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3 BEFORE THE BOARD OF COUNTY COMMISSIONERS

4 FOR MULTNOMAH COUNTY, OREGON

5 In the Matter of Review of the September  
6 3, 1991 Planning Commission Decision  
7 denying a Conditional Use Request for  
8 Development of Property with a Non-  
9 Resource Related Single Family  
Residence, for Property Located at 17050  
NW Skyline Boulevard. CU 14-91

ORDER

91-145

10 WHEREAS, Applicant's request for approval of a non-resource  
11 related dwelling on a 1.21 acre parcel in the MUF-19 zoning  
12 district was denied by the Planning Commission on September 3,  
1991; and

13 WHEREAS, Applicant appealed the decision to this Board which  
14 set the matter for hearing on the record at 9:00 a.m. on October  
8, 1991, at which time three members of the Board heard testimony  
on behalf of the applicant; and

15 WHEREAS, at the conclusion of the presentation on behalf of  
16 the Applicant, the Board failed to adopt a motion to reverse the  
Planning Commission decision by a vote of two to one in favor of  
the motion.

17 NOW, THEREFORE, THE BOARD ORDERS:

18 1. By virtue of the provisions of Section 3.40 of the  
19 Multnomah County Charter, Board decisions require the affirmative  
20 vote of three members of the Board. The failure of the motion  
before the Board to obtain three affirmative votes results in no  
action by the Board.

21 2. County Counsel advises the result of the vote is to  
22 leave standing the Planning Commission's decision denying the  
23 application because that decision could stand as an independent  
24 decision absent Board action affecting it on appeal. Further,  
the failure to receive the required affirmative votes means the  
applicant did not satisfy the applicant's burden of proof to show

1 all criteria were met. As a result, the application is deemed  
2 denied.



3 ADOPTED this 9<sup>th</sup> day of October, 1991

4 By: *Rick Bauman*  
5 Rick Bauman, Chair pro tem  
6 Multnomah County, Oregon

7 LAURENCE KRESSEL, COUNTY COUNSEL  
8 FOR MULTNOMAH COUNTY, OREGON

9 By: *John L. DuBay*  
10 John L. DuBay  
11 Chief Assistant County Counsel

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