

ANNOTATED MINUTES

Tuesday, April 1, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

LAND USE PLANNING MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Gary Hansen and Commissioner Sharron Kelley present, Commissioner Tanya Collier excused, and Commissioner Dan Saltzman arriving at 9:36 a.m.

P-1 CU 7-96/SEC 33-96 DE NOVO HEARING, TESTIMONY LIMITED TO 20 MINUTES PER SIDE on Appeal of Hearings Officer Decision Regarding Denial of a Conditional Use Permit for a Template Dwelling and Significant Environmental Concern Permit for Single Family Dwelling in the Commercial Forest Use Zone, on Property Located at 10220 NW 160th AVENUE.

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS.

Commissioner Saltzman arrived at 9:36 a.m.

AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT CHAIR STEIN'S REQUEST FOR CHALLENGES AND/OR OBJECTIONS, NONE WERE OFFERED. PLANNER SUSAN MUIR PRESENTED CASE HISTORY AND DISCUSSED PLANNING STAFF RECOMMENDED MODIFICATION TO INCLUDE INDEPENDENT FINDINGS FOR THE STATE CRITERIA AND THE COUNTY CRITERIA APPLICABLE TO THE CASE. HEARINGS OFFICER DENIECE WON PRESENTED CONDITIONS, FINDINGS OF FACT AND CRITERIA USED IN DETERMINATION TO DENY APPLICATION AND SUGGESTED MODIFICATION ADDING SENTENCE FOLLOWING "CRITERIA IS NOT MET AT PREFERRED SITE BUT IS AT ALTERNATE SITE." DOROTHY COFIELD, ATTORNEY FOR APPLICANT ANDREW MILLER, TESTIFIED IN SUPPORT OF

REVERSAL OF THE HEARINGS OFFICER DENIAL, ADVISING THE MULTNOMAH COUNTY TEMPLATE TEST DOES NOT APPLY AND THAT APPLICANT HAS MET BURDEN OF PROOF IN SHOWING THE AMOUNT OF FOREST LAND USED TO SITE THE DWELLING IS MINIMIZED BY THE ALTERNATIVE SITE. IN RESPONSE TO A QUESTION OF COMMISSIONER SALTZMAN, MS. COFIELD ADVISED THE ALTERNATE SITE DOES NOT MEET THE COUNTY TEMPLATE TEST OF. ARNOLD ROCHLIN TESTIFIED IN OPPOSITION TO APPLICANT'S REQUEST AND IN SUPPORT OF HEARINGS OFFICER DECISION, WITH PLANNING STAFF RECOMMENDED MODIFICATION AND HEARINGS OFFICER RECOMMENDED MODIFICATION. MS. COFIELD REBUTTAL TO MR. ROCHLIN'S TESTIMONY, CITING LINDQUIST CASE AND OREGON STATUTES. HEARING CLOSED. IN RESPONSE TO CHAIR STEIN'S REQUEST FOR CONTINUANCE OR OBJECTION TO HEARING, NONE WERE OFFERED. CHAIR STEIN ADVISED ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO LUBA. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER HANSEN, TO UPHOLD THE HEARINGS OFFICER DECISION WITH A MODIFICATION TO INCLUDE INDEPENDENT FINDINGS FOR THE STATE CRITERIA AND THE COUNTY CRITERIA APPLICABLE TO THIS CASE. IN RESPONSE TO A QUESTION OF CHAIR STEIN, DENIECE WON REITERATED HER SUGGESTED MODIFICATION. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER SALTZMAN, TO AMEND PREVIOUS MOTION TO INCLUDE ADDITIONAL MODIFICATION ADDING SENTENCE TO HEARINGS OFFICER DECISION AS FOLLOWS: "CRITERIA IS NOT MET AT PREFERRED SITE BUT IS AT ALTERNATE SITE." FOLLOWING DISCUSSION, AMENDMENTS UNANIMOUSLY APPROVED. CHAIR STEIN DIRECTED STAFF TO PREPARE FINAL ORDER FOR BOARD CONSENT CALENDAR APPROVAL. [ORDER 97-89]

There being no further business, the land use planning meeting was adjourned and the briefing convened at 10:08 a.m.

Tuesday, April 1, 1997 - 10:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

BOARD BRIEFING

- B-1 Debriefing on the January and February, 1997 Multnomah County Community Meetings on the Impact of Measure 47. Facilitated by Carol Ford.

CAROL FORD AND DAVE WARREN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING COMMUNITY MEETINGS; PROPOSED BUDGET WORK SESSION AND HEARING SCHEDULE. BOARD CONSENSUS PUBLIC HEARINGS TO INCLUDE BRIEF EXECUTIVE BUDGET PRESENTATION; BUDGET WORK SESSIONS TO INCLUDE CITIZEN BUDGET ADVISORY COMMITTEE PRESENTATIONS FOR EACH DEPARTMENT; AND MAY 21, 1997 PUBLIC HEARING TO BE A ROUND TABLE BUDGET DISCUSSION WITH AN ELECTED OFFICIAL PER TABLE OF CITIZENS. STAFF DIRECTED TO REQUEST CABLE TO COVER PUBLIC HEARINGS; PUBLICIZE BUDGET MEETING SCHEDULE WITH COMMISSIONERS NAMES, U.S. AND E-MAIL ADDRESSES, PHONE AND FAX NUMBERS; AND TO COORDINATE BUDGET MEETING SCHEDULE WITH PORTLAND AND GRESHAM TO AVOID CONFLICTING MEETINGS. BUDGET SCHEDULE TO BE SENT TO LEGISLATIVE DELEGATION TO ENCOURAGE THEIR ATTENDANCE. GARY OXMAN TO SEND COPY OF "SIM CITY" VARIATION FOR BOARD REVIEW. STAFF TO PREPARE ANOTHER DRAFT SCHEDULE FOR BOARD REVIEW AND APPROVAL.

There being no further business, the briefing was adjourned at 10:47 a.m.

Thursday, April 3, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:34 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Dan Saltzman arriving at 9:36 a.m.

CONSENT CALENDAR

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSENT CALENDAR ITEMS C-1 THROUGH C-4 WERE APPROVED, WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-1 Amendment 3 to Intergovernmental Agreement 101957 with Portland Public Schools, Adding Funds for El Club, Spanish Language Summer Camp Program Sponsored by the City of Portland, Parks and Recreation Program Operating Out of the Metropolitan Learning Center in Northwest Portland
- C-2 Intergovernmental Agreement 103557 with Portland Public Schools, Providing Educational Assistants in the Classroom for Mentally Ill Children Served through the Multnomah CAPCare Plus Program

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-3 Intergovernmental Agreement 700617 with Washington County Juvenile Department, Providing Facilitation of Save Our Youth: a Violence Prevention and Weapons Intervention Program to Washington County Youth and Their Families

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-4 ORDER Authorizing Execution of Deed D971429 Upon Complete Performance of a Contract to Michael Davis

ORDER 97-57.

REGULAR AGENDA
DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 CU 8-96/SEC 14-96 Report the Hearing's Officer Decision Regarding Denial of a Conditional Use Permit and a Significant Environmental Concern Permit for a Single Family Dwelling on Tax Lot 23, Section 10, T2N, R2W which is in the Commercial Forest District

AT THE REQUEST OF CHAIR STEIN WHO ADVISED AN APPEAL WAS FILED, AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, IT WAS APPROVED THAT A DE NOVO HEARING BE SCHEDULED FOR 9:30 AM, TUESDAY, APRIL 29, 1997, WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE, WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE.

Commissioner Saltzman arrived at 9:36 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 COMMENT.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 ORDER Authorizing Sale at Public Auction of 13 Properties Acquired by Multnomah County through the Foreclosure of Liens for Delinquent Taxes

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. COMMISSIONER HANSEN EXPLANATION. COUNTY COUNSEL SANDRA DUFFY RESPONSE TO BOARD QUESTIONS REGARDING CLEAR TITLE. IN RESPONSE TO A QUESTION OF POLICY RAISED BY COMMISSIONER COLLIER, CHAIR DIRECTED STAFF ASSISTANT MARIA ROJO DE

STEFFEY TO PROVIDE COMMISSIONER COLLIER WITH A WRITTEN REPORT AND INDIVIDUAL BRIEFING. CHAIR STEIN ADVISED COMMISSIONER SALTZMAN THE PROPERTIES WERE SCREENED FOR GREENSPACES. ORDER 97-58 UNANIMOUSLY APPROVED.

- R-3 RESOLUTION Requesting Economic Development Commission and State of Oregon Assistance in the Financing of the Oregon Metal Slitters, Inc. Project within Multnomah County through Issuance of an Industrial Development Revenue Bond

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. COUNTY PLANNER PHIL BOURQUIN, PORTLAND DEVELOPMENT COMMISSION STAFF BOB ALEXANDER AND OREGON METAL SLITTERS EXECUTIVE VICE-PRESIDENT STEPHEN ABOUAF EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. RESOLUTION 97-59 UNANIMOUSLY APPROVED.

DEPARTMENT OF SUPPORT SERVICES

- R-4 RESOLUTION of Multnomah County's Support of HB 2752 to Improve and Modernize the Local Budget Law Statutes

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4. DAVE BOYER EXPLANATION. COMMISSIONER KELLEY AND CHAIR STEIN COMMENTS IN APPRECIATION OF MR. BOYER'S EFFORTS. RESOLUTION 97-60 UNANIMOUSLY APPROVED.

- R-5 RESOLUTION Authorizing Execution of a Letter of Intent Relating to the Issuance and Negotiated Sale of \$53,000,000 Educational Facilities Revenue Bonds; Designating an Authorized Representative, and Special Counsel to the County; Authorizing Publication of a Notice of Intent to Issue Educational Facilities Revenue Bonds; Providing for a Public Hearing and Designating a Hearings Official

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. DAVE BOYER EXPLANATION AND RESPONSE TO QUESTION OF CHAIR STEIN REGARDING BOND RATING, ADVISING THIS ACTIVITY WOULD NOT IMPACT THE COUNTY'S BOND RATING. RESOLUTION 97-61 UNANIMOUSLY APPROVED.

- R-6 Intergovernmental Agreement 500317 with the State of Oregon, Approving and Authorizing Execution of a Facilities Lease and a Facilities Sublease Relating to State Funding of the Multnomah County SB 1145 Project

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, TO POSTPONE R-6 FOR ONE WEEK. SANDRA DUFFY AND DAVE BOYER EXPLANATION, ADVISING ALICE BLATT FILED A NOTICE OF INTENT TO THE LAND USE BOARD OF APPEALS, AND RESPONSE TO BOARD QUESTIONS, ADVISING THE COUNTY HAS OBTAINED PERMITS AND THE SHERIFF PLANS TO MOVE AHEAD. MS. DUFFY ADDED THEY WOULD HAVE TO BE REMOVED IN THE UNLIKELY EVENT THE LITIGATION IS SUCCESSFUL. AGREEMENT UNANIMOUSLY CONTINUED ONE WEEK, TO THURSDAY, APRIL 10, 1997.

- R-7 Intergovernmental Agreement 500657 with the Cities of Fairview, Gresham, Maywood Park, Portland, Troutdale and Wood Village, Providing Emergency Management Consolidation

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-7. COMMISSIONER COLLIER AND MIKE GILSDORF EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. CHAIR STEIN THANKED COMMISSIONER COLLIER AND MR. GILSDORF FOR THEIR EFFORTS. AGREEMENT UNANIMOUSLY APPROVED.

R-8 PROCLAMATION Proclaiming April, 1997, EARTHQUAKE PREPAREDNESS MONTH in Multnomah County, Oregon

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-8. MIKE GILSDORF EXPLANATION. PROCLAMATION 97-62 UNANIMOUSLY APPROVED.

R-9 Second Reading and Adoption of an ORDINANCE Establishing a Retirement Incentive Program for County Employees, and Amending Ordinance 631

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, AMENDMENT TO FIRST SENTENCE OF SECTION VIII (B) ADDING: "AND RELEASE OF ALL CLAIMS". AMENDMENT UNANIMOUSLY APPROVED. VICKIE GATES RESPONSE TO BOARD QUESTIONS AND DISCUSSION, REGARDING THE 18 EMPLOYEES WITH THIRTY YEARS OF SERVICE REQUESTING PARTICIPATION IN THE PROGRAM; PERS RULES; VOLUNTARY RETIREMENT INCENTIVES; AND PAYOFF OPTIONS. COMMISSIONER SALTZMAN'S MOTION APPROVING A PAYOFF OPTION FOR EMPLOYEES WITH THIRTY YEARS OR MORE OF SERVICE FAILED FOR LACK OF A SECOND. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, IT WAS UNANIMOUSLY APPROVED TO ADD EMERGENCY CLAUSE LANGUAGE TO MAKE THE ORDINANCE EFFECTIVE IMMEDIATELY UPON ADOPTION. ORDINANCE 877 UNANIMOUSLY APPROVED, AS AMENDED.

There being no further business, the regular meeting was adjourned at 10:27 a.m.

Thursday, April 3, 1997 - 10:15 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

EXECUTIVE SESSION

Chair Beverly Stein convened the meeting at 10:29 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for Legal Counsel Consultation Concerning Current Litigation or Litigation Likely to be Filed. Presented by Sandra Duffy, John Rakowitz and Barry Brook.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 11:23 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad