

## ANNOTATED AGENDA

Tuesday, May 1, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

### PLANNING ITEMS

*Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.*

5. RPD 1-90 and LD 1-90 Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

***COUNTY COUNSEL JOHN DuBAY DISCUSSED APRIL 27, 1990 LETTER FROM APPLICANT'S ATTORNEY STEVEN JANIK REGARDING TIMING ISSUES AND PRESENTED LEGAL OPINION THAT BOARD CAN PROCEED WITH ITS DECISION TODAY PLANNER LORNA STICKEL ADVISED STAFF HAS SUBMITTED A PROPOSED ORDER. CHAIR McCOY DIRECTED THAT OTHER PLANNING ITEMS BE CONSIDERED FIRST.***

Decisions of the Planning Commission of April 9, 1990:

1. CS 2-90 Approve, subject to conditions, change in zone designation from CFU-80 to CFU-80, C-S, community service, in order to develop the site with an 18-hole golf course with a clubhouse, caretaker's quarters structure and a shop building, all for property located at 21881 NW St. Helens Road.
2. CU 6-90 Approve, subject to conditions, conditional use request to develop this site with a non-resource related single family residence, for property located at 6189 NW Cornell Road
3. CU 4-90 Deny requested conditional use request to use an existing commercial building as a refrigeration equipment repair shop for property located at 35905 East Crown Point Highway.

***AT THE REQUEST OF CHAIR McCOY, FOLLOWING DISCUSSION WITH MS. STICKEL, AND UPON MOTION OF COMMISSIONER***

*KELLEY, SECONDED BY COMMISSIONER ANDERSON, DECISIONS 1, 2 AND 3 WERE UNANIMOUSLY ACCEPTED.*

5. RPD 1-90 and LD 1-90 Adoption of the Decision with findings for RPD 1-90 and LD 1-90 (continued from 4/24/90)

*PLANNER MARK HESS EXPLANATION OF PROPOSED FINAL ORDER. MR. DuBAY, MS. STICKEL AND MR. HESS RESPONSE TO COMMISSIONER BAUMAN'S QUESTIONS CONCERNING TIMELINES OF PLANNING COMMISSION DECISION, FILING A NOTICE OF REVIEW, APPEAL PERIODS PRIOR TO ADOPTION OF A FINAL ORDER, AND BOARD PLANNING MEETINGS. IN RESPONSE TO COMMISSIONER BAUMAN EXPRESSING CONCERN OVER POSSIBLE CLOUD ON LAND USE DECISIONS, CHAIR McCOY DIRECTED PLANNING STAFF TO BEGIN PROCESS TO ADDRESS ORDINANCE LANGUAGE AMBIGUITIES REGARDING DATES PLANNING AND ZONING DECISIONS BECOME FINAL. AT THE REQUEST OF CHAIR McCOY, COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER ANDERSON, APPROVAL OF THE FINAL ORDER. STEVEN JANIK ADVISED HE REFERRED MR. DuBAY TO A COURT OF APPEALS CASE THAT SAYS THE DEFECT COMPLAINED OF IS JURISDICTIONAL, IN THAT THE BOARD FAILED TO ACT WITHIN 120 DAYS AS ESTABLISHED UNDER ITS OWN PROCEDURES AS WELL AS STATE LAW. MR. JANIK COMMENTED IN OPPOSITION TO THE PROPOSED FINDINGS, ADVISING HE BELIEVES THEY ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, THAT A NUMBER OF THEM ARE CONCLUSIONARY AND NOT FINDINGS OF FACT, AND THAT THEY DO NOT ADDRESS THE EVIDENCE SUBMITTED BY APPLICANT OR APPLICABLE LEGAL CRITERIA ADDRESSED BY APPLICANT. FINAL ORDER 90-66 DENYING RPD 1-90 AND LD 1-90 IN THE MATTER OF THE REVIEW OF THE PLANNING COMMISSION DECISIONS WHICH APPROVED "SKYLINE*

**MEADOWS", A 12-LOT RURAL PLANNED  
DEVELOPMENT AND LAND DIVISION  
UNANIMOUSLY APPROVED.**

4. PD 1-90 Review the decision of the Planning Commission of February 26, 1990, denying requested change in zoning designation from LR-10, low density residential district (minimum lot size of 10,000 square feet) to LR-7, low density residential district (minimum lot size of 7,000 square feet) for the northerly portion of the subject site; thereby disallowing a planned development for the entirety of the site, which would have allowed its development with a 124-unit mobile home park, all property located at 13300 SE Holgate Blvd. This item has been appealed by the applicant. Scope of Review: On the record plus additional testimony regarding the topographic aspects of the site and flooding. Oral Argument: 20 minutes per side to present oral argument to the Board.

**LORNA STICKEL EXPLAINED PLANNER BOB HALL IS UNABLE TO BE HERE TODAY. MS. STICKEL AND MARK HESS PRESENTED STAFF REPORT, DISCUSSED FILLING IN THE FLOOD FRINGE AREA, GRADING AND EROSION CONTROL STANDARDS, AND HOLGATE LAKE AND JOHNSON CREEK FLOODPLAIN ISSUES. MS. STICKEL ADVISED MR. HALL HAS BEEN IN CONTACT WITH FEDERAL EMERGENCY MANAGEMENT AGENCY AND DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND WAS INFORMED THE PROPERTY IS NOT WITHIN THE ACTIVE MOVING WATER AREA OF THE JOHNSON CREEK FLOODPLAIN, BUT STAFF FEELS THAT THE BOARD HAS THE LATITUDE UNDER THE DEVELOPMENT LIMITATIONS POLICY OF THE FRAMEWORK PLAN TO REQUIRE THAT ADDITIONAL ANALYSES AND ASSURANCES BE MADE TO ASSURE THAT ANY FILLING IN THE AREA WOULD NOT HAVE AN IMPACT ON ADJACENT RESIDENCES. IN RESPONSE TO QUESTIONS OF CHAIR McCOY, MS. STICKEL ADVISED MANY RESIDENCES WERE BUILT BEFORE THE 100 YEAR FLOODPLAIN MAPPING WAS DONE IN THE 1970'S, BUT SINCE ADOPTION OF THE COUNTY FLOODPLAIN ORDINANCE, NEW**

DEVELOPMENTS ARE REQUIRED TO BE ELEVATED SO THE FIRST HABITABLE FLOOR OF THE STRUCTURE IS LOCATED ABOVE THE 100 YEAR FLOOD LEVEL, EITHER BY RAISING THE FOUNDATION OR WITH A FILL. MS. STICKEL SUBMITTED A COPY OF AN APRIL 27, 1990 LETTER FROM DLCD ADVISING THE PROPOSED PROPERTY IS WITHIN THE 100 YEAR FLOODPLAIN, THAT MOST OF THE LOCAL FLOODING IS NOT ASSOCIATED WITH JOHNSON CREEK, BUT WITH THE CLOSED BASIN IN WHICH NEIGHBORS RESIDE. MS. STICKEL ADVISED THAT DRAINAGE HAS NO WHERE TO GO WITHIN THE CLOSED DEPRESSION AND CANNOT PENETRATE THE IMPERMEABLE LAYER. IN RESPONSE TO QUESTIONS OF COMMISSIONER ANDERSON, MS. STICKEL EXPLAINED THE ISSUE TO BE CONSIDERED AND ADDRESSED CONCERNS THE PROPOSED SITE WHICH IS A LARGE PORTION OF THE CLOSED BASIN, AND WHETHER IF ONE AREA IS FILLED AND ANOTHER NOT FILLED, WILL IT RESULT IN ADDITIONAL WATERS BEING DIRECTED TO ANOTHER AREA AND THEREFORE PERHAPS ENLARGING THE AREA OF FLOODING. MR. HESS, APPLICANT JEFFREY PAYNE AND AREA NEIGHBOR LEO BASCH PRESENTED SLIDES OF PROPOSED SITE AND RESPONDED TO BOARD QUESTIONS. GORDON DAVIS, ATTORNEY REPRESENTING APPLICANT, TESTIFIED IN SUPPORT OF REZONING AND CONCEPT DEVELOPMENT PLAN APPROVAL. USING 1963 FLOODPLAIN AND CURRENT MAPS, MR. DAVIS SUBMITTED AND DISCUSSED AN APRIL 27, 1990 LETTER FROM JOSEPH HOWE, HYDROLOGIST WITH ODGEN BEEMAN & ASSOCIATES, ADDRESSING PROBABLE CAUSES OF FLOODING AND WHETHER ADDITIONAL FILL MAY SIGNIFICANTLY EFFECT THE FLOOD ELEVATION IN THE AREA. LEO BASCH, REPRESENTING AREA NEIGHBORS, TESTIFIED IN OPPOSITION TO THE PROPOSED DEVELOPMENT, USING AN AERIAL PHOTO DEPICTING HOLGATE LAKE AREA AND CITING



SECTIONS OF THE APRIL 27, 1990 DLCD LETTER AND A MARCH 2, 1987 DAVID DOUGLAS SCHOOL DISTRICT REAL ESTATE MEMORANDUM OF OPINION. MR. BASCH RESPONDED TO BOARD QUESTIONS, ADVISING HE FEELS THE AREA WOULD BE MORE APPROPRIATE FOR ANY LARGE DEVELOPMENT WITH OPEN SPACE AND A MINIMUM OF ASPHALT AND DRIVEWAYS IN HEARING HELD, AND THAT HE WOULD NOT OBJECT TO THE PROPOSED DEVELOPMENT OCCURING EAST OF THE AREA. MR. DAVIS REBUTTAL TESTIMONY, ADVISING THAT THE FILL WILL BE REDONE AND THAT APPLICANT PROPOSES LEAVING THE NORTHERN AREA UNDEVELOPED. MR. DAVIS RESPONDED TO BOARD QUESTIONS CONCERNING FLOODING AND FILL. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER ANDERSON, TO SUPPORT THE PLANNING COMMISSION DECISION TO DENY THE REQUEST. COMMISSIONER KELLEY ADVISED SHE SUPPORTS THE MOBILE HOME DEVELOPMENT BUT IS NOT PERSUADED THAT THIS PROPOSAL WOULD NOT HARMFULLY IMPACT THE NEIGHBORS. COMMISSIONER KAFOURY ADVISED SHE FEELS APPLICANT HAS MADE SIGNIFICANT CONCESSIONS TO RESPOND TO PLANNING COMMISSION CONCERNS, AND THAT THIS BOARD COULD PUT ADDITIONAL CONDITIONS ON APPLICATION TO ASSURE FLOODING POTENTIAL IS MITIGATED AS MUCH AS POSSIBLE. COMMISSIONER BAUMAN ADVISED HE WOULD SUPPORT A MOTION TO ALLOW THE DEVELOPMENT WITH POTENTIAL CONDITIONS ADDED IN TERMS OF THE TRANSITION OF THE FILL INTO NEIGHBORING LOTS. CHAIR McCOY EXPRESSED CONCERN WITH ALLOWING DEVELOPMENT IN A FLOODPLAIN AREA. IN RESPONSE TO A QUESTION OF CHAIR McCOY, MR. HESS ADVISED THAT PLANNING STAFF COULD CRAFT CONDITIONS TO MITIGATE FLOOD HAZARDS TO NEIGHBORS AND PERSPECTIVE MOBILE HOME RESIDENTS AS PART OF DESIGN

REVIEW OF THE PROJECT, IMPOSE CONDITIONS REQUIRING THAT THE DEVELOPER PROVIDE ENGINEERING AND HYDROLOGIC ANALYSES IDENTIFYING FLOOD IMPACTS FROM THE PROPOSED FILL; CONDITIONS ASSURING THEY DO NOT INCREASE STORMWATER RUNOFF TO SURROUNDING PROPERTY OWNERS; AND CONDITIONS REQUIRING THAT ANY FILL AREAS HAVE TRANSITIONS OF AT LEAST A THREE TO ONE SLOPE, SO THE NEIGHBORS WOULD HAVE NO ABRUPT EDGES OF FILL TO LOOK AT. COMMISSIONER KELLEY ASKED IF A CONDITION COULD BE PLACED REQUIRING A PERFORMANCE BOND OR SOME OTHER KIND OF ASSURITY FROM APPLICANT AND SUGGESTED THAT STAFF LOOK AT WHETHER 117 UNITS IS THE APPROPRIATE INTENSITY FOR THE DEVELOPMENT. FOLLOWING DISCUSSION WITH CHAIR McCOY, MR. HESS AND MR. DuBAY, AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT THE DECISION IN THIS MATTER BE CONTINUED ONE WEEK, TO TUESDAY, MAY 8, 1990, IN ORDER TO ALLOW STAFF TO PREPARE THE RECOMMENDED CONDITIONS AS DISCUSSED.

*There being no further business, the planning meeting was adjourned at 11:25 a.m. and the formal meeting was convened at 11:35 a.m.*

---

Tuesday, May 1, 1990 - 10:30 AM  
Multnomah County Courthouse, Room 602

### FORMAL AGENDA

#### NON-DEPARTMENTAL

- R-1      In the Matter of Re-appointments to the Investment Advisory Board - Rebecca Marshall, George Scherzer and Richard Harris. All terms expire 1993

**UPON MOTION OF COMMISSIONER ANDERSON,  
SECONDED BY COMMISSIONER KAFOURY, R-1  
WAS UNANIMOUSLY APPROVED.**

- R-2 Proclamation in the Matter of Proclaiming May 7, 1990 as  
NATIONAL NURSES' DAY in Multnomah County

**UPON MOTION OF COMMISSIONER ANDERSON,  
SECONDED BY COMMISSIONER KAFOURY,  
PROCLAMATION 90-67 WAS UNANIMOUSLY  
APPROVED.**

- R-3 Proclamation in the Matter of Proclaiming April 21 through May 19 as  
1990 PORTLAND AREA CLEANUP/BAG-A-THON MONTH in  
Multnomah County

**COMMISSIONER ANDERSON MOVED,  
SECONDED BY COMMISSIONER KAFOURY,  
APPROVAL OF R-3. NANCY BIASI, CITY OF  
PORTLAND OFFICE OF NEIGHBORHOOD  
ASSOCIATIONS EXPLANATION AND  
PRESENTATION OF PROJECT COORDINATORS  
HANDBOOK AND T-SHIRTS TO BOARD  
MEMBERS. PROCLAMATION 90-68  
UNANIMOUSLY APPROVED.**

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-4 Resolution in the Matter of Endorsing Ballot Measure 1

**FOLLOWING EXPLANATION, COMMISSIONER  
ANDERSON MOVED, SECONDED BY  
COMMISSIONER KAFOURY, APPROVAL OF R-4.  
LARRY NICHOLAS AND STEVE SEGAL  
EXPLANATION AND RESPONSE TO BOARD  
QUESTIONS AND DISCUSSION. RESOLUTION 90-  
69 UNANIMOUSLY APPROVED.**

#### **SERVICE DISTRICTS**

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

- R-5 Budget Modification DES #16 Authorizing transfer of \$17,865 from Dunthorpe-Riverdale Service District No. 1 General Fund Contingency to Materials and Services for sewage treatment and system maintenance

***RICHARD HOWARD EXPLANATION. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-5 WAS UNANIMOUSLY APPROVED.***

(Recess as Dunthorpe-Riverdale Service District No. 1 and convene as the Governing Body of West Hills Service District)

- R-6 In the Matter of Approval of the West Hills Service District Budget to revise appropriations and unappropriated balance prior to submitting budget to Tax Supervising and Conservation Commission

***RICHARD HOWARD EXPLANATION. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY APPROVED.***

(Recess as the Governing Body of West Hills Service District and reconvene as the Board of County Commissioners)

#### **DEPARTMENT OF GENERAL SERVICES**

- R-7 Budget Modification DGS #16 for the establishment of three new Residential Property Appraiser positions in the Division of Assessment & Taxation

***JANICE DRUIAN EXPLANATION. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER ANDERSON, R-7 WAS UNANIMOUSLY APPROVED.***

- R-9 Budget Modification DGS #17 requesting approval of the transfer of \$21,000 from Personnel Services (5100) to Postage (6200) in Assessment & Taxation Appraisal

***JANICE DRUIAN EXPLANATION. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY***



**COMMISSIONER KELLEY, R-9 WAS  
UNANIMOUSLY APPROVED.**

- R-8 Ratification of an Intergovernmental Agreement to allow the County's contract for the purchase of Herman Miller furnishings to be used by the Unified Sewerage Agency of Washington county in accordance with Bid B43-100-3028

**FOLLOWING EXPLANATION AND UPON MOTION  
OF COMMISSIONER ANDERSON, SECONDED BY  
COMMISSIONER KELLEY, R-8 WAS  
UNANIMOUSLY APPROVED.**

- R-10 In the Matter of Ratification of the Deputy Sheriffs Labor Agreement pursuant to the award of Arbitrator Gary Axon

**DARRELL MURRAY EXPLANATION. UPON  
MOTION OF COMMISSIONER KAFOURY,  
SECONDED BY COMMISSIONER KELLEY, R-10  
WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF HUMAN SERVICES**

- R-11 Ratification of an Intergovernmental Agreement Amendment #2 with Mt. Hood Community College and the Developmental Disabilities Program. Decreases Work Activity Center funding to Mt. Hood by (\$3,557.84) due to the transfer of slots to another provider

**FOLLOWING EXPLANATION AND UPON MOTION  
OF COMMISSIONER BAUMAN, SECONDED BY  
COMMISSIONER ANDERSON, R-11 WAS  
UNANIMOUSLY APPROVED.**

- R-12 Budget Modification DHS #50 requests approval of several appropriation changes to the Health Division budget reflecting Revisions #3 and #4 on Intergovernmental Agreement with the Oregon State Health Division Grant (next 2 items)

- R-13 Ratification of an Intergovernmental Agreement Amendment #3 with Oregon State Health Division to provide additional funds \$127,950, for various programs funded by the State Health Division

- R-14 Ratification of an Intergovernmental Agreement Amendment #4 with Oregon State Health Division provides additional funds \$2,400, for Central Drug Purchasing. These grant revisions must be processed simultaneously with Bud Mod DHS #50

***FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KAFOURY, ITEMS R-12, R-13 AND R-14 WERE UNANIMOUSLY APPROVED.***

**NON-DEPARTMENTAL**

- R-15 Budget Modification MCSO #2 requests approval of reclassification of three positions in the Sheriff's Office budget, changing two existing positions to higher classifications and changing one position to a lower classification

***UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER BAUMAN, R-15 WAS UNANIMOUSLY APPROVED.***

- R-16 Ratification of an Intergovernmental Agreement with the US Department of Agriculture/Forest Service for Multnomah County Sheriff's Office (MSCO) to enforce Federal/State laws and regulation in the National Forest

***FOLLOWING EXPLANATION, COMMISSIONER KAFOURY MOVED, SECONDED BY COMMISSIONER KELLEY, APPROVAL OF R-16. RANDY AMUNDSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. R-16 UNANIMOUSLY APPPROVED.***

- R-17 Request for Approval of Notice of Intent for the Sheriff's Office, Law Enforcement Division, to join the City of Gresham Fire Department in responding to the State of Oregon's request for proposals to develop a Regional Hazardous Materials Emergency Response Team - booklet on file in the Clerk's Office

***COMMISSIONER KAFOURY APPROVED, SECONDED BY COMMISSIONER BAUMAN, APPROVAL OF R-17. RANDY AMUNDSON ADVISED JOE PARROTT OF GRESHAM HERE TO ANSWER QUESTIONS. PENNY MALMQUIST***

**EXPLANATION.  
APPROVED.**

**R-17**

**UNANIMOUSLY**

*There being no further business, the formal meeting was adjourned at 12:05 p.m. and the work session was convened at 1:40 p.m.*

---

Tuesday, May 1, 1990 - 1:30 PM  
Multnomah County Courthouse, Room 602

**WORK SESSION**

1. Public Safety Budget Discussion to include Board of County Commissioners, Sheriff, District Attorney, and staff on full range of sanctions for offenders. Goal is to determine priorities for funding of public safety programs.

**GRANT NELSON, CARY HARKAWAY, WAYNE SALVO, SHERIFF ROBERT SKIPPER, GARY WALKER, LARRY REILLY AND MICHAEL SCHRUNK PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. WORK SESSION CONTINUED TO 9:00 AM, WEDNESDAY, MAY 9, 1990 WITH PARTICIPATION OF BOARD, SHERIFF, DA, DJS AND DHS STAFF. DJS STAFF DIRECTED TO PROVIDE BOARD WITH COPIES OF SENATE BILL 1065 AND CRIMINAL JUSTICE POLICY.**

*There being no further business, the work session was adjourned at 3:15 p.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

**Deborah L. Bogstad**

Deborah L. Bogstad