

# ANNOTATED MINUTES

Tuesday, March 26, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

## PLANNING ITEMS

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

- P-1      PRE 2-95 Hearings Officer Decision DENYING Appeal and AFFIRMING Planning Director's Decision Which Made a Determination of Substantial Development for a Single Family Dwelling on Property Located at 6125 NW THOMPSON ROAD, PORTLAND

***DECISION READ, APPEAL FILED. AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT A DE NOVO HEARING BE SCHEDULED FOR 9:30 AM, TUESDAY, APRIL 9, 1996, WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE.***

- P-2      CS 5-95 DE NOVO HEARING, 20 Minutes Per Side Regarding Appeal of Hearings Officer Decision APPROVING, With Conditions, Community Service Use to Construct New Facilities at the RIVERDALE SCHOOL, 11733 SW BREYMAN AVENUE, PORTLAND

***CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE, COMMISSIONER SALTZMAN REPORTED EX PARTE CONTACT WITH KATHI NOLES. AT CHAIR STEIN'S REQUEST FOR CHALLENGES, NONE WERE OFFERED. PLANNER BARRY MANNING PRESENTED CASE HISTORY, COMMUNITY SERVICE USE CRITERIA, OFF-STREET PARKING PROVISIONS, LANDSCAPE AND SCREENING, DESIGN REVIEW PROCESS, AND RESPONDED TO BOARD QUESTIONS. HEARINGS OFFICER JOAN CHAMBERS PRESENTED CONDITIONS, FINDINGS OF FACT AND***

CONCLUSIONS APPLIED IN HER DECISION. RIVERDALE SCHOOL DISTRICT ATTORNEY STEVE ABEL INTRODUCED ROY HEMMINGWAY AND BOYD APPEGARTH OF THE DISTRICT, AND PROJECT ARCHITECT HENRY FITZGIBBON. MR. FITZGIBBON PRESENTED EXPLANATION OF PROPOSED RIVERDALE SITE PLAN. MR. HEMMINGWAY TESTIFIED IN SUPPORT OF ALLOWING PROPOSED GYMNASIUM EXPANSION/REMODEL WITHOUT NECESSITY OF ENCROACHING ON TENNIS COURT AND PLAY AREA DUE TO ADDITIONAL PARKING AS REQUIRED IN HEARINGS OFFICER CONDITION OF APPROVAL. MR. ABEL TESTIFIED IN SUPPORT OF REQUEST FOR MODIFICATION OF HEARINGS OFFICER CONDITION 4 BY REDUCING REQUIRED 68 PARKING SPACES TO 50. MR. ABEL AND MR. HEMMINGWAY RESPONSE TO BOARD QUESTIONS. ELLEN EVERSON AND JOSÉ CRUZ TESTIFIED IN SUPPORT OF HEARINGS OFFICER DECISION AS A COMPROMISE TO NEIGHBORS' CONCERNS REGARDING HAZARDOUS TRAFFIC CONDITIONS. MR. HEMMINGWAY AND MR. ABEL REBUTTAL. MR. FITZGIBBON AND MR. MANNING RESPONSE TO BOARD QUESTIONS AND DISCUSSION. IN RESPONSE TO QUESTIONS OF CHAIR STEIN, THERE WAS NO REQUEST FOR CONTINUANCE OR OBJECTION TO HEARING RAISED. CHAIR STEIN ADVISED ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO LUBA. HEARING CLOSED. COMMISSIONER COLLIER'S MOTION TO OVERTURN THE HEARINGS OFFICER DECISION FAILED FOR LACK OF A SECOND. COUNSEL SANDRA DUFFY AND MR. MANNING RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MS. DUFFY PROVIDED LEGAL OPINION THAT THE DISTRICT DOES NOT HAVE A VESTED RIGHT IN THE PRIOR 30% EXCEPTION, THEREFORE 68 PARKING SPACES IS REQUIRED UNLESS THE DISTRICT COMES FORWARD WITH EVIDENTIARY PROOF JUSTIFYING AN EXCEPTION. WITH THE ASSISTANCE OF MS. DUFFY, COMMISSIONER

**HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, CONTINGENT UPON THE DISTRICT'S REQUEST AND WAIVER OF THE 120 DAY TIME LIMIT, TO CONTINUE THE HEARING TO GIVE SCHOOL DISTRICT THE OPPORTUNITY TO BRING FORWARD EVIDENCE TO JUSTIFY AN EXCEPTION. BOARD DISCUSSED CONCERNS REGARDING CHANGES TO COMMUNITY SERVICE DESIGNATIONS. AFTER DISCUSSION WITH HIS CLIENTS AND THE BOARD, MR. ABEL AGREED TO BRING EVIDENCE AS TO WHY 50 INSTEAD OF 68 PARKING SPACES ARE JUSTIFIED AT THE NEXT REGULAR MEETING OF THE BOARD, 9:30 AM, THURSDAY, APRIL 4, 1996, AND WAIVED THE 120 DAY TIME LIMIT THROUGH APRIL 8, 1996. MS. DUFFY EXPLAINED THAT THE WAIVER WOULD ACTUALLY ADD THAT MANY DAYS TO THE 120 DAY TIME LIMIT. AT THE SUGGESTION OF MS. DUFFY AND UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER SALTZMAN, IT WAS UNANIMOUSLY APPROVED THAT THE HEARING BE CONTINUED TO 9:30 AM, THURSDAY, APRIL 4, 1996, AT WHICH TIME SCHOOL DISTRICT WILL COME FORWARD WITH EVIDENCE TO JUSTIFY AN EXCEPTION TO THE PARKING STANDARD UNDER MCC 11.15.6146, AT WHICH TIME THERE WILL BE A DETERMINATION MADE AS TO A GRANTING OF THE COMMUNITY SERVICE DESIGNATION.**

*There being no further business, the meeting was adjourned at 11:20 a.m.*

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Thursday, March 28, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

### **REGULAR MEETING**

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

**TRAINING MANAGER SHERY STUMP  
PRESENTED INFORMATION REGARDING  
HIGHLIGHTS OF THE APRIL 3, 1996 RESULTS  
CELEBRATION.**

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER HANSEN, THE  
CONSENT CALENDAR (ITEMS C-1 THROUGH C-6)  
WAS UNANIMOUSLY APPROVED.**

**NON-DEPARTMENTAL**

- C-1 Appointment of Angel Olsen to the MULTNOMAH COUNTY CITIZEN INVOLVEMENT COMMITTEE
- C-2 Multnomah County Nomination of George Bell to the METROPOLITAN EXPOSITION RECREATION COMMISSION

**SHERIFF'S OFFICE**

- C-3 Dispenser Class A Liquor License Change of Ownership for TIPPY CANOE BAR & GRILL, 28242 CROWN POINT HIGHWAY, TROUTDALE
- C-4 Budget Modification MCSO 7 Reclassifying Two Sheriff's Office Positions to More Accurately Reflect Current Duties
- C-5 Budget Modification MCSO 8 Reclassifying Five Deputy Sheriff Positions to Corrections Deputy Positions in the Sheriff's Court Guards Unit
- C-6 Budget Modification MCSO 11 Reclassifying a Fiscal Assistant to a Senior Fiscal Assistant Position in the Inmate Accounts Unit

**REGULAR AGENDA**

**PUBLIC COMMENT**

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

**BEVERLY WILSON COMMENTED IN SUPPORT OF PAROLE OFFICE IN ST. JOHNS. MIKE FAHEY COMMENTED IN OPPOSITION TO LOCATION OF PAROLE OFFICE IN ST. JOHNS AND RESPONDED TO QUESTION OF COMMISSIONER HANSEN. JIM STEVENS, JOE KENT, JUNE SUNDIN, CAROL KENT, VIRGINIA CREGER, NOLA McDONALD, LOUISE SPEARS, JEFF McMAHON, KEVIN O'SULLIVAN, WILL LUCH, BERNARD VERROUT, JOHN ROBERTS, SHARON GIDDINGS, TED BROOKS, JANE BOGUS, ABBY SEEMANN, GORDON RUDDICK, VIVIAN RUDDICK AND SHERRY DAHLEN COMMENTED IN OPPOSITION TO LOCATION OF PAROLE OFFICE IN ST. JOHNS AREA. ROSE MARIE OPP AND AL CLARK COMMENTED IN SUPPORT OF MAINTAINING OPEN SPACE OF FLOYD LIGHT PARK. TOM CROPPER, THOM CACCAMO, RICHARD OSCAR GORDON, THOMAS WILDE, MELINDA WILDE AND GEORGE P. FOX COMMENTED IN OPPOSITION TO LOCATION OF PAROLE OFFICE IN ST. JOHNS.**

**NON-DEPARTMENTAL**

- R-2 RESOLUTION Supporting City of Portland Application for Redesignation of the N/NE Portland Enterprise Zone by the Oregon Economic Development Department

**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-2. CHRISTOPHER JUNIPER PRESENTATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 96-52 UNANIMOUSLY APPROVED.**

**DEPARTMENT OF SUPPORT SERVICES**

- R-3 Ratification of Amendment to 1992-1995 Agreement Between Multnomah County and Multnomah County Employees Union Local 88, AFSCME AFL-CIO as Amended December 7, 1994 and Extended through June 30, 1998

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL**

**OF R-3. KEN UPTON EXPLANATION.  
AGREEMENT UNANIMOUSLY APPROVED.**

**PUBLIC CONTRACT REVIEW BOARD**

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-4 ORDER Exempting from Public Bidding the Purchase of Construction Services from Jasco Construction Services

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4. JIM EMERSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. ORDER 96-53 UNANIMOUSLY APPROVED.**

(Adjourn as the Public Contract Review Board and reconvene as the Board of County Commissioners)

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- R-5 PUBLIC HEARING and Consideration of an ORDER Authorizing Transfer of Tax Foreclosed Property to Sabin Community Development Corporation for Low Income Housing and Social Service Purposes (1484-1486 NE Alberta Street, Portland)

**COMMISSIONER HANSEN MOVED AND COMMISSIONER SECONDED, APPROVAL OF R-5. HC TUPPER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. DIANE MEISENHELTER TESTIMONY IN SUPPORT OF TRANSFER. ORDER 96-54 UNANIMOUSLY APPROVED.**

*Commissioner Collier left at 11:08 a.m.*

**DEPARTMENT OF COMMUNITY CORRECTIONS**

- R-10 Budget Modification DCC 6 Authorizing Addition of Thirteen FTE Corrections Technician Positions to Various Department Programs

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL**

**OF R-10. TAMARA HOLDEN EXPLANATION. CHAIR STEIN ADVISED COMMISSIONER COLLIER HAD TO LEAVE FOR ANOTHER APPOINTMENT, BUT HAS LONG RANGE QUESTIONS SHE WILL SUBMIT IN WRITING TO THE BOARD AND THE DEPARTMENT. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

R-6 Budget Modification CFS 9 Appropriating \$2,418,321 in Medicaid Revenue to Reflect Implementation of the Children's Capitation Project Beginning April 1, 1996

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER SECONDED, APPROVAL OF R-6. SUSAN CLARK EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

R-7 Budget Modification CFS 10 Transferring \$157,796 from General Fund Contingency to Support Start Up Costs Related to April 1, 1996 Implementation of the Children's Capitation Project

**COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-7. MS. CLARK EXPLANATION AND RESPONSE TO BOARD QUESTION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-8 Second Reading and Adoption of an ORDINANCE Amending the Definition of Lot in the R-20 and R-30 Residential Zoning Districts by Providing an Exemption from the Lot Aggregation Requirement for Substandard Sized Lots with Existing Houses

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 848 UNANIMOUSLY APPROVED.**

**DEPARTMENT OF HEALTH**

R-9 RESOLUTION Declaring Intent to Acquire Property for Construction of the North Portland Health Clinic

**COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. COMMISSIONER HANSEN, DWAYNE PRATHER AND BOB OBERST EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COUNSEL SANDRA DUFFY EXPLANATION AND SUGGESTED AMENDMENT LANGUAGE. STAFF TO PROVIDE BOARD WITH WRITTEN OUTLINE OF ADVANCE CITIZEN INVOLVEMENT/PUBLIC OUTREACH PROCESS. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT PAGE ONE, PARAGRAPH TWO BE AMENDED BY ADDING AFTER "LEGAL COUNSEL, WITH BOARD APPROVAL, IS HEREBY AUTHORIZED AND DIRECTED." RESOLUTION 96-55 UNANIMOUSLY APPROVED, AS AMENDED.**

**SHERIFF'S OFFICE**

R-11 Budget Modification MCSO 9 Transferring \$379,416 from General Fund Contingency to Pay for the Unfunded Portion of the Work Crew Annex Operation

**AT THE SHERIFF'S REQUEST VIA CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, R-11 WAS UNANIMOUSLY POSTPONED INDEFINITELY.**

R-12 Budget Modification MCSO 10 Transferring \$67,129 from General Fund Contingency to Fund Operation of the Gresham Temporary Holding Facility

**AT THE SHERIFF'S REQUEST VIA CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, R-12. WAS UNANIMOUSLY CONTINUED TO THURSDAY, APRIL 4, 1996.**

*The regular meeting was adjourned at 11:20 a.m. and the briefing convened at 11:25 a.m.*

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Thursday, March 28, 1996 - 10:30 AM  
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**BOARD BRIEFING**

B-1 Regional Disparity Study to Analyze Past Participation of Minority and Women Owned Business Enterprises in Multnomah County's Procurement Process. Presented by Dave Boyer, Jerry Walker and Madelyn Wessel.

***DAVE BOYER, MADELYN WESSEL, JERRY WALKER AND JEAN KARECKI PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.***

*There being no further business, the meeting was adjourned at 12:02 p.m.*

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

*Deborah L. Bogstad*

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*Deborah L. Bogstad*