

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Review of the Hearings Officer Decision which denied a Significant Environmental Concern (SEC) and Hillside Development (HD) permit for an amended design for private crossing over Balch Creek.

FINAL ORDER
DENYING SEC
6-91a, HDP4-91a
92-182

I. PROCEDURAL HISTORY

This matter arises from the installation of a stream culvert on the subject property without a Hillside Development (HD) permit and Significant Environmental Concern (SEC) permit. The County began enforcement proceedings in January, 1992. After the property owner, Dan M. McKenzie ("McKenzie"), applied for the permits, the planning director approved them on March 31, 1992. On appeal of the decision by the Friends of Forest Park ("FOFP"), the hearings officer overturned the planning director's approval and denied the permits on June 16, 1992. McKenzie appealed to the Board.

On August 25, 1992, the Board expanded the scope of review to include additional evidence and testimony on the classification of the stream running through the subject property. A hearing, including oral argument, was held September 22, 1992. The public testimony was closed. The record was held open until September 29, 1992, to allow FOFP to submit additional written argument and evidence; and until October 5, 1992, to allow McKenzie to submit

additional written argument and evidence. On October 13, 1992, the Board deliberated publicly and was unable to reach a decision either to uphold the hearings officer's decision or to reverse it.

II. CONCLUSION

The applicant has not successfully carried his burden of proof on the issues. The application for HD and SEC permits is denied.

DATED this 15th day of October, 1992.



By

Gladys McCoy
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

By

Peter Livingston
Peter Livingston
Assistant County Counsel
For Multnomah County, Oregon

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