

ANNOTATED MINUTES

Tuesday, February 14, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

- B-1 Report on Independent Operational Review of the Multnomah County Sheriff's Office Prepared by Consultants from the International Association of Chiefs of Police Issued on February 13, 1995. Presented by Gary Blackmer.

GARY BLACKMER, GERRY BRODSKY AND TOM SLYTER PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MCSO TO CONTINUE IMPLEMENTATION AND/OR ANALYSIS OF VARIOUS RECOMMENDATIONS. CHAIR TO INCORPORATE VARIOUS RECOMMENDATIONS IN EXECUTIVE BUDGET. AUDITOR TO MONITOR IMPLEMENTATION OF RECOMMENDATIONS. CHAIR TO COLLECT ADDITIONAL SUGGESTIONS SUCH AS PURSUIT OF ANY SPECIFIC CONSULTING CONTRACTS AND FORWARD FOR BOARD CONSIDERATION IF INDICATED. COPIES OF REPORT AVAILABLE THROUGH AUDITOR'S OFFICE.

- B-2 Auditor's Report on "Property Value Appeals: Room for Improvement" Issued in January, 1995. Presented by Gary Blackmer.

GARY BLACKMER AND JANICE DRUIAN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MR. BLACKMER SENT AUDITOR'S REPORT AND RECOMMENDATION THAT DEPARTMENT OF REVENUE CLARIFY PAMPHLET LANGUAGE TO DOR DIRECTOR. OTHER RECOMMENDATIONS IMPLEMENTED WITH EXCEPTION OF REMOVING CLERICAL SUPPORT FOR BOARD OF EQUALIZATION FROM DIVISION OF ASSESSMENT AND TAXATION. VIDEOTAPE INSTRUCTION OF PROPERTY APPEAL PROCESS TO BE PREPARED. MS. DRUIAN UPDATE ON HOUSE BILL 2325 REGARDING CHANGES TO RESIDENTIAL AND COMMERCIAL PROPERTY APPEALS. BOARD CONSENSUS TO PARTICIPATE WITH ASSESSOR'S ASSOCIATION AGAINST PROPOSED LEGISLATION.

- B-3 Proposal to Implement Ballot Measure 11 for Juveniles. Presented by Bill Farver, Michael Schrunk, Douglas Bray, Harold Ogburn and Jim Anderson.

BEVERLY STEIN, BILL FARVER, MICHAEL SCHRUNK, JIM ANDERSON AND CHRIS TEBBEN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING IMPLEMENTATION PLAN AND BUDGET DATA FOR CURRENT AND NEXT FISCAL YEAR. BOARD CONSENSUS THAT STAFF CONTINUE GATHERING INFORMATION FOR FURTHER BOARD DISCUSSION.

- B-4 Proposal to Open a Sex Offender Treatment Unit for Juvenile Offenders. Presented by Harold Ogburn and Orin Bolstad.

HAROLD OGBURN, MICAH FIERSTEIN AND ORIN BOLSTAD PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING PROPOSED SEX OFFENDER TREATMENT UNIT. MR. OGBURN ADVISED THAT REVENUE FOR REVIEW PANEL AND INDEPENDENT EVALUATION PROVIDED IN PROPOSED BUDGET. CHAIR STEIN AND COMMISSIONER HANSEN TO MEET WITH MULTNOMAH COUNTY LEGISLATORS WEDNESDAY, FEBRUARY 15, 1995 FOR BRIEFING ON IMPACT OF COMMUNITY CORRECTIONS AND SENATE BILL 1. GINA MATIODA SUBMITTED ATTORNEY GENERAL FINAL REPORT ON TASKFORCE ON JUVENILE JUSTICE, SENATE BILL 1 AND OTHER DOCUMENTATION. SENATE BILL 1 UPDATE SCHEDULED FOR TUESDAY, FEBRUARY 21, 1995.

Tuesday, February 14, 1995 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PLANNING ITEMS

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

- P-1 MC 2-94/
LD 16-94 Review the January 5, 1995 Hearings Officer Decision, APPROVING, Subject to Conditions, a Two Parcel Land Division and

Establishment of a New Private Easement as the Means of Access to the Westerly Parcel, for Property Located at 22500 NW BECK ROAD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-2 CU 8-94 Review the January 5, 1995 Hearings Officer Decision, APPROVING, Subject to Conditions, a Conditional Use for a Single Family Residence Not Related to Forest Management on an 18.89 Acre Property in the Commercial Forest Use District, for Property Located at 14625 NW SKYLINE BOULEVARD, PORTLAND

DECISION READ, NO APPEAL FILED, DECISION STANDS.

- P-3 CU 9-94 Review the January 12, 1995 Hearings Officer Decision, APPROVING, with Modifications and Conditions, a Conditional Use to Develop a 16,400 Square Foot Structure for Light Industrial, Warehouse and Commercial Uses Within a Rural Center District, for Property Located at 28885 SE DODGE PARK BOULEVARD, GRESHAM

DECISION READ, NO APPEAL FILED, DECISION STANDS.

The Board recessed at 1:33 p.m. and reconvened when Commissioner Gary Hansen arrived at 1:34 p.m.

- P-4 MC 1-94/
LD 13-94 DE NOVO HEARING, WITH TESTIMONY LIMITED TO 30 MINUTES PER SIDE, INCLUDING REBUTTAL, in the Matter of an Appeal of the December 23, 1994 Hearings Officer Decision, APPROVING a Request for a Three Parcel Land Division Partition and the Use of an Easement for Access; and an Appeal of the Administrative APPROVAL of an Access Variance Attached as Exhibit A to the December 23, 1994 Hearings Officer Decision, for Property Located at 01400 SW MILITARY ROAD, PORTLAND

CHAIR STEIN OUTLINED THE PROCESS FOR THE QUASI-JUDICIAL PROCEDURE AND IN RESPONSE TO QUERIES, NO BIAS, CONFLICTS OF INTEREST, EX PARTE CONTACTS OR SITE VISITS WERE DECLARED BY THE BOARD; NO CHALLENGES WERE RAISED; AND NO PROCEDURAL OBJECTIONS WERE RAISED BY THE PARTIES. PLANNER GARY CLIFFORD NARRATED A SLIDE PRESENTATION OF THE SUBJECT PROPERTY.

HEARINGS OFFICER PHILLIP E. GRILLO PRESENTATION OF THE CRITERIA AND FINDINGS USED IN HIS DECEMBER 23, 1994 DETERMINATION APPROVING, SUBJECT TO CONDITIONS, REQUESTED PARTITION AND ACCESS VARIANCE. APPELLANT'S ATTORNEY EDWARD J. SULLIVAN PRESENTATION IN SUPPORT OF DENIAL OF PARTITION AND ACCESS VARIANCE, RAISING ISSUES REGARDING SUITABILITY OF SHARED ACCESS; APPROPRIATE USE OF APPLICABLE ROAD STANDARDS; THE DIVISION OF ONE PARCEL INTO TWO PARCELS RATHER THAN THREE; FUTURE DEVELOPMENT; DESIGN SUITABILITY; AND FIRE SAFETY. APPELLANT K. DON FELDMAN SUBMITTED PHOTOGRAPHS OF EXISTING ACCESS AND TESTIFIED IN SUPPORT OF DENIAL OF PARTITION AND ACCESS VARIANCE. ATTORNEY TIMOTHY V. RAMIS, REPRESENTING APPLICANT GRAN MARQUE, INC., SUBMITTED NOTEBOOKS CONTAINING EXCERPTS OF MAPS, CODE SECTIONS AND OTHER DOCUMENTATION FROM THE RECORD IN THIS MATTER IN RESPONSE TO CODE ISSUES RAISED AT HEARINGS OFFICER LEVEL. MR. RAMIS PRESENTED TESTIMONY IN RESPONSE TO ISSUES RAISED BY MR. SULLIVAN AND IN SUPPORT OF AFFIRMING THE HEARINGS OFFICER DECISION. MR. RAMIS REQUESTED THE REMOVAL OF CONDITION 7 REGARDING THE IMPOSITION OF A LOT LINE ADJUSTMENT, ON THE GROUNDS THERE WAS NO ACQUISITION IN 1973. MR. RAMIS RESPONDED TO THE FEBRUARY 14, 1995 LETTER FROM PLANNING CONSULTANT JOHN L. BROSY REPRESENTING ADJOINING PROPERTY OWNERS DR. AND MRS. ROGER HALLIN, ADVISING HIS CLIENTS HAVE NO PROBLEM WORKING WITH MR. BROSY TO RESOLVE THE HALLIN'S CONCERNS. TRANSPORTATION ENGINEER JENNIFER E. DANZIGER TESTIFIED IN SUPPORT OF AFFIRMING HEARINGS OFFICER DECISION AND ADDRESSED STREET WIDTH AND TRAFFIC ISSUES. PLANNING CONSULTANT ROBERT PRICE TESTIFIED IN SUPPORT OF AFFIRMING HEARINGS OFFICER DECISION AND ADDRESSED SITE SUITABILITY, HABITAT, ECOLOGICAL, ENGINEERING AND FIRE SAFETY ISSUES. MR. RAMIS REPORTED THE HEARINGS OFFICER REFERRED TO CASE LD 10-93

FOR THE PRECEDENT REGARDING SIDEWALK REQUIREMENT. MR. RAMIS REQUESTED THAT IN THE EVENT THE BOARD AFFIRM THE HEARINGS OFFICER DECISION, HE BE ALLOWED TIME TO PREPARE SUPPLEMENTAL FINDINGS IN THIS CASE. MR. SULLIVAN PRESENTED REBUTTAL TO TESTIMONY, ADVISING THE HEARINGS OFFICER INTERPRETATION IN CASE LD 10-93 IS NOT APPLICABLE TO THE BOARD'S DECISION IN THIS CASE; THE ROAD DOES NOT MEET COUNTY NEW STREET STANDARDS; MR. SULLIVAN REQUESTED THE BOARD DENY THE APPLICATION ON THE ISSUE OF ACCESS AND LACK OF SUITABLE EVIDENCE ON LOT THREE, AND REQUESTED THAT THE BOARD LOOK AT THE FULL DEVELOPMENT OF THE LAND UNDER R-30 OR LARGER DENSITY STANDARDS. IN RESPONSE TO QUESTIONS OF CHAIR STEIN, NO PARTIES WISHED A CONTINUANCE TO RESPOND TO NEW EVIDENCE AND NO OBJECTIONS WERE RAISED. CHAIR STEIN ADVISED THE PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION WHICH IS APPEALABLE TO LUBA AND CLOSED THE HEARING. MR. PRICE, MR. SULLIVAN AND MR. RAMIS RESPONSE TO BOARD QUESTIONS. FOLLOWING DISCUSSION WITH COUNTY COUNSEL GERRY ITKIN, COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, TO AFFIRM THE HEARINGS OFFICER DECISION AND THE ADMINISTRATIVE DECISION. MR. GRILLO AND MR. CLIFFORD RESPONSE TO BOARD QUESTIONS OF COMMISSIONER KELLEY REGARDING MR. RAMIS' REQUEST THAT CONDITION 7 BE REMOVED. FOLLOWING DISCUSSION WITH MR. CLIFFORD, MR. RAMIS AND MR. ITKIN, THE ISSUE OF OBTAINING APPROVAL OF A LOT LINE ADJUSTMENT OF A PORTION OF LAND IN PARCEL 3 FOR THE PURPOSE OF PREPARING A NEW LEGAL DESCRIPTION OF THE ENTIRE SITE WILL BE HANDLED ADMINISTRATIVELY. MOTION TO AFFIRM THE HEARINGS OFFICER DECISION AND THE ADMINISTRATIVE DECISION UNANIMOUSLY APPROVED, WITH CHAIR STEIN ADVISING SHE WAS PERSUADED BY APPLICANTS' EVIDENCE THERE WAS SUFFICIENT EVIDENCE IN THE RECORD TO SUPPORT THE HEARINGS OFFICER

DECISION. BOARD CONSENSUS THAT MR. RAMIS BE ALLOWED TO PREPARE SUPPLEMENTAL FINDINGS TO BE SUBMITTED TO STAFF FOR CONSIDERATION WITH THE BOARD'S FINAL ORDER.

- P-5 Report to the Board the Department of Land Conservation and Development (DLCD) Director's Recommended Decision Pertaining to the Multnomah County Remand Order. Presented by Scott Pemble and John DuBay.

CHAIR STEIN REPORTED THE BOARD STAFF MEETING REGARDING THIS ITEM HAS BEEN RESCHEDULED FROM MONDAY, FEBRUARY 13, 1995 TO THURSDAY, FEBRUARY 16, 1995. SCOTT PEMBLE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING VARIOUS COUNTY RESPONSE OPTIONS TO DLCD REPORT AND RECOMMENDATIONS. MR. PEMBLE ADVISED THE COUNTY HAS UNTIL 5:00 PM, FRIDAY, FEBRUARY 17, 1995 TO RESPOND. SHARON TIMKO AND MR. PEMBLE RESPONSE TO BOARD QUESTIONS, DISCUSSION AND SUGGESTIONS.

BOARD CONSENSUS THAT DE NOVO HEARING PROCESS BE CONTINUED.

There being no further business, the meeting was adjourned at 3:25 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad

Thursday, February 16, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Commissioners Tanya Collier and Dan Saltzman present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER COLLIER,
SECONDED BY COMMISSIONER SALTZMAN, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-6)
WAS UNANIMOUSLY APPROVED.**

DEPARTMENT OF HEALTH

- C-1 Ratification of Intergovernmental Agreement Contract 201705 Between the State of Oregon Health Division and Multnomah County, Providing Required Research Services for Various HIV/AIDS Grants, for the Period October 1, 1994 through September 30, 1995

COMMUNITY AND FAMILY SERVICES DIVISION

- C-2 RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

RESOLUTION 95-35.

- C-3 Ratification of Intergovernmental Agreement Contract 104245 Between the Regional Drug Initiative and Multnomah County, Wherein Multnomah County Receives Office of Substance Abuse and Prevention Reimbursement of FY 94/95 Personnel and Motor Pool Expenses for Participation in Joint Alcohol and Drug Service Programs

MANAGEMENT SUPPORT SERVICES

- C-4 Ratification of Intergovernmental Agreement Contract 500385 Between the State of Oregon, Department of Administrative Services and Multnomah County, Providing County Participation in the Oregon Cooperative Purchasing Program, for the Period March 1, 1995 through February 29, 1996

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 ORDER in the Matter of the Execution of Deed D951160 for Certain Tax Acquired Property to Former Owner Delores K. Newell

ORDER 95-36.

- C-6 ORDER in the Matter of the Execution of Deed D951169 for Certain Tax Acquired Property to Former Owner James D. Smith

ORDER 95-37.

REGULAR AGENDA

Vice-Chair Sharron Kelley and Commissioner Gary Hansen arrived at 9:31 a.m.

PUBLIC COMMENT

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

NO ONE WISHED TO TESTIFY.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 PUBLIC HEARING and Consideration of a RESOLUTION in the Matter of Certifying an Estimate of Expenditures for the FY 1995-96 Property Tax Program in Accordance with HB 2338

COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-2. JANICE DRUIAN EXPLANATION. NO ONE WISHED TO TESTIFY. RESOLUTION 95-38 UNANIMOUSLY APPROVED.

AGING SERVICES DIVISION

- R-3 Ratification of Intergovernmental Agreement Contract 103955 Between Clackamas County and Multnomah County, Providing Funds for Implementation of Federal Administration on Aging Grant for the "Beyond Bricks and Mortar" Demonstration Project, for the Period July 1, 1994 through June 30, 1996

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-3. KATHY GILLETTE EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

- R-4 ORDER in the Matter of an Exemption to Exceed the 20% Change Order Limitation for the Justice Center Card Key System Installation

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4. FRANNA HATHAWAY AND WALTER HEIL EXPLANATION AND RESPONSE TO BOARD

**QUESTIONS.
APPROVED.**

ORDER 95-39 UNANIMOUSLY

- R-5 ORDER in the Matter of Exempting from Public Bidding the Purchase of Digital Biometrics Grip Program

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. MS. HATHAWAY, BOB BARNHART AND ROY OBIE EXPLANATION OF ITEMS R-5 AND R-6 AND RESPONSE TO BOARD QUESTIONS. ORDER 95-40 UNANIMOUSLY APPROVED.

- R-6 ORDER in the Matter of Exempting from Public Bidding the Purchase of Electronic Fingerprinting Machine

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, ORDER 95-41 WAS UNANIMOUSLY APPROVED.

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

There being no further business, the meeting was adjourned at 9:42 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

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