

ANNOTATED MINUTES

*Tuesday, December 27, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

PLANNING ITEM

Chair Beverly Stein Convened the meeting at 1:30 p.m., with Vice-Chair Tanya Collier, and Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

- P-1 **HVC 19-94** Review the November 16, 1994 Hearings Officer Decision, APPROVING, Subject to Conditions, a 16 Foot Front Yard Setback Variance and a 26 Foot Rear Yard Setback Variance, for Property Located at **31436 DODGE PARD BOULEVARD, GRESHAM***

DECISION READ, NO APPEAL FILED, DECISION STANDS.

*Tuesday, December 27, 1994 - 1:40 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFING

- B-1 Department of Community Corrections Safety Task Force. Presented by Tamara Holden.*

TAMARA HOLDEN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. SAFETY TASK FORCE MEMBERS PRESENT INTRODUCED: DUANE COLE, PAUL FRANK CARL GOODMAN, FRANK GRACE, BARB KABUS, JOANNE FULLER, AND CATHI BAIN; JEAN MILEY (NOT PRESENT). FOLLOWING PRESENTATION, BOARD CONSENSUS TO SCHEDULE ADDITIONAL BRIEFING ON ARMING ISSUE. RESOLUTION TO ACCEPT SAFETY TASK FORCE REPORT TO BE PRESENTED TO THE BOARD AT A LATER DATE.

*Tuesday, December 27, 1994 - 2:40 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

WORK SESSION

WS-1 Board and Managers Discussion on the 1994-95 Mid-Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:

2:40 - 3:10 Portland-Multnomah Progress Board

PAMELA WEV PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

3:10 - 3:40 Metropolitan Human Rights Commission

HELEN CHEEK PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

3:40 - 4:10 Multnomah Commission on Children and Families

PRESENTATION TO BE RESCHEDULED.

There being no further business, the meeting was adjourned at 4:00 p.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Carrie A. Parkerson

**Thursday, December 29, 1994 - 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 Vice-Chair Tanya Collier, and Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER COLLIER, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-13)
WAS UNANIMOUSLY APPROVED.**

COMMUNITY AND FAMILY SERVICES DIVISION

- C-1 *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 94-250.

NON-DEPARTMENTAL

- C-2 *In the Matter of the Appointments of the Following People: GREG HASTINGS, PAUL POTTER and TERI LYNN MANSELLE to the DUII Community Advisory Board; PETER READER, SCOTT LEIBENGUTH, JERRY PENK and MARY SCHWOERFFERMAN to the Non-Departmental Citizen Budget Advisory Committee; CHRISTOPHER EYKAMP, MARK JONES and WINZEL HAMILTON to the Environmental Services Citizen Budget Advisory Committee; ROBERT WILEY, MARGARET BOYLES and MARK CVETKO to the Sheriff's Office Citizen Budget Advisory Committee; IRWIN MANDEL, DICK WEGNER and SARA LAMB to the District Attorney Citizen Budget Advisory Committee; ED LYLE to the Citizens Involvement Committee; PAT BOZANICH and RICHARD POMEROY to the Community Corrections Citizen Budget Advisory Committee; and JANE GORDON to the Community & Family Services Citizen Budget Advisory Committee*

**CORRECTION NOTED: WINZEL HAMILTON
APPOINTED TO THE DISTRICT ATTORNEY CITIZEN
BUDGET ADVISORY COMMITTEE.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 *Ratification of Amendment No. 1 to Intergovernmental Agreement, Contract #301314, between the City of Troutdale and Multnomah County to Add a Non-Appropriation Clause the Agreement for Improvements of SE Stark at SE 282 Avenue/SE Evans Road, Effective Upon Execution through July 1, 1996*

- C-4 *ORDER in the Matter of the Execution of Deed D951142 Upon Complete Performance of a Contract to DARRELL B. McBRAYER*

ORDER 94-251.

- C-5 *ORDER in the Matter of the Execution of Deed D951143 Upon Complete Performance of a Contract to CHARLES L. WILLIAMS & LESLEE WILLIAMS, HUSBAND AND WIFE*

ORDER 94-252.

- C-6 *ORDER in the Matter of the Execution of Deed D951144 for Certain Tax Acquired Property to SUSAN N. OLIVER*

ORDER 94-253.

- C-7 *ORDER in the Matter of the Execution of Deed D951145 for Certain Tax Acquired Property to JAMES L. CASEY and JANET M. CASEY*

ORDER 94-254.

- C-8 *ORDER in the Matter of the Execution of Deed D951146 for Certain Tax Acquired Property to JAMES L. CASEY and JANET M. CASEY*

ORDER 94-255.

- C-9 *ORDER in the Matter of the Execution of Deed D951147 for Certain Tax Acquired Property to JAMES L. CASEY and JANET M. CASEY*

ORDER 94-256.

- C-10 *ORDER in the Matter of the Execution of Deed D951149 Upon Complete Performance of a Contract to G. SIMPSON*

ORDER 94-257.

- C-11 *ORDER in the Matter of the Execution of Deed D951150 Upon Complete Performance of a Contract to TERRY O'NEIL*

ORDER 94-258.

- C-12 *ORDER in the Matter of the Execution of Deed D951151 for Certain Tax Acquired Property to LOUELL MOTLEY*

ORDER 94-259.

- C-13 *ORDER in the Matter of the Execution of Deed D951152 for Certain Tax Acquired Property to CARL D. NELSON*

ORDER 94-260.

REGULAR AGENDA

**AT THE REQUEST OF CHAIR STEIN, ITEM R-1 WAS
MOVED TO THE END OF THE REGULAR AGENDA.**

NON-DEPARTMENTAL

- R-2 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Ordinance No. 792, in Order to Add, Delete and Revise Exempt Pay Ranges*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE NO. 809 WAS UNANIMOUSLY APPROVED.

- R-3** *Ratification of an Intergovernmental Agreement, Contract #500335, between Multnomah County Affirmative Action Office and the State of Oregon's Vocational Rehabilitation Division; and the Commission for the Blind to Develop a Partnership where County Employees will have an Opportunity to Interact with Persons with Disabilities in a Work Setting, and to Provide Persons with Disabilities an Opportunity to Explore the Labor Market through Contact with County Employees. Effective January 1, 1995 through December 31, 1995*

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4** *PUBLIC HEARING and ORDER in the Matter of Offering to Surrender Jurisdiction to the City of Portland All County Roads Within the Areas Annexed to the City of Portland Effective June 30, 1994*

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. BOB PEARSON PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. PUBLIC HEARING HELD. JIM WORTHINGTON PRESENTED TESTIMONY IN FAVOR OF TRANSFER. ORDER 94-262 WAS UNANIMOUSLY APPROVED.

DISTRICT ATTORNEY'S OFFICE

- R-5** *Ratification of Intergovernmental Agreement, Contract #700025, between Children Services Division (CSD) and Multnomah County District Attorney's Office with Funding from the Child Abuse Multidisciplinary Intervention (CAMI) Grant to Provide Funding for 1.0 FTE CSD Protective Services Worker to be Located at the Portland School Police Office, Effective January 1, 1995 through December 31, 1995*

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-5. KELLY BACON PRESENTED EXPLANATION

**AND RESPONSE TO BOARD QUESTIONS FOR ITEMS
R-5, R-6, R-7 AND R-8. AGREEMENT WAS
UNANIMOUSLY APPROVED.**

- R-6** *Ratification of Intergovernmental Agreement, Contract #700035, between the City of Portland and Multnomah County District Attorney's Office with Funding from the Child Abuse Multidisciplinary Intervention (CAMI) Grant to Provide for Portland Police Bureau Detectives Overtime on Evenings and Weekends to Respond to Child Abuse Referrals and Investigations, Effective January 1, 1995 through December 31, 1995*

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED, APPROVAL
OF R-6. AGREEMENT WAS UNANIMOUSLY
APPROVED.**

- R-7** *Ratification of Intergovernmental Agreement, Contract #700045, between the City of Gresham and Multnomah County District Attorney's Office with Funding from the Child Abuse Multidisciplinary Intervention (CAMI) Grant to Provide \$53,904 to the Gresham Police Department to Pay for 1.0 FTE Police Investigator Assigned and Located at the Child Abuse Team (CAT), Effective January 1, 1995 through December 31, 1995*

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED, APPROVAL
OF R-6. AGREEMENT WAS UNANIMOUSLY
APPROVED.**

- R-8** *Budget Modification DA #11 for the Appropriation of the Child Abuse Multidisciplinary Intervention (CAMI) Grant which Adds \$230,486 to the District Attorney's Budget*

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED, APPROVAL
OF R-8. MODIFICATION WAS UNANIMOUSLY
APPROVED.**

PUBLIC COMMENT

- R-9** *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

NONE.

NON-DEPARTMENTAL

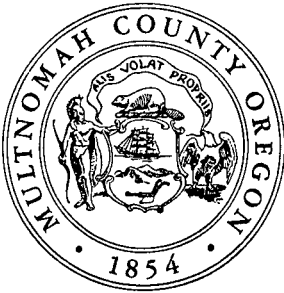
- R-1** *PROCLAMATION in the Matter of Recognizing the Service and Contributions*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-1. PROCLAMATION 94-261 WAS UNANIMOUSLY APPROVED. THE BOARD PRESENTED AWARDS AND PROCLAMATIONS TO SHERIFF ROBERT SKIPPER, CAPTAIN HAROLD AMIDON, CHIEF DEPUTY RANDY AMUNDSON, DEPUTY SERGEANT RUSS BOEHMER, DEPUTY LIEUTENANT KIRBY BROUILLARD, DEPUTY STEVE CRAMPTON, DEPUTY FRANK HANNA, DEPUTY LEE HOUSTON, CAPTAIN BUD JOHNSON, DEPUTY BILL RISTAU, CHIEF DEPUTY JOHN SCHWEITZER, and DEPUTY BOB ZION. AND THOSE NOT PRESENT; UNDER SHERIFF CHUCK FESSLER, DEPUTY DENNIS CARMODY AND DEPUTY ART ZEHNER. CHAIR STEIN, ON BEHALF OF THE BOARD, CONGRATULATED THE DEPUTIES AND THEIR FAMILIES FOR THE YEARS OF PUBLIC SAFETY SERVICES PROVIDED AND VERY PROUD OF EACH ONE. CHIEF DEPUTY TOM SLYTER ON BEHALF OF SHERIFF JOHN BUNNELL AND THE ENTIRE SHERIFF'S OFFICE STAFF, EXTENDED APPRECIATION FOR THE GUIDANCE, EDUCATION AND LAYING OF THE FIRM FOUNDATION FOR THE BEST SHERIFF'S OFFICE IN THE COUNTRY. ALL WERE WISHED WELL AND BEST OF LUCK IN THEIR RETIREMENT. ALSO, RETIRING IS DEPUTY LEE HOUSTON'S DOG, "ROCKY".

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

**OFFICE OF THE BOARD CLERK
of MULTNOMAH COUNTY, OREGON**


Carrie A. Parkerson



Beverly Stein, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
P.O. Box 14700
Portland, Oregon 97204
(503) 248-3308

M E M O R A N D U M

TO : Office of the Board Clerk
FROM : Beverly Stein
DATE : December 21, 1994
RE : Late Arrival at Board Meeting

I will be coming in from out of town on Tuesday December 27 and will be about 20 minutes late for the Board meeting. Please notify the other Commissioners and Vice-Chair Collier.

CLERK OF
COUNTY COMMISSIONERS
1994 DEC 21 PM 4:23
MULTNOMAH COUNTY
OREGON





MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

DECEMBER 26, 1994 - DECEMBER 30, 1994

Monday, December 26, 1994 - CHRISTMAS HOLIDAY - OFFICES CLOSED

Tuesday, December 27, 1994 - 1:30 PM - Planning Item Page 2

Tuesday, December 27, 1994 - 1:40 PM - Board Briefing Page 2

Tuesday, December 27, 1994 - 2:40 PM - Work Session Page 2

Thursday, December 29, 1994 - 9:30 AM - Regular Meeting Page 2

*Thursday Meetings of the Multnomah County Board of Commissioners are
taped and can be seen by Paragon Cable subscribers at the following times:*

Thursday, 6:00 PM, Channel 30

Friday, 10:00 PM, Channel 30

Saturday, 12:30 PM, Channel 30

Sunday, 1:00 PM, Channel 30

**INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD
CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-
5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.**

Tuesday, December 27, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PLANNING ITEM

P-1

HVC 19-94 Review the November 16, 1994 Hearings Officer Decision, APPROVING, Subject to Conditions, a 16 Foot Front Yard Setback Variance and a 26 Foot Rear Yard Setback Variance, for Property Located at 31436 DODGE PARD BOULEVARD, GRESHAM

Tuesday, December 27, 1994 - 1:40 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

B-1 Department of Community Corrections Safety Task Force. Presented by Cary Harkaway. 1 HOUR REQUESTED.

Tuesday, December 27, 1994 - 2:40 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

WORK SESSION

WS-1 Board and Managers Discussion on the 1994-95 Mid-Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:

2:40 - 3:10 Portland-Multnomah Progress Board

3:10 - 3:40 Metropolitan Human Rights Commission

3:40 - 4:10 Multnomah Commission on Children and Families } *Cancelled*

Thursday, December 29, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

COMMUNITY AND FAMILY SERVICES DIVISION

C-1 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

NON-DEPARTMENTAL

- C-2 *In the Matter of the Appointments of the Following People: GREG HASTINGS, PAUL POTTER and TERI LYNN MANSELLE to the DUII Community Advisory Board; PETER READER, SCOTT LEIBENGUTH, JERRY PENK and MARY SCHWOERFFERMAN to the Non-Departmental Citizen Budget Advisory Committee; CHRISTOPHER EYKAMP, MARK JONES and WINZEL HAMILTON to the Environmental Services Citizen Budget Advisory Committee; ROBERT WILEY, MARGARET BOYLES and MARK CVETKO to the Sheriff's Office Citizen Budget Advisory Committee; IRWIN MANDEL, DICK WEGNER and SARA LAMB to the District Attorney Citizen Budget Advisory Committee; ED LYLE to the Citizens Involvement Committee; PAT BOZANICH and RICHARD POMEROY to the Community Corrections Citizen Budget Advisory Committee; and JANE GORDON to the Community & Family Services Citizen Budget Advisory Committee*

DEPARTMENT OF ENVIRONMENTAL SERVICES

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- C-5 *ORDER in the Matter of the Execution of Deed D951143 Upon Complete Performance of a Contract to CHARLES L. WILLIAMS & LESLEE WILLIAMS, HUSBAND AND WIFE*
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- C-10 *ORDER in the Matter of the Execution of Deed D951149 Upon Complete Performance of a Contract to G. SIMPSON*
- C-11 *ORDER in the Matter of the Execution of Deed D951150 Upon Complete Performance of a Contract to TERRY O'NEIL*
- C-12 *ORDER in the Matter of the Execution of Deed D951151 for Certain Tax Acquired Property to LOUELL MOTLEY*
- C-13 *ORDER in the Matter of the Execution of Deed D951152 for Certain Tax Acquired Property to CARL D. NELSON*

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *PROCLAMATION in the Matter of Recognizing the Service and Contributions of Retiring Officers of the Multnomah County Sheriff's Office*
- R-2 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Ordinance No. 792, in Order to Add, Delete and Revise Exempt Pay Ranges*
- R-3 *Ratification of an Intergovernmental Agreement, Contract #500335, between Multnomah County Affirmative Action Office and the State of Oregon's Vocational Rehabilitation Division; and the Commission for the Blind to Develop a Partnership where County Employees will have an Opportunity to Interact with Persons with Disabilities in a Work Setting, and to Provide Persons with Disabilities an Opportunity to Explore the Labor Market through Contact with County Employees. Effective January 1, 1995 through December 31, 1995*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 *ORDER in the Matter of Offering to Surrender Jurisdiction to the City of Portland All County Roads Within the Areas Annexed to the City of Portland Effective June 30, 1994*

DISTRICT ATTORNEY'S OFFICE

- R-5 *Ratification of Intergovernmental Agreement, Contract #700025, between Children Services Division (CSD) and Multnomah County District Attorney's Office with Funding from the Child Abuse Multidisciplinary Intervention (CAMI) Grant to Provide Funding for 1.0 FTE CSD Protective Services Worker to be Located at the Portland School Police Office, Effective January 1, 1995 through December 31, 1995*
- R-6 *Ratification of Intergovernmental Agreement, Contract #700035, between*

the City of Portland and Multnomah County District Attorney's Office with Funding from the Child Abuse Multidisciplinary Intervention (CAMI) Grant to Provide for Portland Police Bureau Detectives Overtime on Evenings and Weekends to Respond to Child Abuse Referrals and Investigations, Effective January 1, 1995 through December 31, 1995

R-7 Ratification of Intergovernmental Agreement, Contract #700045, between the City of Gresham and Multnomah County District Attorney's Office with Funding from the Child Abuse Multidisciplinary Intervention (CAMI) Grant to Provide \$53,904 to the Gresham Police Department to Pay for 1.0 FTE Police Investigator Assigned and Located at the Child Abuse Team (CAT), Effective January 1, 1995 through December 31, 1995

R-8 Budget Modification DA #11 for the Appropriation of the Child Abuse Multidisciplinary Intervention (CAMI) Grant which Adds \$230,486 to the District Attorney's Budget

PUBLIC COMMENT

R-9 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

MEETING DATE: December 27, 1994

AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Hearings Officer Decision

BOARD BRIEFING **Date Requested:** _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** December 27, 1994

Amount of Time Needed: 5 minutes

DEPARTMENT: DES

DIVISION: Planning

CONTACT: Sarah Ewing

TELEPHONE #: 248-3043, ext. 2610
BLDG/ROOM #: 412/109

PERSON(S) MAKING PRESENTATION: R. Scott Pemble

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☒ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Review the Hearing Officer Decision of November 16, 1994.

Approve, subject to conditions, a 16 foot front yard setback variance and a 26 foot rear yard setback variance at 31436 Dodge Park Boulevard, Gresham, Oregon.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____

[Signature] *RSP* *Betsy Wallia*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

1994 DEC 15 PM 3:11
CLERK OF BOARD OF
MULTI-JURISDICTIONAL
OREGON



BOARD HEARING OF December 27, 1994

TIME 1:30 p.m.

CASE NAME Major Setback Variance

NUMBER HVC 19-94

1. Applicant Name/Address

Richard & Evelyn Ulrich
31436 SE Dodge Park Boulevard
Gresham OR 97080

2. Action Requested by applicant

CASE NAME Community Service Use
(22-Foot Front and 24-Foot Rear Yard Variance)

ACTION REQUESTED OF BOARD

- ☒ Affirm Plan.Com./Hearings Officer
- ☐ Hearing/Rehearing
 - ☐ Scope of Review
 - ☐ On the record
 - ☐ De Novo
 - ☐ New Information allowed

3. Planning Staff Recommendation

Approval With Conditions

4. Hearings Officer Decision:

Approval With Conditions

5. If recommendation and decision are different, why?

The Staff had recommended that the proposed building be re-oriented so that the longer dimension of the building would be parallel to the road instead of being perpendicular to the road as the applicant had requested. The Hearings Officer allowed the building orientation to remain as the applicant requested, but required that the length of the proposed building be reduced from 40 feet to 36 feet. (The applicant had offered to reduce the length of the building by this amount to provide an increased front yard setback.) As a result, the decision was for approval of a 16-foot front yard variance (instead of 22 feet as originally requested) and a 26-foot rear yard variance (instead of 24 feet as originally requested).

ISSUES
(who raised them?)

The applicant raised the issue of needing the building to be oriented at right angles to the road in order to maintain existing garden areas on the site.

HEARINGS OFFICER DECISION

This Decision consists of Conditions, Findings of Fact and Conclusions.

December 8, 1994

HV 19-94, #708

Request for Variance

Applicant originally requested approval of a variance of 22 feet from the front yard setback requirement and of 24 feet from the rear yard setback requirement for front and rear yards in the RC, Rural Center zoning district to construct a pole building for recreational vehicle storage. Applicant has submitted a revised site plan and now requests a variance of 16 feet from the front yard setback requirement and of 26 feet from the rear yard setback requirement.

Location: 31436 Dodge Park Boulevard

Legal Description: Sec. 20 T 1S, R 4E, Tax Lots '110' and '120'
(1900 Assessor's Map)

Site Size: .26 Acre

Owner and Applicant: Richard and Evelyn Ulrich
31436 SE Dodge park Boulevard
Gresham, OR 97080

Comprehensive Plan: Rural Center

Present Zoning: RC, Rural Center District

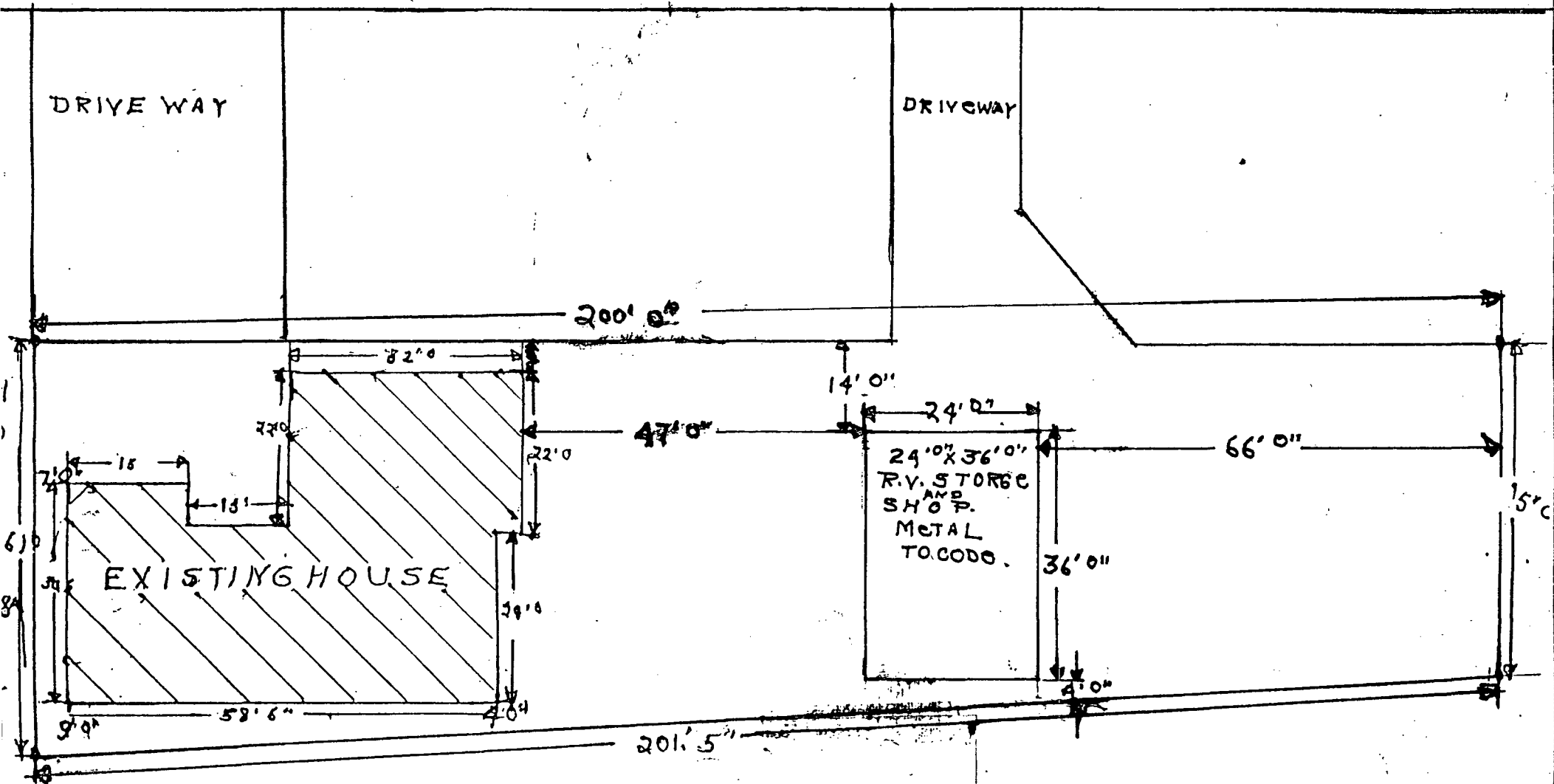
Hearings Officer Decision: **Approve, subject to conditions,** a 16 foot front yard setback variance and a 26 foot rear yard setback variance based on the following Findings and Conclusions.

MR. ~~MRS.~~ RICHARD HERICH
3143 ~~SE~~ DODGE PARK BLVD.
GRESHAM, ORE. 97030 PH 6634780
PLOT PLAN SCALE 1" = 20' 0"

SECTION 20S4E TL. 110018A
R.V. STORAGE SHOP
REVISED - 16 NOV 1994

1994 NOV 21 PM 4:52

DODGE PARK BLVD.



4N 19-94

1993 Vicinity Map
 Case #: HV 19-94
 Location: 31436 SE Dodge Park Blvd.
 Scale: 1 inch to 400 feet (approx)
 Shading indicates subject property
 Tax lots 110 & 120, Sec. 25, T1S, R4E, WM.



(128)
 9.39 Ac.

(3)
 6.63 Ac.

SW COR.
 274-218
 3-6-01

RD. NO. 1305-100 DODGE PARK
 2-23-34

(150)
 5.84 Ac.

(151)
 2.67 Ac.

(5)
 2.12 Ac.

(61)
 2.81 Ac.

(42)
 6.33 Ac.

(177)
 2.89 Ac.

(56)
 9.80 Ac.

(17)
 9.80 Ac.

(202)
 2.32 Ac.

(180)
 2.50 Ac.

64.92	50	50	50	50
100	2	3	4	5
102	25	24	23	22
50	50	50	50	50

50	50	50	50	50
100	2	3	4	5
125	50	50	50	50

57.46	50	50	50	50
100	2	3	4	5
100	50	50	50	50

50	50	50	50	50
174.75	170.97	166.39	163.12	159.24
3731	5013	5011	5013	5011

RD. NO. 677

PLEASANT HOME

766.85

1402.44

1573.67

1618.82

343.75

157

232

710

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Zoning Map
Case #: HV 19-94
Location: 31436 SE Dodge Park Blvd.
Scale: 1 inch to 400 feet (approx)
Shading indicates subject property
Sec. Zone Map 708; Sec.25, T1S, R1E, WM.

Sec. Zone Map 708; Sec.25, T1S, R4E, WM.

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Conditions of Approval

1. This Variance shall be null and void 18 months from the date of this Decision unless substantial construction or substantial expenditure of funds has occurred on the subject property in accordance with MCC 11.15.8505(B).
2. Construction of the building shall comply with the revised site plan submitted by applicant on November 21, 1994. As revised, the site plan provides that the longest dimension of the proposed 24' by 40' building has been reduced from 40 feet to 36 feet. With its revised length, the building shall not exceed a depth of 36 feet. The front yard setback shall be at least 14 feet and the rear yard setback shall be at least 4 feet.
3. Before the Planning Division grants zoning approval for the new building, the applicant shall present evidence that the Division of Assessment and Taxation has commended action to consolidate Tax Lots '110' and '120' into a single tax account.

FACTS

1. Applicant's Proposal:

A. Applicant originally requested a major variance to construct a 24' x 40' building for recreational vehicle storage. The subject site has one single family dwelling. During the course of the public hearing held on November 16, 1994, the applicant responded to staff concerns regarding orientation of the building by proposing to reduce the longest dimension of the building to 36'. The record was held open for 7 days in order to provide applicant the opportunity to submit a revised site plan detailing the proposed revision to the applicant's proposal. The applicant timely submitted a revised site plan on November 21, 1994.

2. Site and Vicinity Information.

A. The .26 acre site is located on the south side of SE Dodge Park Boulevard. The east edge of the site is about 430 feet west of the intersection of Dodge Park Boulevard and SE Pleasant Home Road.

B. The site Presently consists of two tax lots. Tax Lot '110' has one house, contains .18 acre, and has 120 feet of road frontage. Tax Lot '120' is vacant and has 80 feet of road frontage. The depth of the site at the location of the proposed building is 54 feet.

C. County assessment and taxation records indicate that the house on the site was built in 1949, about 13 years before the adoption of County zoning in the area.

3. Testimony and Evidence Presented

A. David Prescott testified for the county, summarized the Staff Report and showed slides of the site and surrounding property. The facts stated in the staff report are hereby incorporated by this reference herein.

B. Applicant, Richard Ulrich testified on behalf of the application. In response to staff's recommendation that the orientation of the building be realigned, Mr. Ulrich stated that the suggested realignment might have a greater impact on surrounding property because the building would then have more visual impact. In addition, the suggested realignment would have significant negative impact on his ability to use the balance of his property. Applicant indicated that the longest dimension of the building could be reduced to 36', thereby reducing the variance that would be needed.

C. In response to applicant's proposal to reduce the size of the building, staff indicated no objection to retaining the proposed alignment of the building, subject to reduction in size of the building. Staff suggested that the building be sited as far from the road as possible and recommended that the front yard setback be 14 feet and that the rear yard setback be 4 feet.

D. No testimony or evidence was presented in opposition to the application. The record was held open for 7 days for applicant to provide a revised site plan detailing the proposed revision to the application. The revised site plan was submitted on November 21, 1994

4. Zoning Ordinance Criteria (MCC 11.15)

The requested front and rear setback reductions of 22 and 24 feet are 73 and 80 percent reductions, respectively, from the required 30-foot front and rear yard setbacks. MCC 11.15.8515 provides in part that a major variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 11.15.8505(A). Pursuant to MCC 11.15.8505(A) a Major Variance shall be granted only when all of the following criteria are met:

- 1. A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may**

relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.

2. The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.
3. The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located or adversely affect the appropriate development of adjoining properties.
4. The granting of a variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.

FINDINGS

The Hearings Officer, having considered all relevant evidence in the record, and having heard and considered the testimony of the applicant, adopts the following findings:

1. The total size of the site is .26 acre. The site is zoned RC, Rural Center. The minimum lot size in the RC zone is one acre. The two tax lots that comprise the site were established before the adoption of county zoning. The site has a depth of 54 feet at the location of the proposed building. The small size and the relatively shallow depth of the site represent unusual circumstances in the RC zone. The vicinity map on page 4 herein indicates that in addition to the subject site, there are 13 other parcels with RC zoning in the vicinity of the subject site. Of those 13 parcels, ten have depths of 100 feet or more. The three remaining parcels are all east of the site on the south side of Dodge Park Boulevard, and have lesser depths than the subject site. County land use data indicates that seven of the 13 RC parcels have houses on them. Five of those seven parcels have front yard of less than 30 feet and two of those parcels also have rear yards of less than 30 feet. The two parcels with houses on them with front and rear yard setbacks of under 30 feet are on the south side of Dodge Park Boulevard, east of the subject site. The combination of small size and shallow depth of the subject site create a circumstance that does not generally apply to other RC-zoned parcels in the vicinity. If no variance were granted for the subject site, nothing could be built on the site, since the combined front and rear yard setbacks equal 60 feet, and the site is only 54 deep at the proposed building location.

For these reasons I find that the proposed variance as revised complies with the requirements of MCC 11.15.8505 (A) (1)

2. Seven of the 13 RC-zoned parcels in the vicinity have houses on them, and five of those houses have front and/or rear yard setbacks of less than 30 feet. As stated above, if no variance were granted, nothing could be built on the site, because the required front and rear yard setbacks equal 60 feet, and the site is only 54 feet deep where the proposed building would be situated. Since five parcels in the vicinity already have houses with substandard front and/or rear yard setbacks, I find that imposing the 30-foot front and rear yard setbacks at the subject site would restrict the use of the site to a greater degree than other RC-zoned properties in the vicinity. Accordingly, I find that the proposed variance as revised complies with the requirements of MCC 11.15.8505 (A) (2).
3. The revised site plan shows that the building will be located over the property line separating Tax Lots '110' and '120.' Such placement would violate the 10-foot RC side yard setback. Combining Tax Lots '110' and '120' would eliminate the setback problem. Applicant has revised the original proposal in order to increase the amount of setback between the front of the building and the north property line (the south right-of-way line of Dodge Park Boulevard) from 8 feet to 14 feet. The modifications are appropriate in order to maximize the amount of front yard and thereby reduce the amount of motor vehicle maneuvering that might need to occur in the right-of-way. The 6 feet of additional setback afforded by the reduced building length and reduced rear yard setback shown on the revised site plan are appropriate and necessary in the interest of public safety so that vehicle maneuvering can occur on-site as much as possible, with a minimum amount of maneuvering occurring in the public right-of-way. Authorization of the proposed variance as revised will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located or adversely affect the appropriate development of adjoining properties, provided that the applicant consolidates tax lots '110' and '120'. Accordingly, I find that the proposed variance as revised, conditioned upon lot consolidation, complies with MCC 11.15.8505 (A) (3).
4. The variance is requested in order to accommodate a proposed pole building for recreational vehicle storage. The building is an "accessory structure" that is allowed in the RC zone pursuant to MCC 11.15.2254. The RC zoning designation for the site is consistent with the Comprehensive Plan designation of Rural Center. Comprehensive Plan Policy No. 37 (Utilities) is satisfied based on responses provided

by the Pleasant Home Water District and the Portland Bureau of Buildings/Plumbing and Sanitation Division. Policy 38 (Facilities) is satisfied based on responses by the City of Gresham and the Multnomah County sheriff's Office that adequate fire and police service are available. The Gresham-Barlow School District has stated that the proposed building will not impact school facilities. Accordingly, I find that the granting of a variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone, and that the proposed variance as revised complies with the requirements of MCC 11.15.8505 (A) (4).

CONCLUSION

Based on the findings and the substantial evidence cited or referenced herein, the hearings officer concludes that the proposed variance as modified in accordance with the revised site plan set forth on page 2 herein satisfies all applicable approval criteria, provided that the conditions of approval are complied with. Accordingly, the applicant's request for variance as revised is approved, subject to the conditions of approval contained herein.

IT IS SO ORDERED, this 8th day of December, 1994

A handwritten signature in cursive script, reading "Joan M. Chambers", written in dark ink.

JOAN M. CHAMBERS, Hearings Officer

Appeal to the Board of County Commissioners:

The Hearings Officer Decision may be appealed to the Board of County Commissioner (Board) by any person or organization who appears and testifies at the hearing or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal requires a completed "Notice of Review" form and a fee of \$300.00 plus a \$3.50 per minute charge for a transcript of the initial hearing(s) [ref MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)]. Instructions and forms are available at the County Planning and Development Office located at 2115 SE Morrison Street, Portland, Oregon.

Failure to raise an issue by the close of the record at or following the final hearing (in person or by letter) precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond precludes appeal to LUBA on that issue.

To appeal the Hearings Officer decision, a "Notice of Review" form and fee must be submitted to the County Planning Director. For further information call the Multnomah County Planning and Development Division at 248-3043.

Signed by the Hearing Officer	December 8, 1994
Decision mailed to parties	December 15, 1994
Decision submitted to board clerk	December 15, 1994
Last day to appeal decision	December 26, 1994
Reported to Board of County Commissioners:	December 27, 1994