

ANNOTATED MINUTES

Tuesday, April 9, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PLANNING ITEMS

Chair Beverly Stein convened the meeting at 9:38 a.m., with Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present, and Vice-Chair Dan Saltzman arriving at 9:40 a.m.

- P-1 CU 10-94; HV 28-95 Hearings Officer Decision APPROVING Conditional Use Approval and a Minor Variance to the Minimum Yard Setback Requirement, to Construct a Single Family Dwelling Not Related to Forest Management on a 17.8 Acre Lot of Record in the Commercial Forest Use Zoning District, on Property Located at 21574 NW GILKISON ROAD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-2 HDP 21-95 Hearings Officer Decision DENYING Appeal and Approving the Administrative Decision Approving a Hillside Development Permit to Allow the Construction of a Driveway and Single Family Dwelling in the Rural Residential Zoning District, on Property Located at 12625 NW GERMANTOWN ROAD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-3 PRE 2-95 DE NOVO HEARING, Testimony Limited To 20 Minutes Per Side Regarding Appeal of Hearings Officer Decision DENYING Appeal and AFFIRMING Planning Director's Decision Which Made a Determination of Substantial Development for a Single Family Dwelling on Property Located at 6125 NW THOMPSON ROAD, PORTLAND

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, COMMISSIONER SALTZMAN REPORTED EX PARTE CONTACTS WITH DAN MCKENZIE AND A SITE VISIT, AND ADVISED HE HAS NO BIAS IN THE MATTER. AT CHAIR STEIN'S

REQUEST FOR CHALLENGES, DAN McKENZIE REQUESTED THAT HE BE ALLOWED TO RESPOND TO THE APRIL 1 MEMO SUBMITTED BY ARNOLD ROCHLIN. MR. ROCHLIN RESPONDED THAT HIS MEMO WAS SUBMITTED TO THE PLANNING OFFICE PER STANDARD PROCEDURE, AND AT THE REQUEST OF CHAIR STEIN, PROVIDED A COPY OF HIS APRIL 1 MEMO TO MR. McKENZIE. AT CHAIR STEIN'S REQUEST FOR SAME, NO PROCEDURAL OBJECTIONS WERE RAISED. PLANNER BARRY MANNING PRESENTED CASE HISTORY. HEARINGS OFFICER JOAN CHAMBERS PRESENTED APPEAL HISTORY AND EXPLAINED CONDITIONS, FINDINGS OF FACT AND CONCLUSIONS APPLIED IN HER DECISION. IN RESPONSE TO A QUESTION OF COMMISSIONER SALTZMAN, MS. CHAMBERS ADVISED MR. ROCHLIN HAD STANDING TO APPEAL THE PLANNING DIRECTOR DECISION PURSUANT TO THE CONDITIONAL USE SECTION OF THE COUNTY CODE. ARNOLD ROCHLIN PRESENTED ORAL AND WRITTEN TESTIMONY IN OPPOSITION TO THE HEARINGS OFFICER DECISION AND INTERPRETATION OF PERMIT TIMING ISSUES. DAN McKENZIE TESTIMONY IN SUPPORT OF HEARINGS OFFICER DECISION AND REBUTTAL TO MR. ROCHLIN'S TESTIMONY. MR. ROCHLIN PRESENTED REBUTTAL TO MR. McKENZIE'S TESTIMONY. IN RESPONSE TO A QUESTION OF CHAIR STEIN, COUNSEL SANDRA DUFFY AND MS. CHAMBERS EXPLAINED THAT SINCE APPLICATION CU 5-91a WAS WITHDRAWN, AND THE THREE SEPTEMBER, 1995 BOARD DECISIONS WERE NOT APPEALED, THE ISSUES RAISED BY MR. ROCHLIN ARE MOOT. IN RESPONSE TO INQUIRIES OF CHAIR STEIN, THERE WAS NO REQUEST FOR CONTINUANCE OR OBJECTION TO HEARING RAISED. CHAIR STEIN ADVISED ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO LUBA. HEARING CLOSED. MS. DUFFY, CHAIR STEIN AND MR. MANNING EXPLANATION IN RESPONSE TO QUESTIONS AND CONCERNS OF COMMISSIONER COLLIER. COMMISSIONER

KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, TO DENY THE APPEAL AND AFFIRM THE HEARINGS OFFICER DECISION. CHAIR STEIN ADVISED HER CONCERNS HAVE BEEN ADDRESSED AND SHE IS PERSUADED BY THE HEARINGS OFFICER DECISION. MS. DUFFY AND MR. MANNING RESPONSE TO QUESTION OF COMMISSIONER HANSEN REGARDING TIME LIMIT BETWEEN WITHDRAWING AND FILING NEW PERMIT APPLICATIONS. MS. DUFFY CONCURRED WITH STATEMENT OF CHAIR STEIN THAT CODE PROVIDES OPPORTUNITY FOR APPLICANTS TO REAPPLY FOR PERMITS WITHIN SIX MONTHS TO A YEAR. HEARINGS OFFICER DECISION UNANIMOUSLY UPHELD.

The planning meeting was adjourned at 10:50 a.m. and the briefing convened at 11:00 a.m.

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BOARD BRIEFING

- B-1 Update on Renewal of Paragon Cable Franchise, Changes in Federal Telecommunications Law, and TCI-West Cable Franchise. Presented by Ernie Bonner, David Olson and Mary Beth Henry of Mt. Hood Cable Regulatory Commission.

**ERNIE BONNER AND DAVID OLSON
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

There being no further business, the briefing was adjourned at 11:50 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad
Deborah L. Bogstad

Thursday, April 11, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

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

NON-DEPARTMENTAL

- C-1 Appointment of Craig A. Schulstad to the REGIONAL STRATEGIES BOARD

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, C-1 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

CONSENT CALENDAR

SHERIFF'S OFFICE

- C-2 Ratification of Intergovernmental Agreement 800067 with the Housing Authority of Portland to Provide a Supervised Inmate Work Crew to Perform General Labor Such as Ground Maintenance, Light Carpentry, Painting, Etc.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, CONSENT CALENDAR ITEM C-2 WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

DEPARTMENT OF SUPPORT SERVICES

- R-2 Presentation of Employee Service Awards Honoring 36 Multnomah County Employees with 5 to 25 Years of Service

WITH THE ASSISTANCE OF SHERY STUMP AND GAIL FOSTER, THE BOARD GREETED,

ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO GLORIA BELLEAU, C. LYNN BETTERIDGE, D. RANDALL MORRISON AND LYDA OVERTON OF ASD; BARBARA HERSHEY, JACKIE JOHNSON, CATHY LILLY, JOSE MARTINEZ AND BRENT MATTHEWS OF DCFS; JILL ALSPACH OF DA; SHARON BAKER, MATTHEW MATTILA AND TRACY PUGLIANO OF DCC; SUZANNE BERGERON, PATRICIA READ, CAROL ZURAWSKI AND FRANK KAMINSKI OF DES; MARSHA EHLERS OF DSS; HELEN FERRIER OF DJJS; AND SUZANNE FLYNN AND GARY HANSEN OF NOND; 10 YEAR AWARDS TO REBECCA CORNETT OF ASD; DIANA CHAMBERLAIN AND DIANA LOVING-BLACK OF DA; HOWARD KLINK OF DCFS; AND KIP COURSER OF DES; 15 YEAR AWARDS TO GAYLE KRON OF DFCS; SHARON DAY AND SHARON HENLEY OF DA; HORACE HOWARD OF DCC; DWIGHT ROOFE OF DES; AND KENNETH CLINTON OF DSS; 20 YEAR AWARD TO GLENN HARDING OF DCC; AND 25 YEAR AWARDS TO WILLIAM JACKSON OF DCC AND SUSAN DANIELL OF DSS.

DISTRICT ATTORNEY'S OFFICE

R-4 PROCLAMATION Proclaiming the Week of April 21-27, 1996 as OREGON CRIME VICTIMS RIGHTS WEEK in Multnomah County

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-4. MICHAEL SCHRUNK
EXPLANATION. PROCLAMATION READ.
PROCLAMATION 96-62 UNANIMOUSLY
APPROVED.**

DEPARTMENT OF SUPPORT SERVICES

R-3 Second Reading and Adoption of an ORDINANCE Amending MCC Chapter 5.40 (Car Rental Tax) in Order to Clarify the Responsibilities of Commercial Enterprises for Collecting and Remitting this Tax, and to Strengthen and Clarify the County's Ability to Administer it

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER KELLEY MOVED**

AND COMMISSIONER COLLIER SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 849 UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

SHERIFF'S OFFICE

R-5 Intergovernmental Agreement 800756 with the City of Portland Police Bureau, to Provide Certain Law Enforcement Services Involving DUII

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. LARRY AAB AND DAVE HADLEY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-6 First Reading of an ORDINANCE Making Procedural Changes in the Bylaws of the Metropolitan Human Rights Commission

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. STEVE FREEDMAN EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, APRIL 18, 1996.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-7 Intergovernmental Agreement 105036 with the Housing Authority of Portland, Allocating U.S. Department of Housing and Urban Development Funds to Construct the Turning Point Project as Transitional Housing for Homeless Families

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. REY ESPAÑA AND ROB TUCKER EXPLANATION. COMMISSIONER SALTZMAN COMMENTS IN SUPPORT. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-8 ORDER Authorizing Cancellation of Uncollectible Personal Property Taxes for 1983/84 through 1994/95

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. COMMISSIONER COLLIER EXPLANATION. ORDER 96-63 UNANIMOUSLY APPROVED.

R-9 Intergovernmental Agreement 301446 with the Oregon Department of Transportation and Metro, to Conduct a Pre-Project Study of Congestion Pricing in the Portland Region

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. ED ABRAHAMSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

R-10 Second Reading and Adoption of an ORDINANCE Amending Multnomah County Animal Control Code 8.10.005 et. seq.

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. COUNSEL MATT RYAN EXPLANATION OF PROPOSED NON-SUBSTANTIVE AMENDMENTS. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, NON-SUBSTANTIVE AMENDMENTS TO PAGES 28 AND 34 WERE UNANIMOUSLY APPROVED. COMMISSIONER COLLIER ACKNOWLEDGED EFFORTS OF STAFF AND COMMITTEE PARTICIPATING IN ORDINANCE REVISION. MR. RYAN, CHAIR STEIN,

**COMMISSIONER KELLEY AND COMMISSIONER
SALTZMAN COMMENTS IN SUPPORT OF EFFORTS
OF COMMISSIONER COLLIER AND HER STAFF
AND EVERYONE WHO WORKED ON ORDINANCE
REVISION. ORDINANCE 850 UNANIMOUSLY
APPROVED, AS AMENDED.**

The regular meeting was adjourned at 10:14 a.m. and the executive session convened at 11:05 a.m.

Thursday, April 11, 1996 - 11:00 AM
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1021 SW Fourth, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Presented by Kenneth Upton.

EXECUTIVE SESSION HELD.

There being no further business, the executive session was adjourned at 12:00 p.m.

Thursday, April 11, 1996 - 2:00 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PUBLIC HEARING

TSCC Chair Charles Rosenthal convened the hearing at 2:02 p.m., with TSCC staff Courtney Wilton and Commissioners Roger McDowell and Anthony Jankans present, and Commissioner Dick Anderson arriving at 2:35 p.m.

- PH-1 The Tax Supervising and Conservation Commission Will Meet to Conduct a Public Hearing on the County's Proposed Library Serial Levy, Public Safety Levy, Library General Obligation Bond, Public Safety General Obligation Bond, and 1995-96 Supplemental Budget

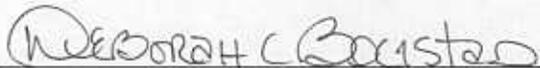
**DAVE WARREN, JIM MUNZ, DAVE BOYER,
JEANNE GOODRICH, BARBARA SIMON AND
LARRY AAB PRESENTATION AND RESPONSE TO
TSCC QUESTIONS AND DISCUSSION.
COMMISSIONERS TANYA COLLIER, DAN
SALTZMAN AND SHARRON KELLEY RESPONSE TO
TSCC QUESTIONS AND DISCUSSION.**

Commissioner Gary Hansen arrived at 2:42 p.m.

Commissioner Anthony Jankans left at 2:46 p.m.

There being no further business, the hearing was adjourned at 2:57 p.m.

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



Deborah L. Bogstad