

**ANNOTATED AGENDA FOR THE
MEETINGS OF THE
BOARD OF COMMISSIONERS**

Thursday, March 9, 2000 - 9:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:04 a.m., with Vice-Chair Serena Cruz, Commissioners Sharron Kelley, Diane Linn and Lisa Naito present.

REGULAR AGENDA
DEPARTMENT OF SUPPORT SERVICES

R-1 RESOLUTION Authorizing Issuance of Series 2000A Financing and Escrow Agreements and Amendments to the Series 1999A Agreements

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-1. DAVE BOYER, LARRY NICHOLAS AND DAN BROWN EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD CONSENSUS TO CONTINUE DISCUSSION AND VOTE ON RESOLUTION TO THURSDAY, MARCH 16, 2000.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER LINN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-3) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

C-1 Appointment of Karen Burrell to the DISTRICT ATTORNEY CITIZEN BUDGET ADVISORY COMMITTEE

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-2 Budget Modification DES 02A Creating Department of Environmental Services Budget and Finance Office within FREDS Division Administration Providing Better Departmental Oversight and Coordination of Budgetary and Financial Management; Ongoing Funding Absorbed within Existing Departmental Constraint

DEPARTMENT OF HEALTH

- C-3 Renewal of intergovernmental Agreement 0010489 with Oregon Health Sciences University for the Provision of Dental Services for Low-Income Persons Living with HIV

REGULAR AGENDA **PUBLIC COMMENT**

- R-2 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.**

No public comments were made.

NON-DEPARTMENTAL

- R-3 Citizen Involvement Committee Fiscal Year 1998-99 Annual Report. Presented by Jim Duncan, Ken Ray, Jeanne McPherson and Dayan Morgan-Sylvaen.**

JIM DUNCAN AND JEANNE MCPHERSON PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

- R-4 Budget Modification CCFC 2000-03 Authorizing Transfer of Funds to the Commission on Children, Families and Community from the Department of Community and Family Services and to Designate Existing CCFC Revenues for the Purpose of Creating Staff and Infrastructure Needed to Leverage Additional Private Investment, Satisfy Legislative Mandate of Senate Bill 555, to Advance Early Childhood System Improvements and to Advance Take the Time**

COMMISSIONER KELLEY MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-4. JIM CLAY, NORVELL, DUNCAN WEISS AND PAULINE ANDERSON EXPLANATION, TESTIMONY IN SUPPORT AND RESPONSE TO BOARD QUESTIONS AND COMMENTS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-5 RESOLUTION Authorizing Legal Counsel to File Condemnation Action and Obtain Immediate Possession of Property Necessary for Reconstruction of a Section of NW Cornelius Pass Road**

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-5. CHUCK HENLEY EXPLANATION. RESOLUTION 00-025 UNANIMOUSLY APPROVED.

ADJOURNMENT

There being no further business, the regular meeting was adjourned at 10:55 a.m.

Thursday, March 9, 2000 - 10:30 AM
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LAND USE PLANNING MEETING

Vice-Chair Serena Cruz convened the meeting at 10:55 a.m., with Commissioners Sharron Kelley, Diane Linn and Lisa Naito present, and Chair Beverly Stein excused.

P-1 DE NOVO HEARING, TESTIMONY LIMITED TO TWENTY MINUTES PER SIDE, on the Hearings Officer Decision that Affirmed a Planning Director Decision in Case MC 13-99 Regarding Denial for a Vested Rights Determination for a Farm Dwelling on Property Located at 39050 SE GORDON CREEK ROAD, PORTLAND. Presented by Derrick Tokos and Liz Fancher.

VICE-CHAIR CRUZ EXPLAINED QUASI-JUDICIAL PROCESS. AT VICE-CHAIR CRUZ' REQUEST FOR DISCLOSURE, NO EX PARTE CONTACTS WERE REPORTED. AT VICE-CHAIR CRUZ' REQUEST FOR CHALLENGES AND/OR OBJECTIONS, NONE WERE OFFERED. PLANNER DERRICK TOKOS PRESENTED CASE HISTORY, DISCUSSED POINTS OF THE NOTICE TO REVIEW AND ISSUES OF CONCERN AS SUBMITTED IN HIS WRITTEN DOCUMENT, AND MR. ROCHLIN'S MARCH 9, 2000 ALTERNATE FINDING AND CORRECTION OF TYPOGRAPHICAL ERRORS IN THE HEARINGS OFFICER ADDENDUM AND HIS FEBRUARY 24 TESTIMONY. HEARINGS OFFICER LIZ FANCHER ADVISED HER DECISION TO DENY APPLICATION HER NINE PAGE ADDENDUM. COUNTY ATTORNEY LAURIE CRAGHEAD RESPONSE TO BOARD QUESTIONS. APPLICANT'S ATTORNEY PHIL GRILLO SUBMITTED WRITTEN DOCUMENTATION ON THE CHRONOLOGOY OF APPLICANT'S CORRESPONDENCE IN MC 13-99 AND TESTIFIED IN SUPPORT OF A REVERSAL OF THE HEARINGS OFFICER DECISION. ARNOLD ROCHLIN TESTIFIED IN SUPPORT OF THE HEARINGS OFFICER DECISION AND HIS MARCH 9, 2000 ALTERNATE FINDING AND ERRATA AND RESPONSE TO BOARD QUESTIONS. MR. GRILLO REBUTTAL. WITH NO REQUEST FOR CONTINUANCE OR OBJECTION TO HEARING, HEARING CLOSED. COMMISSIONER __ MOVED, SECONDED BY COMMISSIONER __, TO AFFIRM THE HEARINGS OFFICER DECISION. FOLLOWING BOARD DISCUSSION AND COUNTY ATTORNEY LAURIE CRAGHEAD RESPONSE TO BOARD QUESTIONS CONCERNING MOTION TO AMEND, MS. CRAGHEAD READ THE FOLLOWING DRAFT MOTION INTO THE RECORD: I HEREBY MOVE THAT, BASED ON THE RECORD BEFORE US TODAY, WE REJECT THE APPLICANT'S ARGUMENTS AS PRESENTED AND RAISED IN THE NOTICE OF REVIEW AND ADOPT BY REFERENCE THE FINDINGS AND CONCLUSIONS CONTAINED IN THE HEARINGS OFFICER WRITTEN DECISION,

INCLUDING THE DOCUMENT TITLED DISCUSSION OF VESTED RIGHTS CLAIM, ALONG WITH THE WRITTEN ARGUMENTS PROVIDED BY ARNOLD ROCHLIN, DATED FEBRUARY 24, 2000, ESTABLISHING THAT NO VESTED RIGHT EXISTS TO COMPLETE A SINGLE FAMILY DWELLING ON THE SUBJECT PROPERTY. FURTHER, WE FIND THAT THE HEARINGS OFFICER APPROPRIATELY APPLIED THE PROVISIONS OF MCC 11.15.8295(A), LIMITING THE HEARINGS OFFICER SCOPE OF REVIEW TO THE SPECIFIC GROUNDS RAISED IN THE APPEAL AND ADOPT BY REFERENCE THE MEMORANDUM TITLED SCOPE OF REVIEW ON APPEAL TO HEARINGS OFFICER AS EVIDENCE THAT THIS PROVISION IS CONSISTENT WITH STATE LAW REQUIREMENTS FOR A DE NOVO HEARING. TYPOGRAPHICAL CORRECTIONS TO THE HEARINGS OFFICER DECISION, DETAILED IN A MARCH 9, 2000 LETTER FROM ARNOLD ROCHLIN ARE ACCEPTED, AND WE CONCUR WITH MR. ROCHLIN THAT THE CLAUSE OF CONCERN, REFERENCED IN THIS LETTER, IS IN ERROR AND, THEREFORE, SHOULD BE REMOVED FROM THE HEARINGS OFFICER DECISION. COMMISSIONER MOVED, AND COMMISSIONER SECONDED, APPROVAL OF THE AMENDMENT, AS READ BY MS. CRAGHEAD. FOLLOWING DISCUSSION, AMENDMENT APPROVED, WITH COMMISSIONERS KELLEY, LINN AND CRUZ VOTING AYE, AND COMMISSIONER NAITO VOTING NO. MOTION TO AFFIRM THE HEARINGS OFFICER DECISION, AS AMENDED, UNANIMOUSLY APPROVED. ALL PARTIES WILL RECEIVE A COPY OF THE BOARD'S WRITTEN DECISION, WHICH MAY BE APPEALED TO LUBA.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:14 p.m.

Submitted by:

Lynda J. Grow, Board Clerk,
Marina Baker, Assistant Board Clerk and
Shirley Luo, Intern
Board of County Commissioners
Multnomah County