

ANNOTATED MINUTES

Tuesday, March 20, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

Vice-Chair Gretchen Kafoury convened the meeting at 9:37 a.m., with Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present, and Chair Gladys McCoy absent.

PLANNING ITEMS

Decisions of the Planning Commission of February 26, 1990, are reported to the Board for acceptance and implementation by Board Order:

1. PR 1-90 Approve change in the Rockwood Community Plan re-designing the subject property for Urban Transit Low Density Residential to Urban High Density Residential;
ZC 2-90 Approve, subject to conditions, amendment of Sectional Zoning Map #386, changing the described property from TLR-5 to THR, all for property located at 15809 East Burnside Street

***UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, ITEM 1
WAS UNANIMOUSLY APPROVED.***

2. ZC 1-90 Denied request for a change in the zone designation of the northerly portion of the subject property from LR-10 to LR-7;
PD 1-90 Denied request for Planned-Development overlay zone, all for property located at 13300 SE Holgate Blvd.

***UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, ITEM 2
WAS UNANIMOUSLY APPROVED.***

3. RPD 1-90 Approve amendment of Sectional Zoning Map #109, changing the described property from MUF-19 to MUR-19, RPD, rural Planned-development;
LD 1-90 Approve, subject to conditions, a Tentative Plan for a Type I land division, resulting in 12 lots, all for property located 11000 NW Saltzman Road

PLANNING DIRECTOR LORNA STICKEL GAVE THE STAFF REPORT AND ADVISED STAFF RECOMMENDS THAT THE BOARD CALL THIS MATTER UP FOR A DE NOVO HEARING. COMMISSIONER ANDERSON MOVED AND COMMISSIONER BAUMAN SECONDED, TO SET THE MATTER FOR A DE NOVO REVIEW BY THE BOARD. IN RESPONSE TO A QUESTION OF COMMISSIONER BAUMAN, DEPUTY COUNTY COUNSEL JOHN DuBAY STATED IT WOULD BE APPROPRIATE BUT NOT NECESSARY TO INCLUDE SETTING A DATE IN THE MOTION, AS IT COULD BE SET IN A SEPARATE MOTION. IN RESPONSE TO A QUESTION OF COMMISSIONER BAUMAN, MR. DuBAY ADVISED IT WOULD NOT BE APPROPRIATE FOR THE BOARD TO SET TIME LIMITS IN A DE NOVO HEARING. MS. STICKEL ADVISED SHE ASKED COUNTY COUNSEL TO ATTEND THIS MEETING TO ADDRESS AN ISSUE RELATING TO THE COUNTY ORDINANCE, AND ADVISED THE ORDINANCE PROVIDES AN OPPORTUNITY FOR PARTIES TO DISCUSS THE SCOPE OF REVIEW IF THE BOARD CHOOSES TO ESTABLISH A HEARING FOR DECIDING ON THE SCOPE OF REVIEW BUT THAT IT IS AT THE BOARD'S DISCRETION TO DO SO. MS. STICKEL NOTED THAT REGARDLESS OF WHETHER THE BOARD CALLS THIS ISSUE UP ON ITS OWN MOTION, THE ORDINANCE DOES NOT PROVIDE FOR PUBLIC INPUT. MR. DuBAY EXPLAINED THAT THE BOARD MAY TAKE INFORMATION FROM INVOLVED PARTIES AT ITS DISCRETION. RICHARD WHITMAN OF 101 SW MAIN, REPRESENTATIVE OF APPLICANT FOREST PARK ESTATE JOINT VENTURES, TESTIFIED THAT THIS PARTICULAR PROPOSAL HAS BEEN THROUGH TWO EXTENSIVE HEARINGS BEFORE THE PLANNING COMMISSION, CONSTITUTING OVER SEVEN HOURS OF PUBLIC TESTIMONY, AND ASKED THAT THE BOARD CONSIDER HOLDING A REVIEW BASED ON THE RECORD OF THE PLANNING COMMISSION HEARINGS. VICE-CHAIR KAFOURY NOTED THAT OWING TO THE

DIFFICULTY IN READING TYPED PLANNING COMMISSION TRANSCRIPTS, IT IS EASIER, ESPECIALLY IN HEAVILY CONTESTED MATTERS, TO BEGIN AGAIN. MR. WHITMAN STATED THAT THIS MATTER HAS NOT BEEN HEAVILY CONTESTED AS EVIDENCED BY THE FACT THERE HAS BEEN NO APPEAL OF THE DECISION, OTHER THAN THE PLANNING STAFF RECOMMENDATION TO THE BOARD. COMMISSIONER ANDERSON NOTED THAT A PLANNING STAFF RECOMMENDATION IS CONSIDERED SIGNIFICANT. VICE-CHAIR KAFOURY THANKED MR. WHITMAN FOR HIS TESTIMONY AND CALLED FOR A VOTE ON THE MOTION BEFORE THE BOARD. IT WAS UNANIMOUSLY APPROVED THAT A DE NOVO HEARING BE SCHEDULED FOR 9:30 AM ON TUESDAY, APRIL 24, 1990.

FOLLOWING A BRIEF RECESS AT THE REQUEST OF MS. STICKEL, MS. STICKEL REPORTED SHE HAS BEEN ADVISED THAT AN APPEAL WAS SUBMITTED TO THE PLANNING OFFICE AT 4:45 P.M. YESTERDAY RELATIVE TO ITEM 2, THE ZC 1-90 AND PD 1-90 ISSUE CONCERNING A MOBILE HOME PARK ON 133RD AND HOLGATE. MS. STICKEL RELATED THAT APPLICANT IS REQUESTING A HEARING ON THE RECORD, PLUS ADDITIONAL TESTIMONY RELATING TO THE TOPOGRAPHIC FEATURES OF THE SITE INsofar AS IT EFFECTS THE FLOOD PLAINS AND WETLANDS ISSUE. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, RECONSIDERATION OF ITEM 2 WAS UNANIMOUSLY APPROVED.

2. ZC 1-90 Denied request for a change in the zone designation of the northerly portion of the subject property from LR-10 to LR-7;
 PD 1-90 Denied request for Planned-Development overlay zone, all for property located at 13300 SE Holgate Blvd.

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT A

HEARING ON THE RECORD, WITH ADDITIONAL TESTIMONY RELATING TO TOPOGRAPHIC FEATURES OF SITE PERTAINING TO THE FLOOD PLAIN AND WETLANDS ISSUE, BE SCHEDULED FOR 9:30 A.M., TUESDAY, MAY 1, 1990, WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE.

There being no further business, the meeting was adjourned at 9:55 a.m.

Tuesday, March 20, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

INFORMAL

1. Semi-Annual Report to the Board concerning the activities and recommendations of the Citizen Involvement Committee (CIC). Presented by Dennis Payne, CIC Chair
2. Update on Library Serial Levy Campaign
3. Informal Review of Formal Agenda of March 22, 1990

CORRECTION TO R-11 - ITEM IS A NOTICE OF INTENT TO ALLOW SHERIFF TO NEGOTIATE WITH THE U.S. MARSHALL REGARDING A \$750,000 GRANT FOR CONSTRUCTION OF 30 TO 44 ADDITIONAL BEDS AT INVERNESS JAIL.

Thursday, March 22, 1990, 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL AGENDA

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.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 In the Matter of Appointments of Peter W. Preston, Katherine Tennyson, Jill S. Gelineau, Greg Oldham and Paula Biggs Hammond as Animal Control Hearings Officers for the potentially Dangerous Dog Program, pursuant to Ordinance No. 517

NON-DEPARTMENTAL

- R-2 In the Matter of Appointment of Curtis McCracken to the DUII Community Program Advisory Board, term expires 1995

***UPON MOTION OF COMMISSIONER KAFOURY,
SECONDED BY COMMISSIONER KELLEY, R-1
AND R-2 WERE UNANIMOUSLY APPROVED.***

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Budget Modification DES #11 to reclassify Office Assistant II in Transportation Division to an Office Assistant III as a result of increased duties and responsibilities

***FOLLOWING EXPLANATION AND UPON MOTION
OF COMMISSIONER ANDERSON, SECONDED BY
COMMISSIONER KELLEY, R-3 WAS
UNANIMOUSLY APPROVED.***

- R-4 Budget Modification DES #12 to reclassify Office Assistant II in Transportation - Bridge Section to an Office Assistant III as a result of increased duties and responsibilities as a result of the merger of the Bridge Maintenance and Bridge Engineering Sections. Position is being reclassified under the class/comp plan and is currently vacant

***FOLLOWING EXPLANATION AND UPON MOTION
OF COMMISSIONER ANDERSON, SECONDED BY
COMMISSIONER KAFOURY, R-4 WAS
UNANIMOUSLY APPROVED.***

- R-5 In the Matter of Ratification of an Intergovernmental Agreement with the State of Oregon Highway Division and Multnomah County for improvement of 242nd Avenue from 23rd St. to Division St. with Federal Funds \$793,000

***FOLLOWING EXPLANATION AND UPON MOTION
OF COMMISSIONER ANDERSON, SECONDED BY***

**COMMISSIONER KAFOURY, R-5 WAS
UNANIMOUSLY APPROVED.**

DEPARTMENT OF HUMAN SERVICES

- R-6 Budget Modification DHS #39 requests approval of reclassification of a Program Supervisor position in Juvenile Justice to a Program Manager I position based on a recent audit of duties and responsibilities

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

NON-DEPARTMENTAL

- R-7 In the Matter of the Board setting a Hearing Date for an Appeal of the Decision of the County Engineer denying access to SW 49th Avenue (Kerr Road) for a proposed multi-family residential development

***FOLLOWING EXPLANATION AND UPON MOTION
OF COMMISSIONER ANDERSON, SECONDED BY
COMMISSIONER KELLEY, IT WAS
UNANIMOUSLY APPROVED, THAT THE
HEARING DATE BE SET FOR 9:30 AM, TUESDAY,
APRIL 10, 1990.***

- R-8 In the Matter of Ratification of an Intergovernmental Agreement with the City of Portland and Multnomah County for the dispersal of assets and property subject to forfeiture under Oregon Laws

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

- R-9 Resolution in the Matter of a finding regarding the existence of a recycling system that is actively supported by the plastic industry

***FOLLOWING EXPLANATION, COMMISSIONER
ANDERSON MOVED, SECONDED BY
COMMISSIONER KELLEY, APPROVAL OF R-9.
COMMISSIONERS KAFOURY, ANDERSON AND***

BAUMAN COMMENTS IN SUPPORT. MARGARET BAX RESPONSE TO BOARD QUESTIONS AND DISCUSSION. RESOLUTION 90-43 UNANIMOUSLY APPROVED.

- R-10 In the Matter of Ratification of an Intergovernmental Agreement with the City of Portland, Bureau of Environmental Services delineating the manner in which the sanitarians will use their restaurant inspections to note vendors compliance with City or County polystyrene foam management regulations and outlining how the City will provide enforcement of these regulations

FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-10 WAS UNANIMOUSLY APPROVED.

- R-11 Notice of Intent to Allow Sheriff to Negotiate with the U.S. Marshall Regarding a \$750,000 Grant for Construction of 30 to 44 Additional Beds at Inverness Jail

COMMISSIONER KAFOURY, JOHN SCHWEITZER AND GARY WALKER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER KELLEY, R-11 WAS UNANIMOUSLY APPROVED.

ORDINANCES - NON-DEPARTMENTAL

- R-12 Second Reading - An Ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, regulating possession of assault weapons in public place, establishing a firearms safety training course, and imposing fees

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF SECOND READING AND ADOPTION. WARD STEVEN, RICHARD COWGER AND STEVEN DONNELL TESTIMONY IN OPPOSITION TO VARIOUS SECTIONS OF THE ORDINANCE. BOARD DISCUSSION. COUNTY COUNSEL JOHN DuBAY AND BOARD RESPONSE

TO QUESTIONS AND CONCERNS RAISED BY MR. DONNELL. COUNTY COUNSEL SANDRA DUFFY EXPLANATION OF TECHNICAL AMENDMENTS TO ORDINANCE. STEPHANIE HENLEY TESTIMONY IN SUPPORT. JOHN NICHOLS, HAROLD BANGS AND BILL MONTGOMERY TESTIMONY IN OPPOSITION. COMMISSIONERS BAUMAN AND KAFOURY POSITION STATEMENTS IN SUPPORT. COMMISSIONER KELLEY POSITION STATEMENT IN OPPOSITION. COMMISSIONER ANDERSON POSITION STATEMENT IN SUPPORT. ORDINANCE 646 APPROVED, WITH COMMISSIONERS ANDERSON, KAFOURY AND BAUMAN VOTING AYE, AND COMMISSIONERS KELLEY AND McCOY VOTING NO.

- R-13 Second Reading - An Ordinance in the Matter of repealing Multnomah County Code Chapter 6.80 and adopting Multnomah County Code Chapter 6.81 regulating occasional secondhand dealers and secondhand dealers

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KAFOURY MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. TERRY PARKER TESTIMONY IN OPPOSITION. ORDINANCE 647 UNANIMOUSLY APPROVED.

COMMISSIONER ANDERSON INITIATED A DISCUSSION OF CITY OF PORTLAND SWEEP OF THE HOMELESS CAMPS WITH BOARD, GRANT NELSON AND TERRY ANDERSON. CHAIR McCOY TO DRAFT A LETTER REFLECTING COUNTY'S POSITION ON ISSUE FOR BOARD REVIEW. CHAIR McCOY PROPOSED THAT AN INFORMAL BRIEFING BE SCHEDULED FOR TUESDAY, MARCH 27, 1990.

Commissioner Bauman left at 10:55 a.m.

CHAIR McCOY REMINDED THE BOARD TO SUBMIT THEIR SPECIFIC REORGANIZATION

**OPTIONS QUESTIONS TO HER PRIOR TO THE
MARCH 29, 1990 WORK SESSION.**

*There being no further business, the meeting was adjourned at 11:00
a.m.*

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad