

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

**Tuesday, May 8, 2007 - 9:00 AM**

Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

**EXECUTIVE SESSION**

Chair Ted Wheeler convened the meeting at 9:04 a.m., with Vice-Chair Maria Rojo de Steffey and Commissioners Lonnie Roberts and Jeff Cogen present, and Commissioner Lisa Naito arriving at 9:15 a.m.

**E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle.**

EXECUTIVE SESSION HELD.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:30 a.m.

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**Tuesday, May 8, 2007 - 9:30 AM**

Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**BUDGET WORK SESSION**

Chair Ted Wheeler convened the meeting at 9:40 a.m., with Vice-Chair Maria Rojo de Steffey and Commissioners Lisa Naito, Lonnie Roberts and Jeff Cogen present.

**WS-1 Multnomah County 2007-2008 Health, County Human Services and Commission on Children, Families and Community Department Budget Work Session. This meeting is open to the public however no public testimony will be taken. Presenters: Joanne Fuller, Lillian Shirley, Wendy Lebow, and Invited Others.**

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:45 a.m.

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**Tuesday, May 8, 2007 - 6:00 PM**  
North Portland Library, Second Floor Conference Room  
512 N Killingsworth, Portland

## **BUDGET HEARING**

Chair Ted Wheeler convened the meeting at 6:05 p.m., with Vice-Chair Maria Rojo de Steffey and Commissioners Lisa Naito and Jeff Cogen present, and Commissioner Lonnie Roberts excused.

**PH-2 Public Hearing on the 2007-2008 Multnomah County Budget. Testimony is limited to three minutes per person. Fill out a speaker form available in the conference room and turn it into the Board Clerk. The conference room will be open one hour prior to the hearing.**

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:09 p.m.

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**Wednesday, May 9, 2007 - 8:30 AM**  
Gresham City Hall, Conference Center  
1333 NW Eastman Parkway, Gresham

## **JOINT MEETING**

Chair Ted Wheeler convened the meeting at 8:47 a.m., with Vice-Chair Maria Rojo de Steffey and Commissioners Lisa Naito, Lonnie Roberts and Jeff Cogen present.

**JM-1 The Gresham City Council and Multnomah County Board of Commissioners Will Meet to Discuss Public Safety; Business Income Tax; and Fiscal Year 2008 Budget Issues. This meeting is open to the public; however no public testimony will be taken.**

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

## **ADJOURNMENT**

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

**Thursday, May 10, 2007 - 9:30 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

**REGULAR MEETING**

Chair Ted Wheeler convened the meeting at 9:34 a.m., with Vice-Chair Maria Rojo de Steffey and Commissioners Lisa Naito, Lonnie Roberts and Jeff Cogen present.

**CONSENT CALENDAR**

UPON MOTION OF COMMISSIONER COGEN, SECONDED BY COMMISSIONER NAITO, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-2) WAS UNANIMOUSLY APPROVED. [5-0]

C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to STARK STREET PROPERTY LLC

RESOLUTION 07-091

C-2 RESOLUTION Approving U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007

RESOLUTION 07-092

**PUBLIC COMMENT**

Public comment was made and received for the record.

**REGULAR AGENDA**

**R-1 PUBLIC HEARING to Consider and Approve the 2007-08 Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program**

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-1.

EXPLANATION AND RESPONSE TO QUESTIONS.

CONSOLIDATED PLAN AND ANNUAL ACTION PLAN UNANIMOUSLY APPROVED. [5-0]

Commissioner Roberts left at 11:22am.

**R-2 NOTICE OF INTENT to Apply for a \$15,000 Sustainable Communities Grant from the BlueMoon Fund**

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-2.  
EXPLANATION GIVEN.

NOTICE OF INTENT UNANIMOUSLY APPROVED. [4-0]

**R-3 Approve Fiscal Year 2007 Supplemental Budget for Submission to Tax Supervising and Conservation Commission**

COMMISSIONER NAITO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-3.

EXPLANATION AND RESPONSE TO QUESTIONS.

SUPPLEMENTAL BUDGET FOR SUBMISSION TO TAX SUPERVISING AND CONSERVATION COMMISSION UNANIMOUSLY APPROVED. [4-0]

**R-4 RESOLUTION Authorizing the Issuance and Sale of Short-Term Promissory Notes, (Tax and Revenue Anticipation Notes), Series 2007 in an Amount Not to Exceed \$30,000,000**

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-4.

EXPLANATION AND RESPONSE TO QUESTIONS.

RESOLUTION 07-093 UNANIMOUSLY ADOPTED. [4-0]

**R-5 NOTICE OF INTENT to Apply for Grant Funding through the Centers for Disease Control (CDC) to Support the Healthy People and Healthy Communities through Improved Environmental Health Service Delivery Initiative**

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-5.

EXPLANATION GIVEN.

Commissioner Rojo left at 11:36 a.m.

NOTICE OF INTENT UNANIMOUSLY APPROVED. [3-0]

**R-6 NOTICE OF INTENT to Apply for a \$900,000 Grant from the Health Resources and Services Administration's Maternal and Child Health Bureau to Support a Collaborative Research Project with the Kaiser Center for Health Research**

AT THE REQUEST OF THE DEPARTMENT AND KAISER AND UPON MOTION OF COMMISSIONER NAITO AND SECONDED BY COMMISSIONER COGEN, R-6 WAS UNANIMOUSLY POSTPONED INDEFINITELY. [3-0]

**R-7 Budget Modification HD-16 Appropriating \$299,782 from CareOregon Grant Awards**

COMMISSIONER NAITO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-7.

Commissioner Rojo returned at 11:39 a.m.

EXPLANATION GIVEN.

BUDGET MODIFICATION UNANIMOUSLY APPROVED. [4-0]

**R-8 Budget Modification HD-21 Appropriating \$74,047 from Department of Health and Human Services Health Resources and Services Administration Ryan White Title III HIV Capacity Development and Planning Grants**

COMMISSIONER COGEN MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-8.

EXPLANATION GIVEN.

BUDGET MODIFICATION UNANIMOUSLY APPROVED. [4-0]

**R-9 Budget Modification HD-23 Appropriating \$25,000 from Providence Health System-Oregon to Assist in the Ongoing Operation of Multnomah County Health Department's Mobile Medical Clinic and Appropriating \$72,532 from the Department of Health and Human Services Health Resources and Services Administration to Continue the Health Department's Efforts to Reduce Chronic Homelessness**

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-9.

EXPLANATION GIVEN.

BUDGET MODIFICATION UNANIMOUSLY APPROVED. [4-0]

**R-10 RESOLUTION Creating a Multnomah County Library Funding Task Force**

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-10.

EXPLANATION AND RESPONSE TO QUESTIONS.

RESOLUTION 07-094 UNANIMOUSLY ADOPTED. [4-0]

**R-11 PROCLAMATION Proclaiming the Week of May 13-19, 2007 NATIONAL TRANSPORTATION WEEK and Recognizing the Contributions of all Multnomah County Transportation Employees**

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED, APPROVAL OF R-11.

EXPLANATION AND RESPONSE TO QUESTIONS.

PROCLAMATION 07-095 UNANIMOUSLY ADOPTED. [4-0]

**R-12 PUBLIC HEARING to consider and possibly act upon a Measure 37 Claim for Charles Maxson for up to \$385,000 in compensation or relief from land use regulations to allow the partition of each lot into two lots with four residential home sites overall on properties located at 38755 and 39062 E. Knieriem Rd., Corbett [T1N, R4E, Sec 36C, TL 300 & 400] (Case File T1-06-095) continued from April 26, 2007**

CHAIR WHEELER ADVISED THAT HEARING ON THIS MATTER WAS POSTPONED FROM AN EARLIER MEETING TO ALLOW THE CLAIMANT TO SUBMIT ADDITIONAL INFORMATION. THIS CLAIM, LIKE MANY OF THE OTHER MEASURE 37 CLAIMS SCHEDULED TO BE HEARD TODAY, WAS FILED LESS THAN 180 DAYS AGO. THERE IS A BILL PENDING IN THE LEGISLATURE THAT HAS ALREADY BEEN APPROVED BY THE HOUSE THAT EXTENDS THE TIME IN WHICH WE HAVE TO HEAR MEASURE 37 CLAIMS. THE BILL IS NOW IN THE SENATE. IF WE POSTPONE THIS MATTER TO SEE IF THIS LEGISLATION PASSES, WE MAY GET CLARIFICATION ON HOW TO ADDRESS THIS CLAIM AND OTHER PENDING MEASURE 37 CLAIMS EITHER FROM COURT RULINGS OR FROM A POSSIBLE AMENDMENT TO MEASURE 37.

MAY I HAVE A MOTION TO POSTPONE HEARING THIS CLAIM?

COMMISSIONER ROJO MOVED AND COMMISSIONER COGEN SECONDED TO POSTPONE INDEFINITELY MEASURE 37 CLAIM T1-06-095.

NO ONE WISHED TO BE HEARD ON THIS ISSUE.

UPON MOTION OF COMMISSIONER COGEN, SECONDED BY COMMISSIONER ROJO, MEASURE 37 CLAIM T1-06-095 WAS UNANIMOUSLY POSTPONED INDEFINITELY. [5-0]

**R-13 PUBLIC HEARINGS to consider and possibly act upon ten Measure [37] claims seeking compensation or relief from land use regulations that prevent development of lots or parcels in unincorporated portions of the County**

CHAIR WHEELER ADVISED AS FOLLOWS: THE FUNCTION OF THIS BOARD WHEN WE RECEIVE A MEASURE 37 CLAIM IS TO DETERMINE IF THE CLAIM IS VALID AND THEN TO EITHER PAY COMPENSATION OR "NOT APPLY" REGULATIONS ADOPTED AFTER THE CLAIMANT ACQUIRED THE PROPERTY. THE FUNCTION OF THIS BOARD WHEN WE RECEIVE A MEASURE 37 CLAIM IS TO DETERMINE IF THE CLAIM IS VALID AND THEN TO EITHER PAY COMPENSATION OR "NOT APPLY" REGULATIONS ADOPTED AFTER THE CLAIMANT ACQUIRED THE PROPERTY. HOWEVER, DEPENDING ON WHEN THE CURRENT OWNER ACQUIRED THE PROPERTY, USES SOUGHT BY THE CURRENT OWNER MAY NOT HAVE BEEN ALLOWED UNDER REGULATIONS IN EFFECT WHEN THE CURRENT OWNER BOUGHT THE PROPERTY. THE PROPOSED ORDERS DO NOT ASSURE THAT ANY PARTICULAR USE CAN BE MADE OF THE PROPERTY. ALSO, IT IS IMPORTANT TO NOTE THAT ONLY COUNTY REGULATIONS ARE BEING CONSIDERED TODAY. FOR MOST RURAL LANDS, CLAIMANTS MUST OBTAIN WAIVERS FROM THE STATE OF OREGON FOR STATEWIDE PLANNING GOALS, STATUTES, OR ADMINISTRATIVE RULES THAT APPLY TO THEIR PROPERTIES. IF WE APPROVE THE PROPOSED ORDERS, THE NEXT STEP IN THE PROCESS IS FOR THE CLAIMANTS TO OBTAIN WAIVERS FROM THE STATE AND THEN MAKE APPLICATIONS FOR DEVELOPMENT TO THE COUNTY UNDER THE PRIOR REGULATIONS. THAT PROCESS WILL DETERMINE WHAT USES CAN BE MADE OF THE PROPERTY.

MAY I HAVE A MOTION TO POSTPONE HEARING THESE 8 CLAIMS?

COMMISSIONER COGEN MOVED AND COMMISSIONER ROJO SECONDED TO POSTPONE INDEFINITELY MEASURE 37 CLAIMS T1-06-109; T1-06-118; T1-06-127(a); T1-06-127(b); T1-06-129; T1-06-133; T1-06-137 AND T1-06-142.

NO ONE WISHED TO BE HEARD ON THE ISSUE OF WHETHER THE BOARD POSTPONES HEARING THESE CLAIMS.

MEASURE 37 CLAIMS T1-06-109; T1-06-118; T1-06-127(a); T1-06-127(b); T1-06-129; T1-06-133; T1-06-137 AND T1-06-142 WERE UNANIMOUSLY POSTPONED INDEFINITELY. [5-0]

CHAIR WHEELER ADVISED WE HAVE THREE OTHER CLAIMS SCHEDULED THAT WERE FILED MORE THAN 180 DAYS AGO. THESE CLAIMANTS SEEK THE RIGHT

TO USE THEIR PROPERTIES FOR THE USES DESCRIBED IN THE CLAIMS AND THE STAFF REPORT. THE FUNCTION OF THIS BOARD WHEN WE RECEIVE A MEASURE 37 CLAIM IS TO DETERMINE IF THE CLAIM IS VALID AND THEN TO EITHER PAY COMPENSATION OR "NOT APPLY" REGULATIONS ADOPTED AFTER THE CLAIMANT ACQUIRED THE PROPERTY. IF THE BOARD APPROVES THE PROPOSED ORDERS TO "NOT APPLY" REGULATIONS IN THESE CASES, THE RESULT WILL BE THAT ONLY REGULATIONS IN EFFECT AT THE TIME THE CURRENT OWNER ACQUIRED THE PROPERTY WILL BE APPLIED, ALONG WITH REGULATIONS THAT ARE EXEMPT FROM MEASURE 37, NUISANCE REGULATIONS, HEALTH AND SAFETY REGULATIONS, AND SO ON. HOWEVER, DEPENDING ON WHEN THE CURRENT OWNER ACQUIRED THE PROPERTY, USES SOUGHT BY THE CURRENT OWNER MAY NOT HAVE BEEN ALLOWED UNDER REGULATIONS IN EFFECT WHEN THE CURRENT OWNER BOUGHT THE PROPERTY. THE PROPOSED ORDERS DO NOT ASSURE THAT ANY PARTICULAR USE CAN BE MADE OF THE PROPERTY.

ALSO, IT IS IMPORTANT TO NOTE THAT ONLY COUNTY REGULATIONS ARE BEING CONSIDERED TODAY. FOR MOST RURAL LANDS, CLAIMANTS MUST OBTAIN WAIVERS FROM THE STATE OF OREGON FOR STATEWIDE PLANNING GOALS, STATUTES, OR ADMINISTRATIVE RULES THAT APPLY TO THEIR PROPERTIES. IF WE APPROVE THE PROPOSED ORDERS, THE NEXT STEP IN THE PROCESS IS FOR THE CLAIMANTS TO OBTAIN WAIVERS FROM THE STATE AND THEN MAKE APPLICATIONS FOR DEVELOPMENT TO THE COUNTY UNDER THE PRIOR REGULATIONS. THAT PROCESS WILL DETERMINE WHAT USES CAN BE MADE OF THE PROPERTY.

PRINCIPAL PLANNER DERRICK TOKOS AND ASSISTANT COUNTY ATTORNEY SANDRA DUFFY PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS.

COMMISSIONER ROJO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF T1-05-026. [3-2] COMMISSIONER NAITO AND COGEN VOTING NO.

EXPLANATION AND RESPONSE TO QUESTIONS.

ORDER 07-096 GRANTING BALLOT MEASURE 37 REQUEST OF ALBERT HOPPERT, PERSONAL REPRESENTATIVE FOR THE ESTATE OF MARY HOPPERT, RELATING TO REAL PROPERTY LOCATED AT 19134-19136 NW MORGAN ROAD, MULTNOMAH COUNTY, OREGON UNANIMOUSLY ADOPTED. [5-0]

COMMISSIONER ROBERTS MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF T1-05-028.

EXPLANATION AND RESPONSE TO QUESTIONS.

ORDER 07-097 GRANTING BALLOT MEASURE 37 REQUEST OF VIRGINIA ATKINSON RELATING TO REAL PROPERTY LOCATED AT 2950 NW 53RD DRIVE, MULTNOMAH COUNTY, OREGON

COMMISSIONER ROBERTS MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF T1-06-050. [3-2] COMMISSIONER NAITO AND COGEN VOTING NO.

EXPLANATION AND RESPONSE TO QUESTIONS.

ORDER 07-098 ORDER GRANTING BALLOT MEASURE 37 REQUEST OF JIM ELLIS RELATING TO REAL PROPERTY LOCATED AT 35611 SE MACINNES ROAD, MULTNOMAH COUNTY, OREGON

**BOARD COMMENT**

No board comments were made.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:59 a.m.

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