim's in the Deschutes County rape cases against Troy ██████████) if she did not marry the defendant. On one occasion the defendant, his sister and mother left Mr. ██████████ but he found them and convinced them to return.

The defendant's sister believes that the defendant desires a jail sentence, "so that Dennis can't get to him." She believes he needs counseling and to "get out of the area."

Elwood Miller, Multnomah County Juvenile Parole Officer

The defendant was committed to MacLaren School for Boys in June 18, 1987, for Rape I and Sodomy I. The victim was a teenage girl who was at a party with the defendant.

Mr. Miller reports there was heated controversy over the case. The defendant and his family claimed that the girl was a willing participant in the sexual activity. During the defendant's commitment, he and his family maintained denial.

Technically, the defendant is still a ward of Deschutes County Court. A recommendation for termination has been denied; therefore, his parole will terminate in 10/90.

Paul Dalton, Probation Officer - Clackamas County

Mr. Dalton reports that the defendant is currently on probation in Clackamas County on a Menacing charge. He was sentenced on that conviction on January 22, 1990, 2 days prior to his arrest on the current offense.

The case involved a driving dispute wherein the defendant threatened another man with a switchblade. He was sentenced

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RE: ██████████, TROY RAY - PSI

13. COLLATERAL CONTACTS (cont.):

to two years probation; no contact with victim; forfeit his weapon, 80 hrs ACS within two months and \$240 fine and fees. The ACS is completed and the fines and fees have been paid in full. The defendant's performance is considered marginal at this time due to the pending matter and his poor reporting compliance.

Robert McNabb, Close Street Supervision Office - MCSO

The defendant has been supervised since January 29, 1990, by Officer McNabb. He reports that the defendant has done well under close supervision. He reports that the defendant requires lots of attention but that his urinalysis tests have all been clean. He reports the defendant is attending AA and has recently received a certificate for being secretary for his group.

Michael Smith, Ph.D., Consulting Psychologist for Multnomah County Probation Services

A report from Dr. Michael Smith is attached, for the Court's consideration.

14. SUMMARY:

Troy ██████████ is a 20 year old male who comes before the Court for sentencing on Menacing. The defendant's criminal, juvenile and social history provide a clear picture of his predatory and violent behavior. This behavior mimics what he observed and was victim to within his own family. Evidently, he has had a family life which involved physical, emotional and sexual abuse of himself, his sister and his mother, by his father. This abuse was so powerful that according to his sister's report, they all believe that Dennis ██████████ will kill them eventually. Possibly in an attempt to claim a sense of power and control which he was unable to gain in his own home, he threatens and assaults, sexually and otherwise, those he is able to victimize. The defendant refuses to admit any inappropriate or threatening behavior. He denies ever committing rape, in spite of the juvenile conviction.

TO: The Honorable Frank L. Bearden
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RE: ██████████, TROY - PSI

4. SUMMARY (cont.):

The statements he made to the victim, in this case, were extremely threatening and implied he was planning a sexual assault.

He denies any such intentions but provided no explanation for the statements or threats he made to the victim.

I believe Mr. ██████████ is capable of extremely violent and predatory behavior for which he expresses no remorse.

15. RECOMMENDATION:

I respectfully recommend:

- 1) 6 months jail;
- 2) 5 years formal probation;
- 3) Sexual deviancy evaluation & treatment as recommended, to include pytheshmograph & polygraph testing;
- 4) Alcohol/drug evaluation & treatment as recommended;
- 5) Antabuse if medically approved;
- 6) No alcohol or drugs;
- 7) Urinalysis testing;
- 8) Diminished 4th amendment rights;
- 9) Maintain employment;
- 10) Court appointed attorney's fees;
- 11) Victim's assessment fee; and
- 12) Probation supervision fee.

Respectfully submitted,

Wayne C. Salvo, Director
Probation Services Division

Becky D McQueen

Becky D. McQueen
Probation & Parole Officer

By RA

BDM:lmb

Reviewed by: *RA*

c: District Attorney
Defense Attorney

Attachment

MICHAEL A. SMITH, Ph.D.
PSYCHOLOGIST
2330 N.W. FLANDERS, SUITE 201
PORTLAND, OREGON 97210
PHONE: 226-3383

June 14, 1990

Ms Becky McQueen
Probation and Parole Officer
Multnomah County Probation Services
4427 SE 17th Avenue

RE: Troy [REDACTED]

Dear Ms. McQueen:

This individual was scheduled to be evaluated by me at your office on May 30, 1990. Since he arrived over 30 minutes late for his appointment, I was only able to meet briefly with him. Also, since psychological test data was not available to me at that time, I was only able to discuss briefly Mr. [REDACTED]'s views about the instant offense. In short, he laid the whole incident off on his having consumed too much alcohol. Interestingly, however, he did state that a psychological evaluation had been completed on him at some earlier date, and that he would be willing to share that information with me. Accordingly, we scheduled a follow-up appointment at my office for Monday, June 4, 1990, in order that I might complete my examination in a timely manner. On the morning of June 4, 1990, Mr. [REDACTED] called to cancel his appointment with me. He has made no attempt to reschedule.

Given the above, I am reluctant to comment upon Mr. [REDACTED]'s response pattern on the MMPI-2. There are many questions I would have asked him, of course, had he kept his appointments. I do recommend that this individual complete a psychological evaluation, and that his history be reviewed thoroughly.

Sincerely,



Michael A. Smith, Ph.D.
Consulting Psychologist

Reaffirming Rehabilitation II

*Handout #2
Wayne Salvo
Jan. 7-17-90 Hm
#3*

Paul Gendreau

From extensive literature reviews. Need to know how to set up programs in order to evaluate how they work.

Elements of establishing and maintaining programs:
Advocacy, Morale, Staff involvement, Flexible, Stable, Funding, Location.

Program designer needs to be:
Action oriented, Have knowledge of setting, Professional history, Training, and;

Combined with agency staff must have: Initiative and Value Congruence.

Principals of Effective Intervention:

- * Intensive services, primarily behavioral, provided to high risk clients.
- * Therapists must relate interpersonally in sensitive and constructive ways.
- * Program factors:
 - explicit reinforcement
 - modeling and problem solving re: alternatives to pro-criminal thinking and behavior.
 - therapist training and periodic re-assessment.
 - structure and control of contingencies.
 - program democracy in design and maintenance.
 - limited staff turnovers, positives (reinforcers) must exceed negatives by 3 : 1.

Transfer training and Relapse prevention:

- * monitor problem situation
- * plan, rehearse, reward, alternative behaviors in different situations
- * have "booster sessions".
- * involve significant others.
- * have program advocacy/ service brokerage.

Program Activities must disrupt delinquency network !
(Too little too late is wasted apparently)

Principals of Ineffective Intervention:

- * Intensive services provided to people who don't need them, net widening.
- * Programs lack design criteria.
- * Intervention type is non-directive counseling, psychodynamics take precedence, or pharmacological, or are primarily based on sanctions/punishment/control; ie:
 - electronic monitoring

Reaffirming Rehabilitation II

incarceration
restitution (disconnected cash payments)

Ineffective programs adhere to Cleveland Indian theory of Intervention:

- * structure as a tradition.
- * refuse to look into the "black box".
- * target irrelevant behavior.
- * fail to measure risk.
- * ignore theory and data from related fields.

In 400 studies, Lipsey-Meta analysis, average reduction in recidivism was 10 percent. When only "community based" programs were examined reduction in recidivism 53 percent. Recidivism defined as crime free 6 months to 2 years after intervention. Sanction programs (jail) had no effect on recidivism.

Per RAND study, a drop in recidivism of 10 percent for 1 kid produces a system savings of \$ 75,000. A 20 percent drop saves \$ 112,000.

Programs that "failed" usually had: problems with definitional criteria, lacked follow-up after initial intervention, lacked internal design, failed to establish a good statistical database as a guidepost.

Arguments commonly heard when new concepts-approaches offered:

it didn't work before,
I'm Mr. Nobody-I can't do that,
this is wizardry, it won't work,
tradition is sacrosanct, anything else is utopian,
this is all rhetoric, the reality is...
that is your conscience talking, the reality is....

Future research agenda:

extension and refinement of meta-analysis,
effectiveness of community programs quantified,
cross over from experimental and clinical literature into CJ deterrence policy making (end to reactive political decision making?)
research on how inmates view sanctions,
examination of motivations for treatment,
review of racial discrimination and cultural differences.

Characteristics of "Winning Countries" per U.N.:

- * universal health coverage.
- * minimum wage and equal pay.
- * economic stabilization of communities.
- * public policy for community sustaining jobs.

Reaffirming Rehabilitation II

- * gun control.
- * state mandated treatment services.

Konopka

Subjugation of offender inherent in corrections system creates resistance. Do not need to be sentimental but need to recognize and meet human needs, including emotional needs of offenders.

Rutherford

Netherlands has halved prison population in last 25 years, attributed to shift in corrections system to rehabilitative orientation that also provided adequate program funding. W. Germany reduced prison commitments by 30 percent in 7 by adopting same strategy.

Kamin

Important for field practitioners to read original sources when presented with some kinds of data to ensure that interpretation is correct. Researchers have their own biases. After extensive literature reviews Kamin found little evidence that offenders "think differently, have different body types, process information differently, or come from specific economic and racial backgrounds". Instead most of the studies alluded to yet other findings with little original research.

Christie

Incarceration rates per 100,000 of population:

Netherlands	36
W. Germany	86
Poland	300
Russia	400 ?
U.S.A	407
California	800

U. S. resembles Netherlands in terms of minorities, industry, education, and wealth. Similar number of crimes, but one-tenth the number of people in jail. Why the disparity? Is it the U. S. approach to "just desserts" that disconnects the punishment for the realities of the offender? "Just desserts" began with treatment

Reaffirming Rehabilitation II

rehabilitation orientation based on concept that offenders are different and justice had to be hand tailored. Unfortunately the concept became identified with "you do the crime--you do the time" and became a rallying point for increased control. Those in control absorbed tremendous power from this change in philosophy--a movement from "I will work with you to make things better for us both" to "I will tell you what to do and if you fail I will lock you up". Prisons are and expression of out culture, prisons are for inducing pain, so what about a culture that has a main focus of pain as a tool for social affirmation and control?

Illich

Corrections is plagued with errors in thinking, although other systems also tend to mis-focus. Witness the school system, U.S. may have drop-out rates as high as 50 percent from compulsory school system, and all the research is focused on finding alternative schools to re-involve drop-outs. It would be more intelligent to focus on why the kids drop out to begin with and address those issues.

Same mental processes lead us to believe that we can change people or "correct" them. This is a false premise, it is the wrong framework for action, it is not a historically derived solution to crime but rather a very recent invention and it is clearly not "inevitable". We must understand that there is too much emphasis on outside forces reconstructing the person--the offender. We need to refocus on helping individuals to regain their balance, their focus, and helping them understand their needs and to give them reasons to not be criminals. Can't build or beat that into people, it has to be grown on-site. Speaker traces this current mind set to the U.S.s ' institutionalization of basic social needs, care and punishment that previously had been bestowed by the immediate community on an individual basis. (? is this why community policing seems to work, restoration of the community, neighborhood associations, court watches, et al)

Meeting Date: July 17, 1990

Agenda No.: Imp. # 1 PM

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Update on Multnomah County Fair

BCC Informal July 17, 1990 BCC Formal _____
(date) (date)

DEPARTMENT Environmental Services Dept. DIVISION Administration

CONTACT Maria Rojo de Steffey TELEPHONE 248-5001

PERSON(S) MAKING PRESENTATION Paul Yarborough, Bill McKinley, Jan Johnson
Maria Rojo de Steffey

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 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):

Update on 1990 Multnomah County Fair which will be held from July 24 through
July 29, 1990

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Glady's McCoy*

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

RECEIVED
MAY 17 1990
MULNOMAH COUNTY
ADMINISTRATION

Meeting Date: JUL 17 1990

Agenda No.: Inf. # 2 PM

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

Briefing on Implementation of County Program
SUBJECT: Evaluation Plan

BCC Informal ~~7/17/90~~ 7/17/90 BCC Formal _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Merlin Reynolds TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Merlin Reynolds and Evaluation Work Group

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 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):

Briefing on implementation of County Program Evaluation Plan

1990 JUL -3 11:03:03
COUNTY COMMISSIONER
CLERK OF COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Madup McP...*

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

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

M E M O R A N D U M

TO: Gladys McCoy, Chair
Board of County Commissioners

FROM: Larry Kressel
County Counsel (106/1530)

DATE: July 24, 1990

RE: Procedures at Board Meeting of July 18,
1990

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
SANDRA N. DUFFY
J. MICHAEL DOYLE
GERALD H. ITKIN
H. H. LAZENBY, JR.
PAUL G. MACKAY
MATTHEW O. RYAN
MARK B. WILLIAMS

You have asked whether a certain meeting of the Board complied with Board procedural rules and if not, what are the legal consequences.

The facts are as follows:

Apparently, the Board did not have sufficient time at its informal meeting on the morning of July 17th to fully consider a report (agenda item No. 20) by Jack Horner, Director of Planning & Budget. After some discussion, the Board decided to hold over the agenda item. According to the Clerk of the Board, the continuation was to take place at noon on the following day, after a meeting involving Board members on strategic planning. However, when the planning meeting ended earlier than expected on the morning of July 18th, the Board took up the Horner report. The Clerk arrived just before noon and found that the meeting had been underway for some time. Her recording of the meeting is therefore incomplete.

MULTNOMAH COUNTY OREGON
1990 JUL 23 PM 3:22
BOARD OF COUNTY COMMISSIONERS

Gladys McCoy, Chair
July 24, 1990
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As I understand it, the continued meeting did not result in any formal action by the Board. Instead, individual Board members advised Horner as to what information should be developed by a consultant working under contract with Horner. No motions, orders, resolutions, ordinances or other formal actions were approved.

Procedural Analysis:

The meeting of the 18th was a continuation of an item on the previous day's agenda. (I assume that the intent to continue item No. 2 to the 18th was clearly stated on the record and included the time and place of the continuation.) See Board Rules of Procedure Section 8.8 (Jan. 1987 edition). As such, no special or additional public notice was required. However, evidently the Board began the resumed discussion earlier than had been announced on the 17th. The Clerk, who records public meetings of the Board, arrived after the meeting was in progress but in time to cover the meeting as scheduled. The recording of Board deliberations is thus incomplete. (Horner and his staff took some notes for their own benefit, but these do not constitute official minutes of the meeting.)

The Public Meetings Law requires written minutes of all public meetings. ORS 192.650. The minutes must describe all motions, proposals, resolutions etc. proposed and their disposition. The minutes must also report "the substance of any discussion on any matter." ORS 192.650(1). If the law is violated, a court can void a decision by the governing body, unless that decision is reinstated properly by the body. ORS 192.680.

In this instance, it appears there was a violation of the Open Meetings Law, albeit a minor one. The public meeting began before it was scheduled and was only partly recorded. However, as far as I can tell, there was no "decision" made by the Board. The comments made to Horner were informal and individual. They were advisory in nature. Under the circumstances, no significant legal relief would be available to one complaining of the violation.

Although this incident did not constitute a significant legal mistake, it should not pass unnoticed. Board informality has advantages in some cases, but it also can run counter to policies inherent in the Open Meetings Law. Meetings that are continued to a time certain should commence at the appointed time and should be recorded by the Clerk.

Gladys McCoy, Chair
July 24, 1990
Page 3

It is worth remembering that meetings of the Policy Development Committee (PDC), which is the Board's forum for strategic planning, must also comply with the Open Meetings Law. See Ordinance No. 596 (copy attached). The same is true for subcommittees of the PDC.

cc Board of Commissioners
Jack Horner
Clerk of the Board

1ATTY.221/mw

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 596

An ordinance repealing Multnomah County Code Sections 2.50.200 through 2.50.225 and creating a Policy Development Committee consisting of the Board of County Commissioners and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Findings.

1. The Board of Commissioners has stated its intent, through resolution, to abolish the Strategic Planning and Intergovernmental standing Committees.
2. The Board of Commissioners has identified the need to identify and establish policy based on long range strategic planning.
3. The Board of Commissioners has stated its intent, through resolution, to meet for the purpose of developing policy and carrying out strategic planning.

Section 2. Repeal of Code Provisions Establishing Strategic Planning and Intergovernmental Committees.

MCC 2.50.200 through 2.50.205 (Strategic Planning Committee) and 2.50.220 through 2.50.225 (Intergovernmental Relations Committee) are repealed.

Section 3. Repeal of Code Provisions Establishing Finance Committee.

MCC 2.50.210 through 2.50.215 adopted October 16, 1986 are repealed effective December 31, 1988.

Section 4. Amendment.

The following provisions are added to MCC Chapter 2.50

- (A) Establishment of Committee. A Policy Development Committee is hereby established.
- (B) Purpose. The purpose of the Committee is to develop and establish policies related to the direction, planning and funding of programs and operations of the County.
- (C) Duties of the committee. To accomplish its purpose, the committee shall perform the following duties:
 - (1) Identify issues of strategic concern to the County.
 - (2) Develop long range operational goals and objectives.
 - (3) Adopt and revise the County's long range Strategic Plan.

- (4) Review matters of County policy.
- (D) Membership and structure. The committee shall consist of the Board of County Commissioners.
- (E) Subcommittees. The Committee may pursuant to Section 3.70 of the Charter of Multnomah County appoint advisory and other subcommittees as it deems appropriate.
- (F) Staffing. Staffing will be provided by a designee of the Chair of the Board.
- (G) Procedural requirements. The Committee shall observe the following procedural requirements:
- (1) Minutes will be taken for each meeting.
 - (2) Members may not appoint others to represent them on the Committee.
 - (3) The affirmative action of a majority of the committee members is required for the Committee to take any action. Actions shall be by resolution.
 - (4) Meetings shall be open to the public in accord with the Oregon Open Meetings Law.
 - (5) Rules of order may be adopted by the committee as appropriate.

Section 5. Emergency Clause

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

ADOPTED this 10th day of November, 1988, being the date of its first reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS

(SEAL)

By Caroline Miller
Caroline Miller
Multnomah County Vice Chair Pro Tem

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By [Signature]

3900F

Inf.#2



GLADYS McCOY, Multnomah County Chair

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

M E M O R A N D U M

TO : Commissioner Pauline Anderson
 Commissioner Rick Bauman
 Commissioner Gretchen Kafoury
 Commissioner Sharron Kelley

FROM: Merlin Reynolds
 Staff Assistant

THRU: Gladys McCoy
 Multnomah County Chair

DATE: July 16, 1990

RE : Change of date of County Program Evaluation Plan
 Briefing

Commissioner McCoy is attending the National Association of Counties Conference and will not return until July 19. I am changing the date of the above presentation to a date when she will be present. I apologize for the delay and look forward to presenting the Implementation Plan for your consideration as soon as possible.

MGR:ddf
 cc: Jack Horner
 Susan Clark
 Lillie Walker
 Steve Lamarche
 Betsy Williams

DATE SUBMITTED July 9, 1990

(For Clerk's Use)
Meeting Date JUL 17 1990
Agenda No. Executive Session

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Local 88 Grievance Negotiations

Informal Only* July 17, 1990
(Date)

Formal Only _____
(Date)

DEPARTMENT General Services DIVISION Labor Relations

CONTACT Darrell Murray TELEPHONE 248-5135 Ext. 2595

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Darrell Murray

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

This is a request for an Executive Session to discuss a grievance which may require Board action.

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

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION RATIFICATION

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other _____

SIGNATURES:

Darrell Murray

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Sandra Alexander vs

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolution, Agreements, Contracts) _____

OTHER _____

(Purchasing, Facilities Management, etc.)

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

BOARD OF
COUNTY COMMISSIONERS
1990 JUL 10 PM 3:22
MULTI-NOMINAL COUNTY
OREGON