

ANNOTATED MINUTES

Thursday, November 13, 1997 - 9:30 AM
Portland Building, Second Floor Hearing Room
1120 SW Fifth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:32 a.m., with Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present, and Vice-Chair Gary Hansen arriving at 9:34 a.m.

CONSENT CALENDAR

***UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER SALTZMAN, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-11)
WAS APPROVED, WITH COMMISSIONERS KELLEY,
COLLIER, SALTZMAN AND STEIN VOTING AYE.***

NON-DEPARTMENTAL

- C-1 Appointment of Louie Lira and Reappointment of Gregory Taylor to the DEPARTMENT OF COMMUNITY AND FAMILY SERVICES CITIZEN BUDGET ADVISORY COMMITTEE
- C-2 Appointment of Brian Lee Warner and Reappointment of Dick Wegner to the DISTRICT ATTORNEY CITIZEN BUDGET ADVISORY COMMITTEE
- C-3 Reappointment of Marv Woidyla to the SHERIFF'S OFFICE CITIZEN BUDGET ADVISORY COMMITTEE

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-4 HV 18-97/SEC 27-97 Report the Hearings Officer Decision Regarding Approval of a Minor Variance to the Minimum Yard Setback Requirement of the Commercial Forest Use Zone and Significant Environmental Concern Permit TO Replace a 24' x 48' Barn on Property Located at 16014 NW CORNELIUS PASS ROAD, PORTLAND

- C-5 LD 7-97 Report to the Board the Hearings Officer Decision Regarding Approval of a Four Lot Land Division in the Rural Center Zone on Property Approximately Located at 29400 SE POWELL VALLEY ROAD, GRESHAM

SHERIFF'S OFFICE

- C-6 Package Store Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 E CROWN POINT HIGHWAY, TROUTDALE
- C-7 Package Store Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW SAUVIE ISLAND ROAD, PORTLAND
- C-8 Package Store Liquor License Renewal for FRED'S MARINA, 12800 NW MARINA WAY, PORTLAND
- C-9 Package Store Liquor License Renewal for ROCKY POINTE MARINA, 23586 NW ST HELENS HIGHWAY, PORTLAND
- C-10 Restaurant Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 E CROWN POINT HIGHWAY, TROUTDALE

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-11 Budget Modification DCJ 6 Reclassifying Two Program Development Technician Positions and One Office Assistant Position to Facilitate Contracts Processing within the Resource Management Services Division

REGULAR AGENDA **PUBLIC COMMENT**

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

NO ONE WISHED TO COMMENT.

NON-DEPARTMENTAL

- R-2 PROCLAMATION Honoring Douglas LaBerge for his 31 Years of Service to the Multnomah County Sheriff's Department

Commissioner Gary Hansen arrived at 9:34 a.m.

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-2. COMMISSIONER SALTZMAN INTRODUCTION OF DOUGLAS LABERGE AND HIS WIFE EVELYN, AND COMMENT IN SUPPORT OF MR. LABERGE'S CONTRIBUTIONS TO THE COUNTY AND ITS RESIDENTS. PROCLAMATION READ. MR. LABERGE COMMENTS IN RESPONSE TO BOARD COMMENDATION. PROCLAMATION 97-196 UNANIMOUSLY APPROVED.

- R-3 RESOLUTION Endorsing Funding of the Multnomah County Tobacco Prevention and Education Program

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-3. COMMISSIONER SALTZMAN, WENDY RANKING AND ANN B., DIRECTOR OF THE AMERICAN CANCER SOCIETY METRO TRI-COUNTY UNIT, EXPLANATION AND RESPONSE TO QUESTIONS OF CHAIR STEIN REGARDING PROGRAM BUDGET, EVALUATION AND MONITORING COMPONENTS. COMMISSIONER COLLIER COMMENTS IN SUPPORT. RESOLUTION 97-197 UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- R-4 Motor Carrier Traffic Safety and Hazardous Materials Unit Presentation on Law Enforcement Activities Related to Commercial Motor Vehicles in Partnership with the Oregon Department of Transportation

MEL HEDGPETH AND JOHN BLACKMAN PRESENTATION AND RESPONSE TO BOARD DISCUSSION INCLUDING INFORMATION REGARDING DRUG BUST INCIDENT IN EAST COUNTY LAST NIGHT; INSPECTIONS; SAFETY VIOLATIONS; AND EFFORTS TO KEEP EXCESSIVE WEIGHT OFF COUNTY BRIDGES. BOARD COMMENTS IN SUPPORT.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-5 FINAL ORDER and Adoption of Findings and Conclusions in Land Use Planning Case SEC 3-97 to DENY the Application and REVERSE the June 1, 1997 Hearings Officer Decision and the March 11, 1997 Planning Director's Decision Regarding a Significant Environmental Concern Permit for a Single Family Dwelling in a Wildlife Habitat Area Land Use Planning

COUNTY COUNSEL SANDRA DUFFY EXPLANATION AND RECOMMENDATION THAT THE BOARD RE-ADOPT THE FINAL ORDER SIGNED IN AUGUST IN ORDER TO COMPLETE THE MANDAMUS ACTION BEFORE THE CIRCUIT COURT. COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-5. ATTORNEY JAKE TANZER TESTIMONY IN OPPOSITION TO MS. DUFFY'S RECOMMENDATION, SUBMITTING A 1995 MEMO FROM COUNSEL JOHN DUBAY CITING VARIOUS OREGON ADMINISTRATIVE RULES, AND REQUESTING THAT THE BOARD REVISIT THE RECORD. ARNOLD ROCHLIN OBJECTED TO MR. TANZER SUBMITTING NEW EVIDENCE INTO THE RECORD. MS. DUFFY ADVISED THE 1995 MEMO IS IN THE RECORD, BUT TO THE EXTENT THAT MR. TANZER HAS GONE BEYOND THE SCOPE OF NEW EVIDENCE, MR. ROCHLIN SHOULD PROCEED WITH ARGUMENT ONLY. MR. ROCHLIN ADVISED THE ADMINISTRATIVE RULE CITED BY MR. TANZER WAS NEVER USED AND PRESENTED TESTIMONY IN SUPPORT OF ADOPTION OF THE FINAL ORDER AS SUBMITTED. DAVID HERMAN PRESENTED TESTIMONY IN SUPPORT OF THE BOARD REVISITING THE RECORD. CHRIS FOSTER TESTIMONY IN OPPOSITION TO MR. TANZER AND MR. HERMAN'S SUGGESTION TO RELY ON THE DUBAY MEMORANDUM, ADVISING IT DOES NOT ADDRESS STATE LAW REGARDING TIME LINES. ATTORNEY JEFF BACHRACH, REPRESENTING INTERESTED CLIENTS WESTERN STATES, TESTIMONY URGING BOARD TO LOOK AT ISSUE LEGISLATIVELY. IN RESPONSE TO DIRECTION OF CHAIR STEIN, MS. DUFFY ADVISED THAT JOHN DUBAY WAS ASKED TO OPINE ON A

QUESTION CONCERNING ZONING CLEARANCE FOR RESIDENTIAL BUILDING PERMITS ON LAND ZONED EFU WHERE FARM MANAGEMENT PLANS WERE APPROVED PRIOR TO LDCD'S ADOPTION OF OAR 660, DIVISION 33, NOT TO PROVIDE A LEGAL OPINION ON A SPECIFIC ISSUE; THAT SHE FEELS PLANNING STAFF MISINTERPRETED THIS INFORMATION; AND THAT SHE RECOMMENDS IT IS THE COUNTY'S DUTY TO EXPEDITE THIS OVER 120 DAY OLD CASE NOW BY RE-ADOPTING THE ORDER AND DIRECTING STAFF TO GO BACK AND HANDLE THE LEGISLATIVE ISSUES FOR THE REST OF THE CASES. IN RESPONSE TO A QUESTION OF CHAIR STEIN, MR. TANZER ADVISED HE DOESN'T WANT THE CASE TO STAY OPEN, HE WANTS THE BOARD TO CHANGE ITS DECISION. MR. FOSTER REMINDED MR. TANZER THAT THE PERMIT IS ABOUT A DWELLING, NOT FARMING. PLANNER CHUCK BEASLEY ADVISED THE INITIAL FARM MANAGEMENT PLAN LAID OUT A FIVE YEAR CATTLE OPERATION UNTIL THE PROPERTY WAS RECROPPED FOR A VINEYARD BUT IT WAS INSTEAD LEASED BY A NEIGHBOR FOR FARM USE. IN RESPONSE TO A QUESTION OF CHAIR STEIN, MR. BEASLEY EXPLAINED THE ISSUE IS NOT THE PLAN, BUT THE PROCESS SET UP TO MAKE A DETERMINATION TO JUSTIFY A DWELLING ON PROPERTY. MR. BEASLEY ADVISED THE REQUIRED QUASI-JUDICIAL LAND USE PROCESS WAS NOT DONE AND IN THE RECORD THE WAY IT SHOULD HAVE BEEN. IN RESPONSE TO COMMENTS OF CHAIR STEIN IN SUPPORT OF BOARD ACTION TODAY TO ALLOW THE CASE TO MOVE TOWARD APPEAL BY EITHER PARTY, MR. HERMAN EXPLAINED WHY THE PROPERTY COULDN'T BE CONVERTED TO VINEYARD IN 1993, AND ADVISED HE FEELS THE FACTS REGARDING THE DWELLING WERE MISREPRESENTED. MR. ARNOLD OBJECTED TO MR. HERMAN'S COMMENTS, ADVISING DUE PROCESS REQUIRES NO NEW EVIDENCE; APPLICANT WAS REPRESENTED BY AN ATTORNEY; THE PLAN WAS

NEVER DENIED; AND THAT A COMPLETELY NEW FARM PLAN WAS SUBMITTED. MR. BACHRACH AND MR. TANZER COMMENTS REGARDING VALIDITY OF PERMITS AND PLANNING STAFF MEMOS. FOLLOWING BOARD DISCUSSION WITH MS. DUFFY, MOTION ADOPTING FINAL ORDER FAILED, WITH COMMISSIONERS COLLIER AND STEIN VOTING AYE, AND COMMISSIONERS KELLEY, HANSEN AND SALTZMAN VOTING NAY. FOLLOWING BOARD DISCUSSION WITH MS. DUFFY, COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, TO SET THE MATTER FOR A DE NOVO HEARING. MOTION APPROVED, WITH COMMISSIONERS KELLEY, HANSEN AND SALTZMAN VOTING AYE, AND COMMISSIONERS COLLIER AND STEIN VOTING NO. MS. DUFFY AND MR. TANZER DISCUSSED WAIVER OF 120 DAY CLOCK. [DE NOVO HEARING WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE SCHEDULED FOR 9:30 AM, TUESDAY, DECEMBER 9, 1997.]

Commissioner Tanya Collier was excused.

- R-6 Second Reading and Adoption of an ORDINANCE Amending MCC 5.10.275 to Provide for Fees for New Services Mandated by the Oregon Legislature's 1997 Amendments to ORS 92.070(5) and 100.115(6) Relating to Subdivision and Condominium Plats

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 890 APPROVED WITH COMMISSIONERS KELLEY, HANSEN, SALTZMAN AND STEIN VOTING AYE.

- R-7 Intergovernmental Agreement 300538 with the Columbia River Gorge Commission, Providing Funding for National Scenic Area Planning Assistance Activities

Commissioner Tanya Collier returned to the meeting.

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-7. KATHY BUSSE EXPLANATION OF R-7 AND R-8 AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

- R-8 Budget Modification DES 5 Appropriating \$33,333.33 Grant Revenue from the Columbia River Gorge Commission for National Scenic Area Planning Assistance Activities

UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, R-8 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF SUPPORT SERVICES

- R-9 First Reading of an ORDINANCE Amending Ordinance No. 880, in Order to Add, Delete and Revise Exempt Pay Ranges and Titles

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF FIRST READING. SUSAN AYERS EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING TUESDAY, NOVEMBER 25, 1997.

DEPARTMENT OF HEALTH

- R-10 First Reading of an ORDINANCE Amending Sections of MCC 5.10, Relating to Food Service License and Pool/Spa License and Plan Review Fees, and MCC 8.30, Relating to Food Handlers

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF FIRST READING. HILDA ADAMS EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING TUESDAY, NOVEMBER 25, 1997.

R-11 Budget Modification HD 8 Appropriating \$774,530 in Federal Public Health Service Grant Revenue to Fund the Healthy Start Initiative Program through June 30, 1998

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-11. JAN SINCLAIR EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-12 RESOLUTION to Develop and Implement a Community Building Initiative

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-12. LORENZO POE AND CHAIR STEIN EXPLANATION OF R-12 AND R-13 AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. DONNA BEEGLE AND LAURA RECKO OF THE MARSHALL CARING COMMUNITY TESTIMONY IN SUPPORT AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. MR. POE AND MS. BEEGLE RESPONSE TO RESPONSE TO BOARD QUESTIONS REGARDING OUTREACH EFFORTS, COMMUNITY INPUT, PROJECT FUNDING, OUTCOME MEASUREMENTS AND BUILDING LINKAGES. RESOLUTION 97-198 UNANIMOUSLY APPROVED.

R-13 Budget Modification CFS 2 Transferring \$65,000 from County General Fund Contingency to CFS Department Management for Professional Services in Support of the Community Building Initiative

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN R-13 WAS UNANIMOUSLY APPROVED.

Thursday, November 13, 1997 - 11:00 AM
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1120 SW Fifth Avenue, Portland

BOARD BRIEFINGS

- B-1 Child Poverty Benchmark Planning Update. Presented by Barbara Willer.
- B-2 Welfare Reform Surveys and Current Community Impacts. Presented by Iris Bell, Wendy Lebow, Rachel Bristol, Carolyn Piper and Patti Whitney-Wise.
- B-3 Parent Child Development Services System Report. Presented by Mary Li and Peggy Samolinski.

***FOLLOWING DISCUSSION, BRIEFINGS TO BE
RESET TO 11:00 AM, THURSDAY, DECEMBER 4,
1997.***

There being no further business, the meeting was adjourned at 11:43 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad