

ANNOTATED MINUTES

**Monday, June 13, 1994 - 2:00 PM
Multnomah County Courthouse, Room 602**

BUDGET WORK SESSION

WS-1 *The Multnomah County Board Will Propose, Review and Discuss Amendments to the 1994-95 Multnomah County Budget*

GINNIE COOPER, JEANNE GOODRICH, JIM McCONNELL, MICHAEL SCHRUNK, TOM SIMPSON, TAMARA HOLDEN, SUSAN KAESER, MIKE OSWALD, DAVE WARREN, TOM FRONK, GARY OXMAN, DAVE BOYER, LINDA WOODS, KEN UPTON, LAURENCE KRESSEL AND BILL FARVER RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

**Monday, June 13, 1994 - 6:00 PM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland**

MULTNOMAH COUNTY COMMISSION/PLANNING COMMISSION JOINT LAND USE HEARING

Chair Beverly Stein convened the hearing at 6:05 p.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman, and Planning Commission Chair Leonard Yoon, Vice-Chair Karin Hunt, and Commissioners Laurie Craghead, Sam Diack, Bill Fritz, Peter Fry, John Ingle and Dave Kunkel present.

PH-1 *The County Commission and Planning Commission Will Conduct a Joint Public Hearing to Take Testimony on the Completed Goal 5 Work Pertaining to the West Hills and Howard Canyon Area Reconciliation Reports. The Hearing Will be Conducted in a Quasi-Judicial Manner and Only Evidence Germane to Either Report Will be Accepted.*

BOARD, PLANNING COMMISSION AND COUNTY STAFF INTRODUCTIONS. SCOTT PEMBLE PRESENTED THE HOWARD CANYON AND WEST HILLS STAFF REPORTS. CHAIR YOON CONVENED THE PLANNING COMMISSION FOR THE PURPOSE OF ADOPTING RULES OF PROCEDURE FOR TODAY'S QUASI-JUDICIAL HEARING. COMMISSIONER FRITZ MOVED AND COMMISSIONER KUNKEL SECONDED, ADOPTION OF THE RULES OF PROCEDURE. COMMISSIONER FRY EXPLAINED HE DOES NOT

FEEL THIS HEARING IS A QUASI-JUDICIAL PROCEEDING AND WILL ABSTAIN FROM THE VOTE. RULES ADOPTED, WITH COMMISSIONERS CRAGHEAD, DIACK, FRITZ, HUNT, INGLE, KUNKEL AND YOON VOTING AYE, AND COMMISSIONER FRY ABSTAINING. AT THE REQUEST OF CHAIR STEIN, COMMISSIONERS KELLEY, HUNT, KUNKEL, YOON, FRY AND SALTZMAN DISCLOSED EX PARTE CONTACTS AND/OR POTENTIAL CONFLICTS OF INTEREST, BIAS OR PARTIALITY. SHARON TIMKO DISCLOSED HOWARD CANYON AND ANGELL BROTHERS QUARRY SITE VISITS. IN RESPONSE TO A QUESTION OF CHAIR STEIN, ARNOLD ROCHLIN OBJECTED TO SECTION 2(D) OF THE RULES OF PROCEDURE. COMMISSIONER FRY RESPONDED TO CONCERNS OF PAUL HRIBERNICK REGARDING A MEMO FROM COMMISSIONER FRY TO THE PLANNING STAFF. IN RESPONSE TO A QUESTION OF CHAIR STEIN, NO PROCEDURAL OBJECTIONS WERE RAISED.

COMMISSIONER KELLEY SUBMITTED A LETTER FROM BOB AND NEV SCOTT REGARDING HOWARD CANYON QUARRY. SHERWOOD DAVIS, CLINT DAVIS, ALLAN BAKER, GERARD WELCH, JOHN WINDUST, PAUL HRIBERNICK AND RAYMOND SMITH TESTIMONY IN SUPPORT OF HOWARD CANYON RECONCILIATION REPORT AND/OR QUARRY EXPANSION AND RESPONSE TO BOARD QUESTIONS.

CHARLES CIECKO, NEIL KAGAN, KLAUS HEYNE, MICHAEL GAMA, DAVE BLACK, CAROL GAMA, RON CARLEY, LYN MATTEI, KATHY HARWOOD LONG, CAROLYN COONS, JEFF ROGERSON, STEVE DIXON, KERRIE OKADA, NANCY WEBB, DIANE TRIBE, JAMES ANDERSON, JIM REAVIS, SUSAN FRY, VERA DAFOE, LLOYD HAMMEL, LEN SWENSON AND PRISCILLA GOODWIN TESTIMONY IN OPPOSITION TO HOWARD CANYON RECONCILIATION REPORT AND/OR QUARRY EXPANSION AND RESPONSE TO BOARD QUESTIONS. MR. PEMBLE AND JOHN DuBAY RESPONSE TO BOARD QUESTIONS. STEVE OULMAN TESTIMONY AND RESPONSE TO BOARD QUESTIONS. LORI HANSEN TESTIMONY IN OPPOSITION TO HOWARD CANYON QUARRY EXPANSION.

The hearing was recessed at 8:45 p.m. and reconvened at 8:55 p.m.

**FRANK SCHNITZER AND PAUL KEIRAN TESTIMONY
AND RESPONSE TO BOARD QUESTIONS
CONCERNING ANGELL BROTHERS QUARRY.**

**JANE HART, NEIL KAGAN, DONNA MATRAZZO,
CHRIS WRENCH, ESTHER LEV, LYN MATTEI, JOHN
SHERMAN, ARNOLD ROCHLIN, JODEANNE BELLANT,
RON CARLEY, GORDON HOAVE, SETH TANE,
RICHARD SHEPARD, JEAN ADAMS, SKIP ANDERSON,
DONIS McARDLE AND ART WAGNER TESTIMONY IN
OPPOSITION TO WEST HILLS RECONCILIATION
REPORT AND/OR EXPANSION OF ANGELL BROTHERS
QUARRY AND RESPONSE TO BOARD QUESTIONS.**

**CHAIR STEIN ANNOUNCED THE RECORD WOULD BE
LEFT OPEN FOR SEVEN DAYS, WITH ADDITIONAL
TESTIMONY DELIVERED TO THE PLANNING OFFICE
BY 4:00 PM, MONDAY, JUNE 20, 1994. MR. PEMBLE,
MR. DuBAY AND MR. OULMAN RESPONSE TO BOARD
QUESTIONS. MR. PEMBLE ANNOUNCED THE
PLANNING COMMISSION MEETING TO DELIBERATE
ON THE RECONCILIATION REPORTS IS SCHEDULED
FOR TUESDAY, JUNE 21, 1994.**

There being no further business, the hearing was adjourned at 11:15 p.m.

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


Deborah L. Bogstad

**Tuesday, June 14, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602**

BUDGET WORK SESSION

**WS-2 The Multnomah County Board Will Propose, Review and Discuss Amendments
to the 1994-95 Multnomah County Budget**

**LOLENZO POE RESPONSE TO BOARD QUESTIONS
AND DISCUSSION. THE WORK SESSION WAS
RECESSED AT 10:05 AM AND RECONVENED AT 10:45
AM. HOWARD KLINK, VICKI SMEAD, LOLENZO POE,
NORMA JAEGER, ANTOINETTE EDWARDS AND
MARILYN RICH PRESENTATIONS AND RESPONSE TO**

BOARD QUESTIONS AND DISCUSSION.

**Tuesday, June 14, 1994 - 10:00 AM
Multnomah County Courthouse, Room 602**

BUDGET HEARING

- PH-2 The Tax Supervising and Conservation Commission Will Meet to Discuss and Conduct a Public Hearing on the 1994-95 Annual Budgets for MULTNOMAH COUNTY, DUNTHORPE-RIVERDALE COUNTY SERVICE DISTRICT NO. 1, and MID-COUNTY SERVICE DISTRICT NO. 14**

TSCC CHAIR LIANNE THOMAS CONVENED THE HEARING AT 10:11 AM. COMMISSIONERS STEIN, KELLEY, HANSEN, COLLIER AND SALTZMAN, AND DAVE WARREN AND MEGANNE STEELE RESPONDED TO QUESTIONS AND DISCUSSION OF COMMISSIONERS LIANNE THOMAS AND ROBERT BRUNMEIER AND TSCC STAFF COURTNEY WILTON. NO ONE WISHED TO TESTIFY. HEARING ADJOURNED AT 10:45 AM.

**Tuesday, June 14, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602**

PLANNING ITEMS

Vice-Chair Tanya Collier convened the meeting at 1:30 p.m., with Commissioners Sharron Kelley and Dan Saltzman present, Chair Beverly Stein excused, and Commissioner Gary Hansen arriving at 1:32 p.m.

- P-1 PRE 1-94 Review the May 11, 1994 Hearings Officer Decision DENYING Appeal and Affirming Planning Director's Decision, for Property Located at 41313 SE TROUTCREEK ROAD, CORBETT**

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-2 ORDER in the Matter of the Appointments of Multnomah County Planning and Zoning Hearings Officers**

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF P-2. SCOTT PEMBLE EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 94-115 IN THE

MATTER OF THE APPOINTMENTS OF BARRY ADAMSON, JOAN CHAMBERS AND PHILLIP GRILLO AS MULTNOMAH COUNTY PLANNING AND ZONING HEARINGS OFFICERS UNANIMOUSLY APPROVED.

MR. PEMBLE AND BOARD DISCUSSION REGARDING JUNE 13 JOINT HEARING.

There being no further business, the meeting was adjourned at 1:45 p.m.

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

Deborah L. Bogstad
Deborah L. Bogstad

**Wednesday, June 15, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602**

BUDGET WORK SESSION

WS-3 *The Multnomah County Board Will Propose, Review and Discuss Amendments to the 1994-95 Multnomah County Budget*

ROBERT SKIPPER, LARRY AAB, DAVE WARREN, BILL COLLINS AND GLEN POST PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BILL FARVER, HELEN RICHARDSON, MR. WARREN, MEGANNE STEELE AND BARRY CROOK RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

**Wednesday, June 15, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602**

BUDGET WORK SESSION - IF NEEDED

WS-4 *The Multnomah County Board Will Propose, Review and Discuss Amendments to the 1994-95 Multnomah County Budget*

MEGANNE STEELE, DAVE WARREN AND BILL FARVER RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION AND CONSENSUS ON VARIOUS PROPOSED AMENDMENTS. MIKE OSWALD, TOM FRONK, BILLI ODEGAARD, MR. WARREN, SHAUN COLDWELL AND DAVE BOYER EXPLANATION AND

RESPONSE TO BOARD QUESTIONS CONCERNING VARIOUS PROPOSED TECHNICAL AND CARRYOVER AMENDMENTS. BOARD CONSENSUS. LOLENZO POE EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD CONSENSUS. MR. WARREN EXPLANATION AND RESPONSE TO BOARD QUESTIONS CONCERNING PROPOSED REVENUE AMENDMENTS. BOARD CONSENSUS. MR. WARREN, MR. FARVER, MR. OSWALD AND LANCE DUNCAN EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING PROPOSED BUDGET NOTES. BOARD CONSENSUS. BOARD DISCUSSION CONCERNING SALTZMAN RESOLUTION.

*Thursday, June 16, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

CONSENT CALENDAR

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, CONSENT CALENDAR ITEMS C-1 THROUGH C-3, C-5 AND C-6, AND C-8 THROUGH C-13 WERE UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointments of Jo Ann Allen, Chris Cameron, Warren Cook, Lance Duncan, Linda Easley, Shelley Immel, Chris Johnson, Karen Rhein, Jim Stegmiller, Theresa Sullivan and Nancy Wilson as Voting Members to the CAMPAIGN MANAGEMENT COUNCIL***
- C-2 *In the Matter of the Appointments of Dave Hadley, Peter Roscoe, Anthony Borzotta, Sam Bush and Carolyn Brattain; and the Reappointments of Doug Bray, Charleah Couckuyt, Dan Croy, Carole Ford, Fred Lenzser and Byron Moore, to the DUII COMMUNITY ADVISORY BOARD***
- C-3 *In the Matter of the Appointment of Arnold Dingley to the FOOD SERVICE ADVISORY COMMITTEE***

- C-5 *Ratification of Amendment No. 2 to Intergovernmental Agreement Contract 500782 Between Multnomah County and the Regional Organized Crime Narcotics Agency (ROCN), Providing Civilian Employees of ROCN the Opportunity to Continue Participation in the County's Self-Insured Group Health Plan for the 1994-95 Plan Year, Subject to Premium Contribution*

SHERIFF'S OFFICE

- C-6 *Package Store Liquor License Change of Ownership Application Submitted by Sheriff's Office with Recommendation for Approval, for BOB'S CORNER GROCERY & DELI, 13110 SE DIVISION, PORTLAND*

COMMUNITY AND FAMILY SERVICES DIVISION

- C-8 *Ratification of Amendment No. 5 to Intergovernmental Agreement Contract 100274 Between Multnomah County and Oregon Health Sciences University, Increasing Non-Residential Adult Mental Health Services State Funds to Adjust for 91/92 Medicaid Match, Effective July 1, 1993 through June 30, 1994*
- C-9 *Ratification of Intergovernmental Agreement Contract 100635 Between Multnomah County and Tri Met, Providing Transportation to Employment and Alternative Services for People with Developmental Disabilities, for the Period July 1, 1994 through June 30, 1995*
- C-10 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 103224 Between Multnomah County and Portland Public Schools, Purchasing an Additional 44 Infant/Toddler Child Care Slots for Children of Teen Parents, for the Period Upon Execution through June 30, 1994*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-11 *Ratification of Amendment No. 7 to Intergovernmental Agreement Contract 3013087 Between Multnomah County and the City of Fairview, to Perform Certain Maintenance Functions on City Streets, for the Period July 1, 1994 through June 30, 1995*
- C-12 *Ratification of Amendment No. 7 to Intergovernmental Agreement Contract 3012987 Between Multnomah County and the City of Troutdale, to Perform Certain Maintenance Functions on City Streets, for the Period July 1, 1994 through June 30, 1995*
- C-13 *Ratification of Amendment No. 7 to Intergovernmental Agreement Contract 3012887 Between Multnomah County and the City of Wood Village, to Perform Certain Maintenance Functions on City Streets, for the Period July 1, 1994 through June 30, 1995*

NON-DEPARTMENTAL

C-4

In the Matter of the Appointment of Paul Bragdon to the MULTNOMAH COUNTY LIBRARY ADVISORY BOARD

COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF C-4. PAUL BRAGDON COMMENTS IN RESPONSE TO CHAIR STEIN ACKNOWLEDGEMENT. VICE-CHAIR COLLIER EXPRESSED APPRECIATION FOR MR. BRAGDON'S EFFORTS. APPOINTMENT UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

C-7

Restaurant Liquor License New Outlet Application Submitted by Sheriff's Office with Recommendation for Approval, for BIG BEAR'S CROWN POINT MARKET, 31815 E CROWN POINT HIGHWAY, TROUTDALE

MIKE EELING EXPLANATION IN RESPONSE TO QUESTIONS OF COMMISSIONER KELLEY. BOARD DISCUSSION WITH BOB HALL, KATHY FERRELL AND JOHN DuBAY. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, C-7 WAS UNANIMOUSLY CONTINUED TO THURSDAY, JUNE 23, 1994.

REGULAR AGENDA

SHERIFF'S OFFICE

R-1

Ratification of Intergovernmental Agreement Contract 800215 Between Multnomah County and Portland Community College, to Allow GED Testing for Inmates at Multnomah County Correctional Facilities and Provide Coordination with State Department of Education, for the Period July 1, 1994 through June 30, 1995

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-1. LARRY AAB EXPLANATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER SALTZMAN ADVISED HE WOULD ABSTAIN FROM VOTING DUE TO HIS POSITION ON THE PCC BOARD. AGREEMENT APPROVED, WITH COMMISSIONERS KELLEY, COLLIER, HANSEN AND STEIN VOTING AYE, AND COMMISSIONER SALTZMAN ABSTAINING.

R-2

Ratification of Intergovernmental Agreement Contract 800714 Between Multnomah County and the Port of Portland, for Lease of the Land and/or

Improvements Located at Terminal 1 for the River Patrol's Houseboat Moorage, for the Period May 1, 1994 through June 30, 2004

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-2. MR. AAB EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3** *Ratification of Intergovernmental Agreement 301904 Between METRO and Multnomah County, Providing County Participation in the South/North Transit Corridor Study Alternatives Analysis/Draft Environmental Impact Statement, for the Period January 1, 1994 through December 31, 1996*

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-3. ED PICKERING EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of Dunthorpe Riverdale Sanitary Service District No. 1)

- R-4** *RESOLUTION in the Matter of the Adoption of the 1994-95 Budget for Dunthorpe Riverdale Sanitary Service District No. 1, for the Fiscal Year July 1, 1994 to June 30, 1995 and Making the Appropriations Thereunder, Pursuant to ORS 294.435*

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-4. KERI HARDWICK EXPLANATION. RESOLUTION 94-116 UNANIMOUSLY APPROVED.

(Recess as the Governing Body of Dunthorpe Riverdale Sanitary Service District No. 1 and convene as the Governing Body of Mid County Street Lighting Service District No. 14)

- R-5** *RESOLUTION in the Matter of the Adoption of the 1994-95 Budget for Mid County Street Lighting Service District No. 14, for the Fiscal Year July 1, 1994 to June 30, 1995 and Making the Appropriations Thereunder, Pursuant to ORS 294.435*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF

**R-5. MS. HARDWICK EXPLANATION. RESOLUTION
94-117 UNANIMOUSLY APPROVED.**

*(Recess as the Governing Body of Mid County Street Lighting Service District
No. 14 and reconvene as the Board of County Commissioners)*

NON-DEPARTMENTAL

- R-6** *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the County Code Section 5.50.050(5) to Authorize Transfer of \$600,000 Per Year, for Three Years to the Portland Center for the Performing Arts (PCPA) and \$100,000 Per Year, for Three Years to the Metropolitan Arts Commission (MAC)*

**PROPOSED ORDINANCE READ BY TITLE ONLY.
COPIES AVAILABLE. COMMISSIONER HANSEN
MOVED AND COMMISSIONER KELLEY SECONDED,
APPROVAL OF R-6. NO ONE WISHED TO TESTIFY.
ORDINANCE 790 UNANIMOUSLY APPROVED.**

- R-7** *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Multnomah County Code, Section 5.10.090 and 5.10.160(D), Relating to Fees Assessed to Recover the Costs of Dishonored Checks*

**PROPOSED ORDINANCE READ BY TITLE ONLY.
COPIES AVAILABLE. COMMISSIONER KELLEY
MOVED AND COMMISSIONER HANSEN SECONDED,
APPROVAL OF R-7. NO ONE WISHED TO TESTIFY.
ORDINANCE 791 UNANIMOUSLY APPROVED.**

- R-8** *Second Reading and Possible Adoption of a Proposed ORDINANCE Relating to the Pay Ranges and COLA Increases for Exempt Employees and Repealing Ordinance Nos. 767, 774, 777 and 788*

**PROPOSED ORDINANCE READ BY TITLE ONLY.
COPIES AVAILABLE. COMMISSIONER COLLIER
MOVED AND COMMISSIONER HANSEN SECONDED,
APPROVAL OF R-8. NO ONE WISHED TO TESTIFY.
ORDINANCE 792 UNANIMOUSLY APPROVED.**

- R-9** *RESOLUTION in the Matter of Adopting and Defining the Various County Funds*

**COMMISSIONER SALTZMAN MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL OF
R-9. JEAN UZELAC EXPLANATION. RESOLUTION 94-
118 UNANIMOUSLY APPROVED.**

- R-10 *Ratification of an Amendment to Article 14, Section H of the Collective Bargaining Agreement Between Multnomah County, the Multnomah County Sheriff and the Multnomah County Deputy Sheriffs Association, for the Period 1992-95*

COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-10. KEN UPTON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AMENDMENT UNANIMOUSLY APPROVED.

- R-11 *RESOLUTION in the Matter of Creating the School Support Reserve Fund and Establishing Guidelines for Receipts and Disbursements*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF SUBSTITUTE RESOLUTION. COMMISSIONER SALTZMAN EXPLANATION. DAVE WARREN RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION AND COMMENTS. STEPHEN KAFOURY, SUSAN STONER, CAROL TURNER, TOM CROPPER, CHARLOTTE COOK, ED SHEETS AND VICKY BARROWS TESTIMONY IN SUPPORT OF SCHOOLS. BOARD COMMENTS. RESOLUTION 94-119 IN THE MATTER OF CREATING THE SCHOOLS/COUNTY BENCHMARK ACCOUNT AND ESTABLISHING GUIDELINES FOR RECEIPTS AND DISBURSEMENTS UNANIMOUSLY APPROVED.

- R-12 *RESOLUTION in the Matter of the Adoption of the 1994-95 Budget for Multnomah County, Oregon, for the Fiscal Year July 1, 1994 to June 30, 1995 and Making the Appropriations Thereunder, Pursuant to ORS 294.435*

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-12. KATHY MINDEN AND SHARON GARY-SMITH TESTIMONY IN SUPPORT OF FUNDING CHILDREN AND FAMILY PROGRAMS. FOLLOWING DAVE WARREN AND LARRY AAB EXPLANATION, AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE INCLUSION OF TECHNICAL AMENDMENT SO 9 WAS UNANIMOUSLY APPROVED. FOLLOWING TOM SIMPSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS, AND UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER HANSEN, THE INCLUSION OF CARRYOVER AMENDMENT DA 11

WAS UNANIMOUSLY APPROVED. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, INCLUSION OF THE TECHNICAL, REVENUE, CARRYOVER AND PROGRAM AMENDMENTS CONTAINED IN ATTACHMENT B WERE UNANIMOUSLY APPROVED. FOLLOWING EXPLANATION AND RESPONSE TO BOARD QUESTIONS, AND UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER SALTZMAN, INCLUSION OF THE RESPONSE TO RECOMMENDATIONS FROM THE TAX SUPERVISING AND CONSERVATION COMMISSION CONTAINED IN ATTACHMENT C WAS UNANIMOUSLY APPROVED. FOLLOWING BOARD DISCUSSION REGARDING PROPOSED BUDGET NOTES, AND UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, AN AMENDMENT TO THE WORDING OF BUDGET NOTE 2 AND THE INCLUSION OF 14 BUDGET NOTES WERE UNANIMOUSLY APPROVED. RESOLUTION 94-120, AS AMENDED, UNANIMOUSLY APPROVED.

R-13 *RESOLUTION in the Matter of Levying Ad Valorem Property Taxes for Multnomah County, Oregon for Fiscal Year 1994-95*

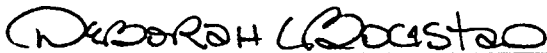
UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER SALTZMAN, RESOLUTION 94-121 WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

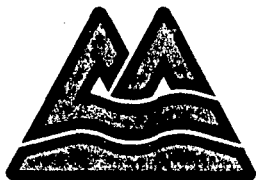
R-14 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

There being no further business, the meeting was adjourned at 11:37 a.m.

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



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JUNE 13, 1994 - JUNE 17, 1994

Monday, June 13, 1994 - 2:00 PM - Budget Work Session Page 2

Monday, June 13, 1994 - 6:00 PM - Land Use Hearing Page 2
Portland Building Second Floor Auditorium
1120 SW Fifth, Portland

Tuesday, June 14, 1994 - 9:30 AM - Budget Work Session Page 2

Tuesday, June 14, 1994 - 1:30 PM - Planning Items Page 2

Wednesday, June 15, 1994 - 9:30 AM - Budget Work Session Page 3

Wednesday, June 15, 1994 - 1:30 PM - Budget Work Session Page 3

Thursday, June 16, 1994 - 9:30 AM - Regular Meeting Page 3

*Thursday Meetings of the Multnomah County Board of Commissioners are
taped and can be seen by Paragon Cable subscribers at the following times:*

Thursday, 6:00 PM, Channel 30 - East County only
Friday, 10:00 PM, Channel 30
Saturday, 12:30 PM, Channel 30
Sunday, 1:00 PM, Channel 30

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

Monday, June 13, 1994 - 2:00 PM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

- WS-1** *The Multnomah County Board Will Propose, Review and Discuss Amendments to the 1994-95 Multnomah County Budget*
-

Monday, June 13, 1994 - 6:00 PM

*Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland*

**MULTNOMAH COUNTY COMMISSION/PLANNING COMMISSION
JOINT LAND USE HEARING**

- PH-1** *The County Commission and Planning Commission Will Conduct a Joint Public Hearing to Take Testimony on the Completed Goal 5 Work Pertaining to the West Hills and Howard Canyon Area Reconciliation Reports. The Hearing Will be Conducted in a Quasi-Judicial Manner and Only Evidence Germane to Either Report Will be Accepted.*
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Tuesday, June 14, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

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- WS-1** *The Multnomah County Board Will Propose, Review and Discuss Amendments to the 1994-95 Multnomah County Budget*
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Tuesday, June 14, 1994 - 1:30 PM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

- P-1** *PRE 1-94 Review the May 11, 1994 Hearings Officer Decision DENYING Appeal and Affirming Planning Director's Decision, for Property Located at 41313 SE TROUTCREEK ROAD, CORBETT*
- P-2** *ORDER in the Matter of the Appointments of Multnomah County Planning and Zoning Hearings Officers*
-

Wednesday, June 15, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

- WS-3 *The Multnomah County Board Will Propose, Review and Discuss Amendments to the 1994-95 Multnomah County Budget*
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Wednesday, June 15, 1994 - 1:30 PM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION - IF NEEDED

- WS-4 *The Multnomah County Board Will Propose, Review and Discuss Amendments to the 1994-95 Multnomah County Budget*
-

Thursday, June 16, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointments of Jo Ann Allen, Chris Cameron, Warren Cook, Lance Duncan, Linda Easley, Shelley Immel, Chris Johnson, Karen Rhein, Jim Stegmiller, Theresa Sullivan and Nancy Wilson as Voting Members to the CAMPAIGN MANAGEMENT COUNCIL*
- C-2 *In the Matter of the Appointments of Dave Hadley, Peter Roscoe, Anthony Borzotta, Sam Bush and Carolyn Brattain; and the Reappointments of Doug Bray, Charleah Couckuyt, Dan Croy, Carole Ford, Fred Lenzser and Byron Moore, to the DUII COMMUNITY ADVISORY BOARD*
- C-3 *In the Matter of the Appointment of Arnold Dingley to the FOOD SERVICE ADVISORY COMMITTEE*
- C-4 *In the Matter of the Appointment of Paul Bragdon to the MULTNOMAH COUNTY LIBRARY ADVISORY BOARD*
- C-5 *Ratification of Amendment No. 2 to Intergovernmental Agreement Contract 500782 Between Multnomah County and the Regional Organized Crime*

Narcotics Agency (ROCN), Providing Civilian Employees of ROCN the Opportunity to Continue Participation in the County's Self-Insured Group Health Plan for the 1994-95 Plan Year, Subject to Premium Contribution

SHERIFF'S OFFICE

- C-6 *Package Store Liquor License Change of Ownership Application Submitted by Sheriff's Office with Recommendation for Approval, for BOB'S CORNER GROCERY & DELI, 13110 SE DIVISION, PORTLAND*
- C-7 *Restaurant Liquor License New Outlet Application Submitted by Sheriff's Office with Recommendation for Approval, for BIG BEAR'S CROWN POINT MARKET, 31815 E CROWN POINT HIGHWAY, TROUTDALE*

COMMUNITY AND FAMILY SERVICES DIVISION

- C-8 *Ratification of Amendment No. 5 to Intergovernmental Agreement Contract 100274 Between Multnomah County and Oregon Health Sciences University, Increasing Non-Residential Adult Mental Health Services State Funds to Adjust for 91/92 Medicaid Match, Effective July 1, 1993 through June 30, 1994*
- C-9 *Ratification of Intergovernmental Agreement Contract 100635 Between Multnomah County and Tri Met, Providing Transportation to Employment and Alternative Services for People with Developmental Disabilities, for the Period July 1, 1994 through June 30, 1995*
- C-10 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 103224 Between Multnomah County and Portland Public Schools, Purchasing an Additional 44 Infant/Toddler Child Care Slots for Children of Teen Parents, for the Period Upon Execution through June 30, 1994*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-11 *Ratification of Amendment No. 7 to Intergovernmental Agreement Contract 3013087 Between Multnomah County and the City of Fairview, to Perform Certain Maintenance Functions on City Streets, for the Period July 1, 1994 through June 30, 1995*
- C-12 *Ratification of Amendment No. 7 to Intergovernmental Agreement Contract 3012987 Between Multnomah County and the City of Troutdale, to Perform Certain Maintenance Functions on City Streets, for the Period July 1, 1994 through June 30, 1995*
- C-13 *Ratification of Amendment No. 7 to Intergovernmental Agreement Contract 3012887 Between Multnomah County and the City of Wood Village, to Perform Certain Maintenance Functions on City Streets, for the Period July 1, 1994 through June 30, 1995*

REGULAR AGENDA

SHERIFF'S OFFICE

- R-1 *Ratification of Intergovernmental Agreement Contract 800215 Between Multnomah County and Portland Community College, to Allow GED Testing for Inmates at Multnomah County Correctional Facilities and Provide Coordination with State Department of Education, for the Period July 1, 1994 through June 30, 1995*
- R-2 *Ratification of Intergovernmental Agreement Contract 800714 Between Multnomah County and the Port of Portland, for Lease of the Land and/or Improvements Located at Terminal 1 for the River Patrol's Houseboat Moorage, for the Period May 1, 1994 through June 30, 2004*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 *Ratification of Intergovernmental Agreement 301904 Between METRO and Multnomah County, Providing County Participation in the South/North Transit Corridor Study Alternatives Analysis/Draft Environmental Impact Statement, for the Period January 1, 1994 through December 31, 1996*

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of Dunthorpe Riverdale Sanitary Service District No. 1)

- R-4 *RESOLUTION in the Matter of the Adoption of the 1994-95 Budget for Dunthorpe Riverdale Sanitary Service District No. 1, for the Fiscal Year July 1, 1994 to June 30, 1995 and Making the Appropriations Thereunder, Pursuant to ORS 294.435*

(Recess as the Governing Body of Dunthorpe Riverdale Sanitary Service District No. 1 and convene as the Governing Body of Mid County Street Lighting Service District No. 14)

- R-5 *RESOLUTION in the Matter of the Adoption of the 1994-95 Budget for Mid County Street Lighting Service District No. 14, for the Fiscal Year July 1, 1994 to June 30, 1995 and Making the Appropriations Thereunder, Pursuant to ORS 294.435*

(Recess as the Governing Body of Mid County Street Lighting Service District No. 14 and reconvene as the Board of County Commissioners)

NON-DEPARTMENTAL

- R-6 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the County Code Section 5.50.050(5) to Authorize Transfer of \$600,000 Per*

Year, for Three Years to the Portland Center for the Performing Arts (PCPA) and \$100,000 Per Year, for Three Years to the Metropolitan Arts Commission (MAC)

- R-7 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending the Multnomah County Code, Section 5.10.090 and 5.10.160(D), Relating to Fees Assessed to Recover the Costs of Dishonored Checks*
- R-8 Second Reading and Possible Adoption of a Proposed ORDINANCE Relating to the Pay Ranges and COLA Increases for Exempt Employees and Repealing Ordinance Nos. 767, 774, 777 and 788*
- R-9 RESOLUTION in the Matter of Adopting and Defining the Various County Funds*
- R-10 Ratification of an Amendment to Article 14, Section H of the Collective Bargaining Agreement Between Multnomah County, the Multnomah County Sheriff and the Multnomah County Deputy Sheriffs Association, for the Period 1992-95*
- R-11 RESOLUTION in the Matter of Creating the School Support Reserve Fund and Establishing Guidelines for Receipts and Disbursements*
- R-12 RESOLUTION in the Matter of the Adoption of the 1994-95 Budget for Multnomah County, Oregon, for the Fiscal Year July 1, 1994 to June 30, 1995 and Making the Appropriations Thereunder, Pursuant to ORS 294.435*
- R-13 RESOLUTION in the Matter of Levying Ad Valorem Property Taxes for Multnomah County, Oregon for Fiscal Year 1994-95*

PUBLIC COMMENT

- R-14 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

Feb



Beverly Stein, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
P.O. Box 14700
Portland, Oregon 97204
(503) 248-3308

MEMORANDUM

TO : Board of County Commissioners
Office of the Board Clerk
FROM : Beverly Stein
DATE : April 19, 1994
RE : Absence from Board Meetings

I will be attending a meeting of the Annie E. Casey Foundation in Greenwich, Connecticut from May 16-18 and will miss the Tuesday May 17 Board Meeting.

Also, during the afternoon of ~~Thursday~~ ^{Tuesday} June 14 I will be in meetings with representatives of the Annie E. Casey Foundation and will not attend the afternoon Board Planning Meeting.

cc: Chair's Staff

BOARD OF
COUNTY COMMISSIONERS
1994 APR 20 PM 2:16
MULTNOMAH COUNTY
OREGON



MEETING DATE: June 14, 1994

AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PRE 1-94 Hearings Officer Decision

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: June 14, 1994

Amount of Time Needed: 2 Minutes

DEPARTMENT: DES DIVISION: Planning and Development

CONTACT: R. Scott Pemble TELEPHONE #: 3182
BLDG/ROOM #: 411/103

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☒ DENIAL
☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

PRE 1-94 Review May 11, 1994 Hearings Officer Decision,
denying appeal and affirming Planning Director's Decision,
or property located at 41313 SE Troutcreek Road

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER:

[Signature] *[Signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1994 JUN - 7 PM 12:24



BOARD HEARING OF June 14, 1994

CASE NAME: Appeal of Planning Director Decision

TIME 2:00 pm

NUMBER PRE 1-94

1. Applicant/Appellant Name/Address:

John Lehman and Karen Yoder-Lehman
40601 SE Trout Creek Road
Corbett, OR 97019

2. Action Requested by appellant:

Appeal of Condition #2 of Planning Director decision which approved the replacement of a mobile home with a new residence in the CFU district. Condition #2 required the new residence to be located within 500 feet of Trout Creek Road.

ACTION REQUESTED OF BOARD

- ☒ Affirm Plan.Com./Hearings Officer
- ☐ Hearing/Rehearing
 - ☐ Scope of Review
 - ☐ On the record
 - ☐ De Novo
 - ☐ New Information allowed

3. Planning Director Decision: Approved, subject to conditions.

4. Hearings Officer Decision: Denied appeal and affirmed Planning Director decision, including condition #2.

5. If decisions are different, why? Same

ISSUES

(who raised them?)

MCC 11.15.2074(A)(4) states that *"any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required"*. The appellant's arguments for locating the home more than 500 feet from Trout Creek Road were that the proposed location would allow better security and access to pastures which in the future will be used for raising goats; that the soil at the proposed homesite is less suited to farming; that the home and a proposed barn for the goats needed to be located away from a drainage swale and pond; and that the proposed location would allow an existing farm lane to be used for access. The Hearings Officer found that it is not necessary to have the proposed home near the proposed barn, nor is it necessary for either to be located more than 500 feet from Trout Creek Road; soil type is not a relevant physical limitation; there are other locations within 500 feet of the road that would not affect the drainage swale and pond; and existing farm lanes to the proposed home site are irrelevant.



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

**DECISION
OF THE HEARINGS OFFICER**

This decision consists of Findings and Conclusions
May 11, 1994

PRE 1-94 (Appeal)	Appeal of Condition of Approval of a Use Under Prescribed Conditions	Sectional Zoning Map # 811
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I. SUMMARY

Location: 41313 SE Troutcreek Road, Corbett

Legal: Tax lots '7' and '9', Section 18, Township 1 South, Range 5 East, WM, Multnomah County

Site size: 100.73 acres

Owner/Applicant/Appellant: John Lehman and Karen Yoder-Lehman

Comp Plan/Zone: Commercial Forest Use and CFU

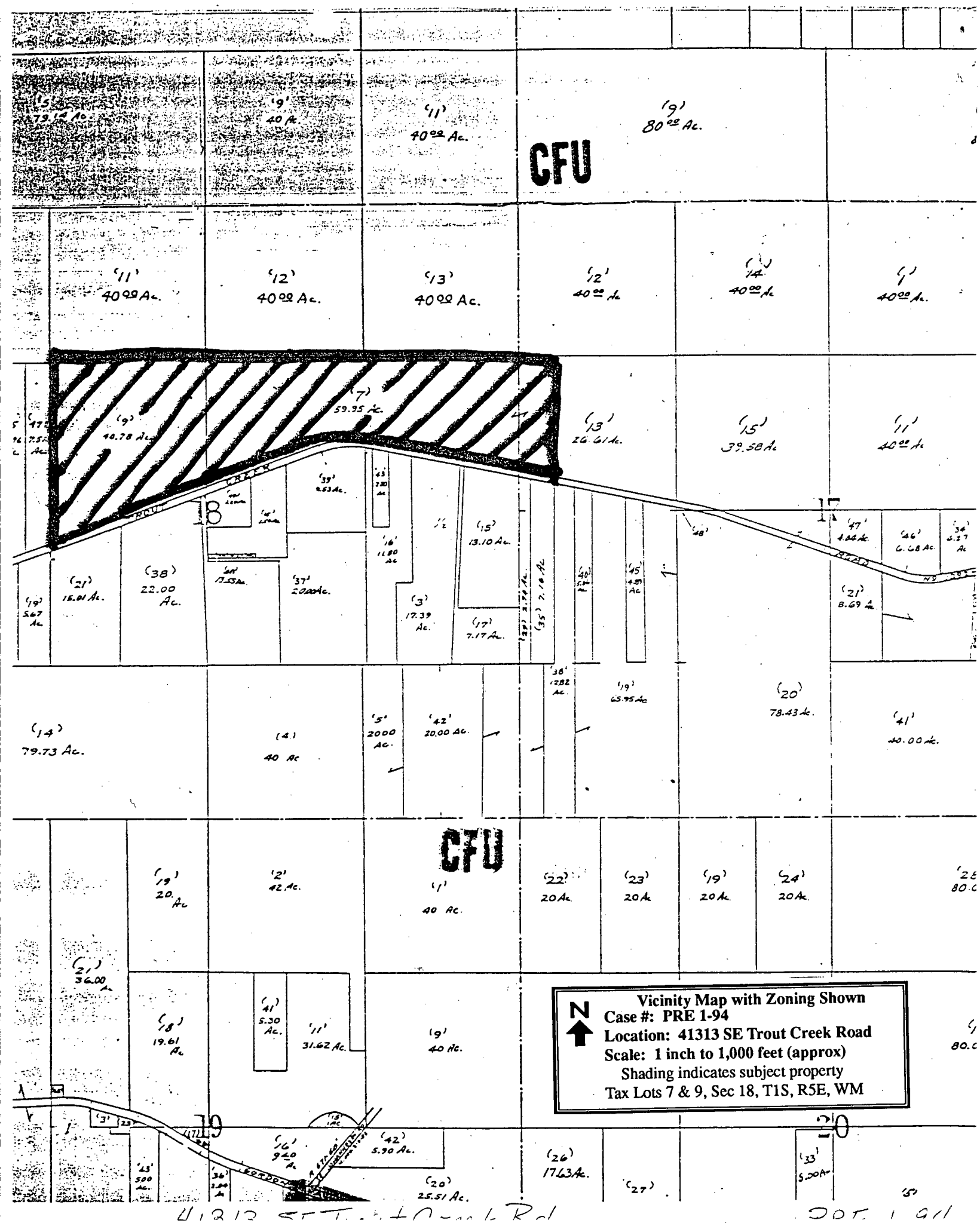
Decision: Appeal denied; planning director decision affirmed

On February 17, 1994, Mr. and Mrs. Lehman (the "applicants") submitted an application for a "Use Under Prescribed Conditions" ("PRE") under MCC 11.15.2049(A).¹ The applicants proposed to replace an existing mobile home (near the Troutcreek Road frontage) with a new home (about 650 to 700 feet from Troutcreek Road).

MCC .2049(A) allows an existing home to be replaced subject to two approval criteria. One criterion requires that, if the access road to the dwelling is more than 500 feet long, the applicant must show that it needs to be that long due to physical limitations, and that it is the minimum length needed (MCC .2074(A)(4)). The planning director approved the PRE subject to conditions of approval. Condition of approval 2 prohibits the road serving the new home from being longer than 500 feet (measured from Troutcreek Road).

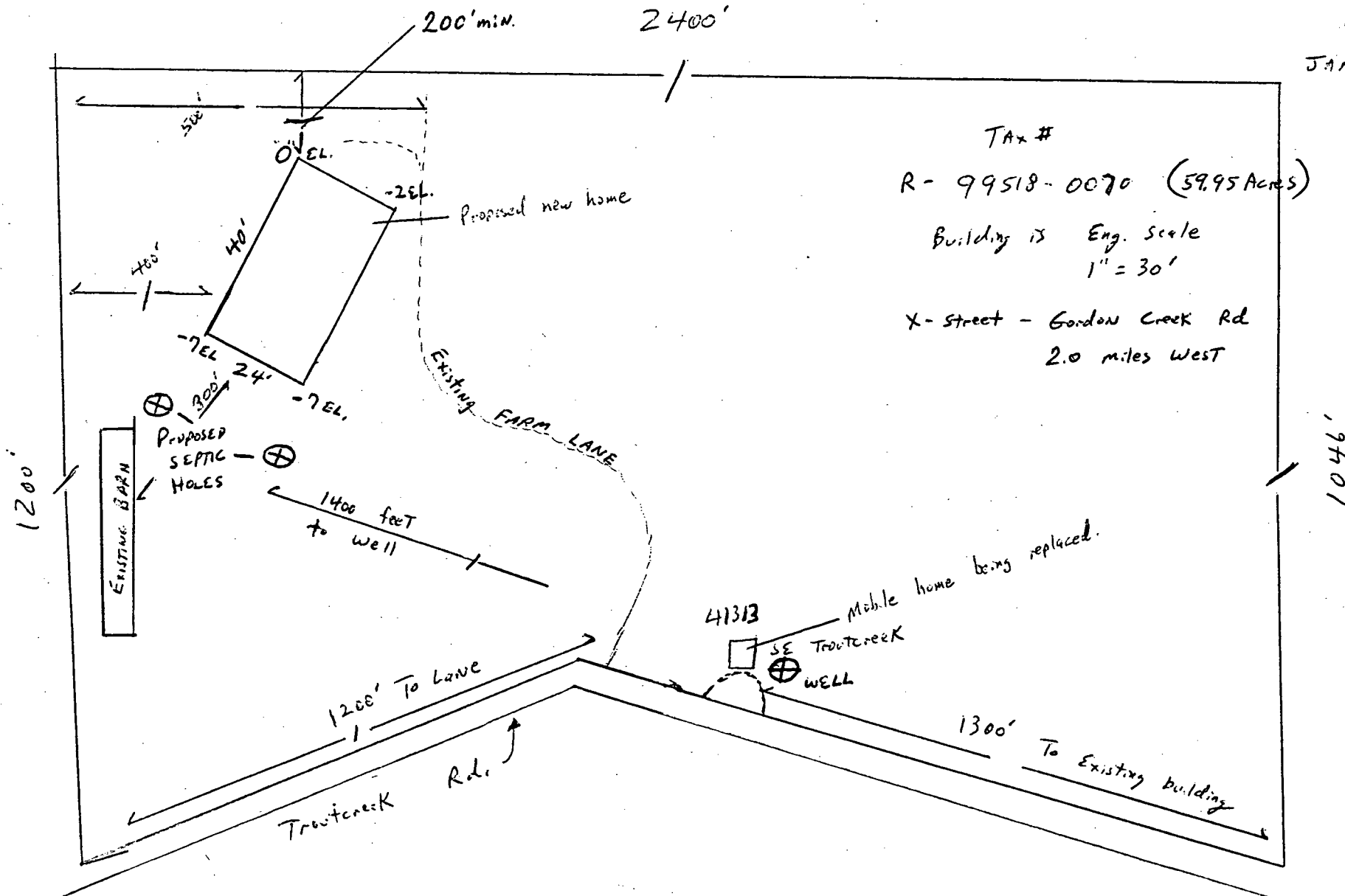
The applicants appealed that condition. They argued the home must be more than 500 feet from Troutcreek Road so the home can be on a south slope near a proposed barn and the existing main pasture; that the location of a drainage swale and pond on the site precludes a home location closer to the road; that the suitability of the soil for agricultural purposes is better within 500 feet of the road than where the home is proposed; that the planning director erred by finding that the proposed home location would conflict with forest practices on adjoining land and would take more additional land out of resource use than if the home is located closer to the road; and that the proposed home location is necessary to enable the applicants to observe the pasture and better manage the property.

¹ A section in Multnomah County Code Chapter 11.15 is hereafter abbreviated as MCC .xxxx consistent with the citation format in the chapter.



NORTH

JAN 10 1994



TAX #
R- 99518-0070 (59.95 Acres)

Building is Eng. scale
1" = 30'

X- Street - Gordon Creek Rd
2.0 miles West

PLOT PLAN

J. Thomas Lehman
40601 SE Troutcreek Rd
Corbett, OR 97019
695-2836

Mailing
Address

Hearings Officer Larry Epstein held a public hearing April 20, 1994 regarding the appeal. The hearings officer subsequently visited the site without the company of others. The hearings officer finds that the appellants failed to bear the burden of proving that physical conditions on the site preclude siting the home within 500 feet of Troutcreek Road and that the proposed drive is the minimum length necessary. Therefore, the hearings officer denies the appeal and affirms the condition of approval imposed by the planning director.

II. BASIC FACTS

1. The subject site is situated on the north side of Troutcreek Road about two miles east of its intersection with Gordon Creek Road and more than a mile west of the end of the road. The site is irregular in shape. It is about 4200 feet wide (east-west) and varies from about 800 to 1600 feet deep (north-south), based on the county assessment and taxation maps. It has about 4500 feet of frontage along Troutcreek Road. The site contains slightly more than 100 acres and consists of two tax lots which are aggregated for zoning purposes.

2. The east half of the site is relatively level pasture, based on the aerial photograph, the SCS Soil Survey for Multnomah County, the USGS quarter section map, and the hearings officer's site visit.

a. Based on the SCS Soil Survey, soils on this part of the site are Cazadero silty clay loam. This part of the site is relatively flat. It has an agricultural capability class of IIe, indicating it is well suited for farming. It has a Douglas fir site index of 155 to 172, indicating it is well suited for timber.

b. North and east of that pasture is the edge of a forested area that extends north and east, respectively, onto adjoining property. Based on the applicant's May 15, 1992 "Forest Stewardship Management Plan," (the "Forest Plan"), about 19 acres of timber has been or is being selectively thinned in this area. The measures in the forest plan are approved for cost-sharing from the USDA through its US Forest Service Incentive Program ("SIP").

c. A landing strip extends east-west through the middle of the pasture area. The landing strip is registered with the Oregon Department of Transportation ("ODOT"), based on the January 4, 1994 statement from ODOT. It is not clear from the record how often the landing strip is used. The strip has a turf surface. It does not show evidence of significant use, based on the hearings officer's site visit.

d. There is a small grove of mostly conifer trees around a mobile home near the middle of the Troutcreek Road frontage of the east half of the site. There is a well and septic system in the vicinity of the mobile home. There is vehicular access from the mobile home site to Troutcreek Road at a point from which there is more than 500 feet of site distance along the road.

3. The west half of the site also is predominantly pasture, although with a much more varied topography, based on the aerial photograph, the SCS Soil Survey for Multnomah County, the USGS quarter section map, and the hearings officer's site visit.

a. At the southwest corner of the site is a relatively large pond (about 800 feet east-west by about 400 feet north-south). A drainage swale extends from about the middle of the site to the pond. The bottom of the swale is about 20 to 30 feet below the top of the swale. It is more deeply incised at its east end and widens and becomes more shallow as it approaches the pond. The swale, like the rest of the site, is well-vegetated

and does not show evidence of significant erosion or earth movement. From the pond, the pasture extends up (to the north) to a series of plateaus and intervening slopes.

b. There was gullying on the steep slope north of the pond. Based on the Forest Plan, the applicant repaired this area. The hearings officer did not observe significant gullying. Also based on the Forest Plan, the applicant has or intends to enhance fish and wildlife habitat in and around the pond by installing structures suitable for fish, providing sand and gravel areas suitable for spawning, and sowing rice around the pond.

c. The south edge of the west half of the site contains a mix of mature conifer trees and relatively young conifer tree stock. The applicant planted the young conifers in 1992 and 1994 south of the pond and bottom of the drainage swale, consistent with the approved Forest Plan. Also based on the Forest Plan, the applicant has or will thin 2 acres of the mature trees, establish 32 bird boxes in the treed area, and plant 2 acres with materials of value for wildlife food.

c. The west half of the site contains Cazadero silty clay loam with slopes of 0 to 30 percent. On slopes of less than 8 percent, this soil is the same as described above for the east half of the site. On slopes of 8 to 15 percent, the soil has an agricultural capability class of IIIe, indicating it is well suited for farming. On slopes of 15 to 30 percent, the soil has an agricultural capability class of IVe, indicating it is less suited for farming, although it will support a wide variety of crops. The Douglas fir index is 155 to 172 on this soil up to 30 percent slope, indicating it is suitable for timber.

d. There is a small structure between the east and west halves of the site. The applicant characterizes it as a "barn." Based on a site inspection, the hearings officer would describe it as a series of connected and roofed trusses with a peak about 8 feet above grade. The base of the roofed area is about 20 to 25 feet long and about 5 feet deep. About 1700 linear feet of the west portion of the site is fenced with a two-strand electric wire fence, which the hearing officer observed. The fenced area includes the "barn." The hearings officer observed a non-electric wire fence along the north edge of the west half of the site, and other edges of this area also may be fenced to secure animals in the pasture.

e. Based on the site visit, a vehicle track extends from near the center of the Troutcreek Road frontage north to the west end of the landing strip, west to near the "barn", and north into the treed area along the north edge of the site. This vehicle track amounts to little more than that. It shows evidence of having been used for a relatively small volume of farm/forest-related traffic. It consists mostly of turf until it enters the treed area, where it consists of dirt. It is perhaps 8 to 10 feet wide. This track is identified as a "farm lane" on the applicant's preliminary site plan.

4. The area in the vicinity of the site is largely agricultural and forested.

a. North of the site is a predominantly forested tract. However, (contrary to the planning director's decision), there is a single family home north of the middle of the site very near its north edge. This home was sited in 1992. It is not evident that that home complies with the 200-foot setback required in the zone. It is not clear under what authority that home was sited, although county staff confirmed for the hearings officer that a permit was issued for that home. It appears access to the home is provided by a private drive that extends from Troutcreek Road west and east of the Lehman site.

b. West of the site is predominantly forested and pasture land. There are two homes and agricultural outbuildings on the property west of the Lehman site. The Lehmans now live in one of those homes.

c. South of Troutcreek Road opposite the site, the land is divided into relatively small lots (for the CFU zone) used for a mixture of agricultural, forestry, and rural residential purposes. Many of the properties to the south appear to be used at least in part for animal husbandry; the hearings officer observed horses in fenced pastures.

d. East of the site, the land is predominantly forested with few homes.

5. The applicants propose to replace the existing mobile home by building a new home near the middle of the north edge of the site.² The proposed homesite is on or near the top of a roughly 15 to 20 percent south-facing slope. It is about 1400 feet northwest of the existing well. The applicant will extend a line to the well to serve the new home. A new subsurface sanitation system will be installed for the new home. The proposed drainfield locations are at the base of the steep slope south of the homesite and north of the existing "barn." The applicant proposes to provide electric utility service from a line north of the site. That line was installed to serve the existing home to the north.

6. The applicants propose to build a new barn about 160 feet west of the proposed home. As a farm structure, the proposed barn would be exempt from building permit requirements. See the "Exempt Farm Structure" form and attached map in the record.

III. HEARINGS AND RECORD

1. Hearings Officer Larry Epstein held a duly noticed public hearing at 2115 SE Morrison Street, Portland, Oregon on April 20, 1994 to consider the appeal. A record of the testimony received at the hearing is included herein as Exhibit A (Minutes and Parties of Record), Exhibit B (Taped Proceedings), and Exhibit C (Written Testimony). These exhibits are filed at the Multnomah County Department of Environmental Services.

2. At the April 20 hearing, the following testimony was offered in relevant part.

a. County planner Sandy Mathewson summarized the planning director's decision. She identified the criterion that is relevant to the appeal of the condition of approval imposed by the planning director and explained why she believed the application did not comply with that criterion.

b. John Lehman and Karen Yoder-Lehman testified on their own behalf. Mr. Lehman offered evidence that he is an expert in matters involving agriculture, forestry, and crop dusting. The hearings officer accepted his credentials. In summary, Mr. and/or Mrs. Lehman made the following arguments orally and/or in writing:

(1) The planning director erred in finding the proposed homesite would conflict with forest practices on adjoining land to the north, because there is a home

² The applicant states that the home will be more than 200 feet from the north property line. Based on the hearings officer's site visit, the proposed homesite is within roughly 50 feet of the ridge near the north edge of the site. In a brief ex parte contact with Mr. Lehman at the conclusion of the site visit, he advised the hearings officer that the property line is north of the ridge and more than 200 feet from the proposed home location. There is no substantial evidence in the record supporting his statement, such as a survey. The hearings officer is not convinced that the proposed home location is at least 200 feet from the north property line. But, given the decision, the issue of compliance with the setback standard is moot. Compliance with required setbacks could be addressed by requiring the applicant to submit a survey or other substantial evidence regarding the location of the home, if it was approved more than 500 feet from Troutcreek Road.

on the adjoining land near the north edge of the site.³ Moreover, due to the topography, aerial spraying of the forest land to the north would be oriented east-west, to follow the contour of the land. Therefore, spray would be less likely to drift over the ridge and onto the applicant's proposed homesite.

(2) The planning director erred in finding a road longer than 500 feet would take more land out of production. The existing "farm lane" would provide access to the new homesite; therefore, no additional land need be taken out of production for the roadway to the home.

(3) Physical conditions on the property require the homesite to be where it is proposed to be.

(a) Distance, the existing structure, and topography are physical conditions. The dwelling needs to be close to the existing and proposed barns to make it convenient to move among those structures and the pasture for farmwork (such to tend animals, e.g., to milk goats twice daily). It also needs to be situated where the residents can view the whole property, so they can watch the animals in the pasture (such as to protect against predator attacks). Due to the topography of the site, the home must be on the north edge to allow adequate views of the whole site.

(b) Slope and the existing drainage swale are physical conditions. The dwelling (and barn) need to be far enough from the drainage swale so that effluent does not pollute the water. The proposed septic system site is well suited for that purpose. The barn needs to be on a south slope to dry out bacteria.

(c) Agricultural capability of the soil is a physical condition. The dwelling should be where proposed, because that is where some of the worst soil on the site is situated. If the dwelling is within 500 feet of Troutcreek Road, the homesite will occupy soil with a higher agricultural capability class.

(d) The forest and wildlife habitat areas of the site are physical conditions. A homesite within 500 feet of Troutcreek Road would conflict with the existing and new forest and wildlife habitat along the road frontage, because it would consume some of that area.

(4) The condition of approval violates the purposes of the CFU zone and severely detracts from the applicant's ability to conduct agricultural and forest activities.

IV. APPLICABLE LAW AND RESPONSIVE FINDINGS

1. The relevant approval standard in this case is MCC .2074(A) which states in relevant part:

A. The dwelling or structure shall be located such that: ...

(1) It has the least impact on nearby or adjoining forest or agricultural lands ...;

(2) Forest operations and accepted farming practices will not be _____ curtailed or impeded;

³ The implication is that, because one home already is present, the potential harm to forest practices has already been done, and another home will do no harm or not much greater harm.

(3) *The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;*

(4) *Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required...*

2. The hearings officer finds that the purposes of the CFU zone are not relevant to the appeal, because they are not relevant to the cited approval standard or any other standard applicable to a replacement dwelling.

3. The main issue in this case is whether physical limitations unique to the property make a road more than 500 feet long necessary in this case. The hearings officer finds the terms "physical limitations", "unique", and "necessary" are not defined by the code and are ambiguous. The hearings officer construes them as follows:

a. The hearings officer finds that such matters as slope, soil, distance, views, existing structures and uses, waterbodies, habitat and drainage features are physical conditions. However, the applicant's Forest Plan is only a plan. It is not a physical limitation. The county is not obligated to follow the plan or to approve a dwelling that is consistent with the plan. Therefore, whether or not the dwelling location is consistent with the Forest Plan is not relevant. Moreover, the Forest Plan does not preclude a dwelling located within 500 feet of Troutcreek Road. There is ample area east of the midpoint of the site's Troutcreek Road frontage where a home could be sited without affecting the specific provisions in the Forest Plan. The Forest Plan does not address that area at all.

b. Webster's NEW WORLD DICTIONARY defines "necessary" as follows:

*That which cannot be dispensed with; essential; indispensable:
as, water is necessary to life.*

The hearings officer construes the word "necessary" in MCC .2074(A)(4) to mean "essential or indispensable."

c. The hearings officer construes "unique to the property" to mean that the physical limitation is not one commonly found in the same vicinity or district.

4. The hearings officer finds the planning director erred by failing to acknowledge the existence of the home to the north. But the hearings officer finds that the planning director correctly found that the proposed home location does not have the least impact on nearby or adjoining forest lands and will impede accepted forest practices, based on the following rationale:

a. The home north of the proposed homesite impedes forest practices on the land north of the site, because the home would be affected by aerial spraying of timber on that site. A new home where proposed would add to the potential conflict between residential and forest uses. There would be two homes that could be affected by aerial spraying; not just one. The potential for a conflict would be greater with the proposed home, because aerial spraying on the land to the north would not benefit the applicant's site; in contrast, residents of the home on the land north of the site are more likely to be willing to endure the adverse effects of aerial spraying without complaint, because it benefits their land.

b. The hearings officer acknowledges and accepts that aerial spraying is likely to follow a ~~east-west~~ route, and that the location of the ridge north of the proposed homesite would reduce the potential for aerial spray to spread over the Lehman site. But the record is not sufficient to show that spray will not spread onto the property and would not conflict with residents of a home in the proposed location.

c. A home near Troutcreek Road frontage would have the least impact on nearby forest and farm lands, because there are other homes along that frontage.

5. The hearings officer concludes unique, physical conditions do not make a road longer than 500 feet necessary, based on the following findings:

a. There is ample area within 500 feet of Troutcreek Road where a home could be sited; therefore, it must be sited there if at all. There are no physical limitations within 500 feet of Troutcreek Road on the east half of the site, except physical limitations that are not unique, such as soil type, or do not make a longer road necessary, such as views and periodic use of the landing strip, however convenient and desirable such a road might be to the applicants.

b. It is not relevant that placing a house within 500 feet of Troutcreek Road will use land that has a class II or III agricultural capability versus land that has a class IV agricultural capability. The relevant issue is whether physical limitations make it necessary to site the house with a drive more than 500 feet from the road. The applicant did not show that the house could not be sited on class II or III soils. The hearings officer finds that Class II and III soils can be used for a home. Although the specific location of soil district boundaries are unique to the property, the fact that class II or III soils will be used for a farm- or forest-related dwelling is not unique. The hearings officer finds that homes in the CFU zone commonly often are situated on land with a high agricultural capability class, because that is commonly the nature of the soil on those properties.

c. The hearings officer finds that it is not necessary to have the home near the existing "barn" and proposed barn. It is convenient and no doubt desirable to have the home near the barn, but, it is not indispensable to the operation to do so.

d. Moreover, even if it is necessary to have the proposed home near the proposed barn, it is not necessary for the proposed barn to be so far removed from Troutcreek Road. The new barn could be situated at the west end of the landing strip or near the existing "barn". A new home on the flat area between the road and the barn would be near enough and would reduce the length of the road necessary to serve the dwelling.

e. The hearings officer finds the applicant failed to show that the dwelling and proposed barn have to be such a long distance from the drainage swale to protect the swale from pollution. The hearings officer finds that a drainfield that complies with ODEQ standards will not cause pollution of surface or ground water. There is not sufficient evidence in the record to show that a barn would cause pollution. Moreover if distance is needed to separate the proposed barn from the drainage swale, the barn could be located elsewhere on the property. The proposed barn does not exist; it is not a physical condition.

f. A homesite within 500 feet of Troutcreek Road will not necessarily conflict with the forest and wildlife habitat area along the frontage of the west half of the site. For instance, a home could be located along the frontage of the eastern half of the site. Moreover, even if the home is sited on the west half of the site, contrary to the Forest Plan, it does not make a homesite location more than 500 feet from Troutcreek Road necessary.

There is ample area of the site where replacement trees could be planted and replacement habitat could be provided without detracting significantly if at all from the quality and quantity of forest and habitat.

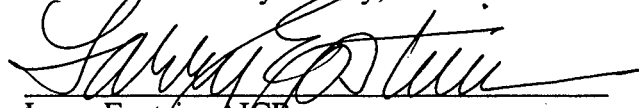
g. It is not relevant that there are farm lanes from Troutcreek Road to near the proposed homesite. That may reduce the impact of access for the new home, but it is irrelevant. The Code does not say an access road longer than 500 feet is permitted when it is an existing road. The Code asks whether physical conditions make violation of the 500-foot standard essential. The fact that there is a farm lane does not make it essential to use that farm lane.

V. CONCLUSIONS AND DECISION

1. The hearings officer concludes that the applicants failed to bear the burden of proving that the proposed replacement home site, which requires an access road more than 500 feet long, complies with MCC .2074(A)(1) through (4). Condition of approval no. 2 of the planning director's decision in the matter of PRE 1-94 is an appropriate condition to ensure compliance with MCC .2074(A)(1) through (4).

2. In recognition of the findings and conclusions contained herein, and incorporating the public testimony and exhibits received in this matter, the hearings officer hereby denies the appeal and affirms the planning director's decision in the matter of PRE 1-94, including condition of approval no. 2.

Dated this 11th day of May, 1994.


Larry Epstein, AICP
Multnomah County Hearings Officer

In The Matter Of:

PRE 1-94

Signed by Hearings Officer:	May 11, 1994
Decision Mailed to Parties:	May 20, 1994
Decision Submitted to Board Clerk:	May 20, 1994
Last Day to Appeal Decision:	May 31, 1994
Decision Reported to Board of County Commissioners:	June 14, 1994

Appeal to the Board of County Commissioners

The Hearings Officer Decision may be appealed to the Board of County Commissioners by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the Multnomah County Planning Offices within ten days after the Hearings Officer Decision is submitted to the Clerk of the Board. An appeal requires a completed "Notice of Review" form and a fee of \$300.00. Instructions and forms are available at the Planning Office at 2115 SE Morrison Street, Portland.

Failure to raise an issue by the close of the record or following the final hearing (either in person or by correspondence), precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond precludes appeal to LUBA on that issue.

To appeal the Hearings Officer Decision, a "Notice of Review" form and fee must be submitted to the Multnomah County Planning Director. For further information, call the Multnomah County Planning and Development Office at 248-3043.

MEETING DATE: June 14, 1994

AGENDA NO: P-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Hearings Officers Appointments

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: June 14, 1994

Amount of Time Needed: 5 Minutes

DEPARTMENT: DES DIVISION: Planning and Development

CONTACT: R. Scott Pemble TELEPHONE #: 3182
BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: R. Scott Pemble

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Appointment of Barry Adamson, Joan Chambers and Phillip Grillo
as 1994/95 Hearings Officers

6/14/94 copies to Scott Pemble &
Sharon Cowley

BOARD OF
COUNTY COMMISSIONERS
1994 JUN - 7 PM 12:25
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER:  

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

BOARD OF
COUNTY COMMISSIONERS

1994 JUN -7 PM 12:08

MULTNOMAH COUNTY
OREGON

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

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: R. SCOTT PEMBLE, PLANNING DIRECTOR

TODAY'S DATE: JUNE 3, 1994

REQUESTED PLACEMENT DATE: JUNE 14, 1994 BOARD MEETING ON PLANNING ITEMS

RE: FY 1994/95 HEARINGS OFFICER APPOINTMENTS

I. RECOMMENDATION/ACTION REQUESTED:

Request Board adopt an Order appointing Land Use Planning and Zoning Hearings Officers for Fiscal Year 1994/95.

II. BACKGROUND/ANALYSIS:

The existing Hearings Officer contracts expire June 30, 1994. Advertisements for Hearings Officer were placed in both the Oregon Bar publications and the Oregonian. Twenty two candidates applied for the three Hearings Officer positions. Each applicant was evaluated on their land use experience and writing skills. The Board must appoint Hearings Officers by Board Order. The attached order is the recommendation of the Hearings Officer Evaluation Panel.

III. FINANCIAL IMPACTS:

The FY 1994/95 Planning Division Budget includes \$30,000 dollars for Hearings Officer Professional Service contracts. Contracts will be negotiated with each appointment and the combined contract amounts will not exceed \$30,000.

IV. LEGAL ISSUES:

Planning and Zoning Hearings Officers must be appointed by Board Order pursuant to MCC §11.15.8110 and their powers and duties are prescribed in MCC §11.15.8115.

V. CONTROVERSIAL ISSUES:

None.

AN EQUAL OPPORTUNITY EMPLOYER

Board Briefing Memo - Hearings Officer Appointments

June 3, 1994

Page 2

VI. LINK TO CURRENT COUNTY POLICIES:

The Board has funded and appointed Hearings Officers for the past three years.

VII. CITIZEN PARTICIPATION:

A member of the Planning Commission was a member of the Hearings Officer Evaluation Panel. No other citizens were directly involved in the evaluation process.

Hearing participants are requested to complete a "Hearing Evaluation" form after their case has been deliberated by the Hearings Officer. Only one of the appointments has served as Multnomah County Hearings Officer, Phil Grillo. Most all respondents evaluating Mr. Grillo's cases have indicated the hearing was fair and rated the quality of the hearing as "Good" to "Excellent".

VIII. OTHER GOVERNMENT PARTICIPATION:

Not applicable.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

*In the Matter of the Appointments of)
Barry Adamson, Joan Chambers and) ORDER
Phillip Grillo as Multnomah County) 94-
Planning and Zoning Hearings Officers)*

WHEREAS, pursuant to Multnomah County Code chapter 11.15.8105, Planning and Zoning Hearings Officers are authorized; and

WHEREAS, pursuant to Multnomah County Code chapter 11.15.8110, Planning and Zoning Hearings Officers must be appointed by order of the Board of County Commissioners and shall serve at the pleasure of the Board; and

WHEREAS, the powers and duties of the Planning and Zoning Hearings Officers are prescribed in Multnomah County Code chapter 11.15.8115; and

WHEREAS, funds have been budgeted and are available for Hearings Officers in the adopted FY 1994/95 Multnomah County budget; now therefore

IT IS HEREBY ORDERED that Barry Adamson, Joan Chambers and Phillip Grillo are hereby appointed as Multnomah County Planning and Zoning Hearings Officers for the 1994/95 fiscal year.

ADOPTED this 14th day of June, 1994.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Beverly Stein, Chair

REVIEWED:

**LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON**



John L. DuBay

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Appointments of)
Barry Adamson, Joan Chambers and) **O R D E R**
Phillip Grillo as Multnomah County) 94-115
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ADOPTED this 14th day of June, 1994.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Tanya Collier, Vice-Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

John L. DuBay