

## **ANNOTATED MINUTES**

**Tuesday, July 26, 1994 - 1:30 PM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland**

### **PLANNING ITEMS**

*Chair Beverly Stein convened the hearing at 1:35 p.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present, and Planning Commission Chair Leonard Yoon, planning staff Scott Pemble, Sandy Mathewson, Gordon Howard and Bob Hall also present.*

**P-1      C 1-94a      DE NOVO HEARING, WITH TESTIMONY LIMITED TO 30 MINUTES PER SIDE, in the Matter of Appeals of the June 27, 1994 Multnomah County Planning Commission's Recommendation on the West Hills Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents**

**CHAIR STEIN OUTLINED THE ORDER OF PROCEDURE AND ADVISED THE BOARD WOULD DELIBERATE AND RENDER A DECISION AT ITS AUGUST 9, 1994 MEETING.**

**SCOTT PEMBLE PRESENTED THE STAFF REPORT, CITING APPLICABLE LAWS AND ADVISING THE FINAL DECISION OF THE BOARD WILL BE REPORTED TO THE LAND CONSERVATION AND DEVELOPMENT COMMISSION FOR DETERMINATION AS TO WHETHER COUNTY SATISFIED LCDC'S REMAND ORDER REQUIREMENTS. MR. PEMBLE REPORTED ON THE CHRONOLOGY OF THE LAND USE HEARING PROCESS, PUBLIC NOTICE COMPLIANCE, THE APPEAL PROCESS, AND REPORTED ON ITEMS INCLUDED IN THE RECORD TO DATE. MR. PEMBLE SUBMITTED COPIES A JULY 18, 1994 LETTER FROM RICHARD SHEPARD AND JULY 20, 1994 LETTER FROM RICHARD SHAFFER FOR INCLUSION IN THE RECORD. MR. PEMBLE ADVISED THE WEST HILLS RECONCILIATION REPORT, INCLUDING ADDENDA AND ERRATA DATED JUNE 13, JUNE 21 AND JUNE 27, 1994, CONSTITUTES THE PLANNING COMMISSION DECISION.**

**LEONARD YOON SUBMITTED AND PRESENTED TESTIMONY SUMMARIZING CHANGES TO THE WEST HILLS RECONCILIATION REPORT MADE BY THE**

**PLANNING COMMISSION. MR. YOON AND MR. PEMBLE RESPONSE TO COMMISSIONER KELLEY'S QUESTION REGARDING RECLAMATION PHASING.**

**IN RESPONSE TO QUESTIONS OF CHAIR STEIN, NO BOARD DISCLOSURES OR CHALLENGES WERE REPORTED.**

**IN RESPONSE TO A QUESTION OF CHAIR STEIN, ARNOLD ROCHLIN EXPRESSED CONCERN REGARDING POSSIBLE EXCLUSION OF THE RECORD BACK TO 1989. FOLLOWING DISCUSSION WITH MR. PEMBLE AND JOHN DuBAY, CHAIR STEIN REPORTED THE RECORD FROM 1989 TO THE PRESENT CONSTITUTES THE ENTIRE RECORD IN THIS CASE FOR PURPOSES OF LUBA OR LCDC APPEAL. MR. ROCHLIN ADVISED HE WOULD NEED A CONTINUANCE IF SOMEONE OFFERS TESTIMONY CONCERNING PORTIONS OF THE JUNE, 1994 TRANSCRIPTS NOT PROVIDED TO HIM. MR. DuBAY ADVISED THE COMPLETED TRANSCRIPTS WILL BECOME PART OF THE RECORD.**

**IN RESPONSE TO CHAIR STEIN ANNOUNCING THE RECORD WILL REMAIN OPEN FOR ANY WRITTEN TESTIMONY UNTIL COMPLETION OF THE HEARING TODAY, MR. PEMBLE PRESENTED AND SUBMITTED A COPY OF A JULY 25, 1994 LETTER FROM FRANK SCHNITZER TO BE ENTERED AS PART OF THE RECORD. AT THE REQUEST OF CHAIR STEIN, COPIES OF THE LETTER WERE GIVEN TO APPELLANTS.**

**APPELLANT FRANK PARISI, ATTORNEY REPRESENTING ANGELL BROTHERS, SUBMITTED AN AERIAL MAP OF THE WEST HILLS AND TESTIFIED IN OPPOSITION TO PLANNING COMMISSION DECISIONS CONCERNING MINING ACTIVITIES AND HABITAT PROTECTION AREAS, ADVISING IT WOULD CAUSE HIS CLIENTS TO HAVE TO MINE THE 99 ACRE FORESTED SCENIC BUFFER AREA CURRENTLY HIDING THE MINING EXCAVATION AND THE NORTH ANGELL BROTHERS STREAM. MR. PARISI ADVISED HIS CLIENTS WANT TO MOVE THE EXTRACTION AREA FURTHER UP THE HILL THEN START PHASE MINING AFTER THE CLEAR CUT AREA IS REGENERATED. MR. PARISI SUBMITTED A PRICE**

**LIST FROM GRANITE ROCK IN CALIFORNIA. MR. PARISI EXPLANATION CONCERNING DOGAMI'S ROLE REGARDING PHASING; CLARIFICATION OF ANGELL BROTHERS REQUEST FOR CHANGE IN ZONING DESIGNATIONS; CLARIFICATION OF ANGELL BROTHERS POSITION REGARDING THE SIGNIFICANCE OF WILDLIFE CORRIDOR RESOURCE BASED ON QUALITY, QUANTITY OR LOCATION OF THE RESOURCE; AND ANGELL BROTHERS POSITION REGARDING ECOSYSTEM RESTORATION. MR. PARISI SUBMITTED WRITTEN MATERIAL FOR INCLUSION IN THE RECORD AND ADVISED HE WOULD HAVE COPIES SERVED ON THE OTHER PARTIES TO THIS ACTION BY THE END OF TODAY.**

**APPELLANT ARNOLD ROCHLIN SUBMITTED AND PRESENTED TESTIMONY IN OPPOSITION TO THE PLANNING COMMISSION DECISION, ADVISING THERE IS NOTHING IN THE RECORD INDEPENDENT OF THE ANGELL BROTHER ANALYSIS ITSELF WHICH ESTABLISHES THAT THERE IS A SIGNIFICANT QUANTITY AND QUALITY OF RESOURCE ON THE SITE. MR. ROCHLIN ADVISED THE ROCK APPEARS TO BE LIKE THE REST OF THE TUALATIN RANGE, VARIABLE IN DEPTH AND QUALITY, AND EXPRESSED CONCERN THAT INFORMATION FOR THE ENTIRE 263 ACRE SITE IS BASED ON TWO TEST HOLES 84 FEET DEEP AS REPORTED IN THE SCHLICHER REPORT COMMISSIONED BY ANGELL BROTHERS. MR. ROCHLIN ADVISED THAT MARVIN BEESON TESTIFIED THAT THE SCHLICHER REPORT DID NOT PROVIDE AN ADEQUATE BASIS FOR ANGELL BROTHERS PROJECTIONS, AND EXPRESSED CONCERN THAT ANGELL BROTHERS REFUSED TO DRILL OTHER TEST HOLES. MR. ROCHLIN TESTIFIED THAT IN ADDRESSING THE OAR REQUIREMENT THAT QUALITY AND QUANTITY BE COMPARED TO OTHER SITES IN AT LEAST THE SAME JURISDICTION, STAFF TOOK A MINIMAL APPROACH AND IGNORED COLUMBIA COUNTY QUARRIES. MR. ROCHLIN ASSERTED THERE WAS A CRITICAL LAPSE IN THE STAFF QUALITY ANALYSIS IN THAT THE SITE DEFINITION WAS DEFINED BY PROPERTY OWNERSHIP AND CONTROL NOT BY RESOURCE LOCATION, AND SUGGESTED STAFF DID NOT CONSIDER QUANTITY ON THE PRESENTLY APPROVED AND PRESENTLY DESIGNATED GOAL 5**

**SITE VERSUS THE PROPOSED ADDITIONAL AREA. MR. ROCHLIN CALCULATED ANGELL BROTHERS HAS AN 11 YEAR SUPPLY OF AGGREGATE ON ITS LAST 40 ACRE EXPANSION AREA, SUPPOSING INCREASES IN PRODUCTION BY 8% A YEAR, AND SUGGESTED THE 99 ACRE SITE BY THE HIGHWAY COULD BE PRESUMED TO HAVE ABOUT ANOTHER 100 YEAR SUPPLY. IN RESPONSE TO A QUESTION OF CHAIR STEIN, MR. ROCHLIN SUBMITTED A MAP AND BY WAY OF EXPANSION COMPROMISE, ENCOURAGED THE BOARD TO DIRECT ANGELL BROTHERS TO MINE THE 99 ACRES BY THE HIGHWAY AND GIVE THEM 35 ACRES MORE OUTSIDE OF THE BURLINGTON BOTTOMS AND NORTH ANGELL BROTHERS CREEK WATERSHEDS. MR. ROCHLIN TESTIFIED THE REPORT MAKES AN UNLAWFUL DETERMINATION OF THE IMPACT AREA OF THE QUARRY, IN THAT IT ARBITRARILY DEFINES THE IMPACT AREA AS A LINE DRAWN 1,200 FEET OUT FROM THE PERIMETER OF THE PROPERTY AS DETERMINED BY SOUND TESTS, ADVISING THERE IS NON-CONTRADICTORY EVIDENCE IN THE RECORD THAT THERE WILL BE IMPACT WAY BEYOND THE 1,200 FEET. MR. ROCHLIN RESPONDED TO BOARD QUESTIONS CONCERNING THE SUGGESTED AREA OF MINING PER SUBMITTED MAP AND A SILT DESTROYED WETLAND SOUTH OF BURLINGTON BOTTOMS.**

**HYDROLOGIST JON RHODES PRESENTED TESTIMONY CONCERNING HIS FINDINGS FOLLOWING A FIELD VISIT TO THE QUARRY SITE, WATERSHEDS AND SURROUNDING WETLANDS IN 1992, AS SUBMITTED IN THE RECORD. IN RESPONSE TO QUESTIONS OF CHAIR STEIN, MR. RHODES OUTLINED HIS EDUCATION AND EMPLOYMENT HISTORY, AND EXPLAINED IDENTIFICATION OF A WATERSHED AND ITS RANGES OF EFFECTS.**

**MICHAEL CARLSON PRESENTED TESTIMONY ON BEHALF OF THE PORTLAND AUDUBON SOCIETY EXPRESSING CONCERN REGARDING POTENTIAL HARMFUL IMPACTS TO WILDLIFE, INCLUDING ENDANGERED SPECIES SUCH AS THE BALD EAGLE, PAINTED TURTLES, NORTHWEST POND TURTLE AND COLUMBIA WHITE TAILED DEER; AND THE WATER QUALITY OF STREAMS, AND WETLANDS RESOURCES**

**IF QUARRY EXPANSION OCCURS. MR. CARLSON ENCOURAGED THE BOARD TO DESIGNATE NORTH ANGELL BROTHERS CREEK WATERSHED AS 3A FOR WILDLIFE AND FOR STREAMS AND TO CONTINUE THE PROPOSED 3A DESIGNATION FOR THE FORESTED HABITAT AREA KNOWN AS THE WILDLIFE CORRIDOR. MR. CARLSON RESPONDED TO BOARD QUESTIONS CONCERNING WILDLIFE HABITAT AND MIGRATORY WATERFOWL.**

**LYN MATTEI SUBMITTED AND PRESENTED TESTIMONY ON BEHALF OF THE OREGON NATIONAL RESOURCES COUNCIL CONCERNING THE COUNTY'S FIDUCIARY TRUST TO PROTECT THE BURLINGTON BOTTOMS WETLAND AND SUBMITTED A JULY 5, 1994 OREGONIAN ARTICLE CONTAINING COMMENTS FROM PAUL KEIRAN REGARDING WATER QUALITY TECHNOLOGY.**

**BIOLOGIST AND PHYSICIAN JODEANNE BELLANT SUBMITTED AND PRESENTED TESTIMONY URGING CONTINUED PROTECTION OF BURLINGTON BOTTOMS WETLANDS AND ITS VARIOUS INDIGENOUS SPECIES.**

**IN RESPONSE TO A QUESTION OF CHAIR STEIN, MR. ROCHLIN ADVISED IT WAS A COMPROMISE NOT TO PROTECT THE WETLAND FED BY THE MIDDLE ANGELL BROTHERS CREEK BECAUSE IT WAS FELT THAT PROTECTION OF THE NORTH ANGELL BROTHERS CREEK WOULD BE EASIER TO OBTAIN AT THIS POINT.**

**APPELLANT DONNA MATRAZZO SUBMITTED AND PRESENTED TESTIMONY ON BEHALF OF THE SAUVIE ISLAND CONSERVANCY, REQUESTING THAT THE BOARD NOT ALLOW QUARRY EXPANSION IN THE WATERSHED OF THE NORTH ANGELL BROTHERS CREEK IN ORDER TO PROTECT STREAMS, SCENIC, WILDLIFE AND BURLINGTON BOTTOMS. MS. MATRAZZO URGED THE BOARD TO REJECT THE PROPOSED SCENIC PROTECTION PLAN BECAUSE IT DOES NOT OFFER PROTECTION AND RECOMMENDED THAT THE IMPACT AREA OF THE STREAMS INCLUDE THE STREAMS' WATERSHEDS.**

**PORTLAND PARKS OPEN SPACE PLANNER DAVID**

**YAMASHITA OUTLINED HIS PROFESSIONAL BACKGROUND AND ADVISED HE IS HERE TODAY AS A PRIVATE CITIZEN. MR. YAMASHITA EXPRESSED CONCERN THAT THE PROPOSED PROTECTION PLAN DOES NOT ADDRESS SCENIC CORRIDORS; THAT THE GREAT VIEWS FROM SKYLINE BOULEVARD WERE NOT ADDRESSED; VIEWS FROM THE LANDSCAPE INTO THE RESOURCE WERE NOT CONSIDERED. MR. YAMASHITA DISCUSSED HIS CONCERN WITH THE PLAN'S VAGUE LANGUAGE, ADVISING THERE ARE MANY LOOPHOLES WITH UNENFORCEABLE GUIDELINES AND SUGGESTING STRICTER LANGUAGE IN ORDER FOR THE COUNTY TO BE AN EFFECTIVE PARTNER IN PROTECTING THE OUTSTANDING SCENIC RESOURCES OF THE METROPOLITAN AREA. IN RESPONSE TO BOARD QUESTIONS, MR. YAMASHITA EXPLAINED CONDITIONS OF THE CITY'S ENVIRONMENTAL PRESERVATION ZONE AND COMMENTED ON THE PROCESS FOR IDENTIFICATION OF SCENIC VIEW SPOTS.**

**MR. ROCHLIN SUBMITTED AND PRESENTED TESTIMONY CONCERNING SUPERFICIALNESS OF STREAM STUDY IN RECONCILIATION REPORT; THE EXCLUSION OF WATERSHEDS FROM THE IMPACT AREAS OF THE SIGNIFICANT STREAMS; AND OBJECTION TO PROPOSED PROTECTION OF IMPACT AREA BEING LIMITED TO ONLY RIPARIAN ZONES. MR. ROCHLIN ADVISED THE IMPACT AREA IS THE AREA WHERE USES MAY OCCUR THAT COULD ADVERSELY AFFECT THE RESOURCE SITE OR BE ADVERSELY AFFECTED BY USE OF THE RESOURCE SITE, AND THAT THE COUNTY MUST CONSIDER THE WATERSHEDS IF USES THERE COULD IMPACT THE STREAMS. MR. ROCHLIN ASSERTED THAT STAFF DID NOT ACKNOWLEDGE EXPERT TESTIMONY INCLUDED IN WRITING; DID NOT PROPOSE EVEN MINIMAL CONSTRUCTION GUIDELINES FOR WATERSHED PROTECTION; AND SUGGESTED THAT STAFF PROPOSAL TO NOT SPECIFICALLY MAP THE RIPARIAN AREAS IS ILLEGAL. MR. ROCHLIN RESPONSE TO BOARD QUESTION ABOUT PORTLAND'S REGULATIONS CONCERNING LEVELS OF ENVIRONMENTAL PROTECTION.**

**MICHAEL CARLSON PRESENTED TESTIMONY ON**

**BEHALF OF THE PORTLAND AUDUBON SOCIETY EXPRESSING CONCERN WITH LIMITED SCOPE OF STREAMS ANALYSIS THROUGHOUT THE COUNTY; AND CONCERN THAT WETLANDS ARE NOT CONSIDERED AS PART OF THE INVENTORY OF THE RECONCILIATION REPORT. MR. CARLSON ENCOURAGED BOARD TO ADOPT GOOD WATERSHED PROTECTION; PROTECTION FROM AGRICULTURE USES; REQUIRE 100 FOOT BUFFERS ON ALL SIDES OF STREAMS AND WATER RESOURCES; AND ADOPT HABITAT PROTECTION.**

**SUE BEILKE TESTIFYING AS A PRIVATE CITIZEN, ADVISED SHE WORKED AS PROJECT COORDINATOR ON THE BURLINGTON BOTTOMS MITIGATION SITE FOR THE DEPARTMENT OF FISH AND WILDLIFE. MS. BEILKE READ FROM A COPY OF THE HYDROLOGY REPORT THE DEPARTMENT CONTRACTED FOR BURLINGTON BOTTOMS REGARDING NORTH ANGELL BROTHER CREEK AND ITS SIGNIFICANCE AS A SOURCE OF WATER FOR THE BURLINGTON BOTTOMS AREA. MS. BEILKE TESTIFIED SHE BELIEVES THAT QUARRY EXPANSION IN THE PROPOSED AREA WOULD NEGATIVELY AFFECT BURLINGTON BOTTOMS. MS. BEILKE EXHIBITED A LARGE COLOR INFRARED PHOTO TAKEN LAST YEAR OF THE AREA AND DISCUSSED THE IMPORTANCE OF PRESERVING WETLANDS HABITAT. MS. BEILKE RESPONSE TO BOARD QUESTIONS CONCERNING MIDDLE ANGELL BROTHERS CREEK AND HER POSITION IN OPPOSITION TO MAY 19, 1994 FISH AND WILDLIFE FINDING THAT IT COULD NOT CONCLUDE NORTH ANGELL BROTHERS CREEK WARRANTED A SIGNIFICANT DESIGNATION DUE TO ITS CONTRIBUTION OF WATER TO BURLINGTON BOTTOMS.**

**MR. PARISI PRESENTED REBUTTAL TESTIMONY, ADVISING ANGELL BROTHERS COULD MINE UPPER EXPANSION AREA FOR 5 YEARS, DOING ONE BENCH PER YEAR AND THAT EXPANSION COULD BE PHASED SO THAT MINING DOES NOT BEGIN UNTIL FOREST COVER REESTABLISHED IN THE CLEAR CUTS ADJACENT TO AND NORTHWEST OF THE QUARRY. MR. PARISI REBUTTAL REGARDING SEDIMENT, WATER QUALITY, RECLAMATION, AND**

**ZONING ENFORCEMENT. MR. PARISI SUGGESTED MINING WILL WORK ALONG WITH HABITAT THROUGH CONSCIENTIOUS RECLAMATION OF QUARRY SITE AND SUBSEQUENT ESTABLISHMENT OF CONSERVATION EASEMENTS IN AREAS ADJACENT TO McNAMEE ROAD. MR. PARISI EXPRESSED CONCERN THAT ANGELL BROTHERS HAS SPENT TIME AND MONEY AND BEEN THROUGH COUNTLESS HEARINGS REQUESTING AN EXPANSION PERMIT SINCE 1989, DURING WHICH TIME THE COUNTY HAS ALLOWED 100 HOUSES IN AREA, AND THAT THE AREA MAY NOW BE CONSIDERED TOO URBANIZED TO ALLOW MINING. MR. PARISI EXPLANATION CONCERNING AGGREGATE AS A RESOURCE, ADVISING ANGELL BROTHERS DOES NOT WANT TO MINE THE 99 ACRES BY THE HIGHWAY FOR PUBLIC RELATIONS REASONS; SKIP ANDERSON'S PROJECTED ESTIMATE ON HOW LONG THE AGGREGATE WILL LAST BASED ON PRODUCTION FIGURES IN 1992. MR. PARISI ADVISED ANGELL BROTHERS HAS LOTS OF ROOM FOR SETTLING PONDS AND EXPLAINED THAT ANGELL BROTHERS FILED THE REQUIRED EPA PERMIT, WORKED WITH PAUL KEIRAN AND KEN ASHBAKER WHO IDENTIFIED A PROBLEM, AND WILL RESHAPE THE WORKING AREA OF PIT SO THEY CAN TREAT STORMWATER SEPARATELY, AND IS IN COMPLIANCE NOW. MR. PARISI RESPONSE TO QUESTION REGARDING QUALITY OF AGGREGATE ON SOUTHERN PORTION OF SITE VERSUS LOWER TOWARDS THE HIGHWAY, ADVISING IT IS BETTER THE DEEPER YOU GO. IN RESPONSE TO A QUESTION, MR. PARISI ADVISED A 3C DESIGNATION FOR NORTH ANGELL BROTHERS CREEK AND FOR THE EXPANSION MAY WORK. IN RESPONSE TO A QUESTION CONCERNING THE TECHNOLOGY AND ENGINEERING BEHIND THE HOLDING PONDS, AND FOLLOWING MR. DuBAY'S ADMONITION REGARDING SUBMISSION OF NEW EVIDENCE, MR. PARISI REFERRED THE BOARD TO PLANNING COMMISSION REBUTTAL TESTIMONY OF RON RATHBURN AND TORY WALKER ALREADY IN THE RECORD.**

**CHARLES HENDERSON REQUESTED INFORMATION CONCERNING CHANGES IN THE ZONE DESIGNATION WHICH WILL NOT ALLOW HIM TO BUILD ON HIS 8 TAX LOTS (40 ACRES) ON SKYLINE BOULEVARD**



**NORTH OF SPRINGDALE ROAD WHICH HE HAS OWNED FOR 40 YEARS. MR. PEMBLE DIRECTED TO MEET WITH MR. HENDERSON NOW FOR ASSISTANCE AND EXPLANATION.**

**CHARLES CIECKO, METRO'S REGIONAL PARKS AND GREENSPACES DIRECTOR SUBMITTED AND PRESENTED TESTIMONY IN OPPOSITION TO ANY QUARRY EXPANSION IN THE NORTH ANGELL BROTHERS CREEK OR ANY WATERSHED WHICH DRAINS TO BURLINGTON BOTTOM. MR. CIECKO ADVISED ANGELL BROTHERS HAS A HISTORY OF WATER QUALITY VIOLATIONS IN ITS EXISTING OPERATION, AND THAT SEDIMENT FROM THE EXISTING OPERATION HAS SERIOUSLY DEGRADED A WETLAND DOWNSTREAM OF THE QUARRY SITE. MR. CIECKO ASSERTED THAT THE RAILROAD, JUNKYARD OR HIGHWAY DEPARTMENT HAVE NOT BEEN CITED FOR WATER QUALITY VIOLATIONS BUT ANGELL BROTHERS HAS, AND EXPRESSED CONCERN REGARDING ANGELL BROTHERS IMPROVEMENTS WHICH HAVE NOT YET BEEN TESTED. MR. CIECKO SUBMISSION OF OREGONIAN ARTICLE ON KARBAN SITE CONCERNING TECHNOLOGY WHICH DOES NOT WORK.**

**SETH TANE TESTIMONY RECOMMENDING THAT COUNTY PRESERVE RESOURCES AS THEY ARE AT THIS TIME.**

**PLANNING COMMISSIONER CHRIS FOSTER TESTIFIED IN OPPOSITION TO QUARRY EXPANSION DUE TO PROBLEMS WITH OVERBURDEN, SOIL MANAGEMENT, EROSION AND WATER IN VIEW OF THE RESOURCE ALREADY EXISTING IN THE CURRENTLY PERMITTED AREA OR THE PROPOSED ROCHLIN AREA.**

**JOHN SHERMAN TESTIMONY IN OPPOSITION TO PROPOSED ANGELL BROTHERS QUARRY EXPANSION, ADVISING A PUBLIC RELATIONS PROBLEM IS NOT A GOAL 5 RESOURCE.**

**MR. PARISI REBUTTAL TESTIMONY ADVISING A PORTION BUT NOT ALL OF THE LOWER 99 ACRES IS APPROVED FOR MINING.**

**SKIP ANDERSON REBUTTAL TESTIMONY ADVISING ANGELL BROTHERS HAS 114 ACRES PERMITTED NOW, BUT DOES NOT HAVE 99 ACRES PERMITTED ADJACENT TO THE HIGHWAY. MR. ANDERSON EXPLAINED THE BUFFER ZONE THEY HAVE BEEN PRESERVING EVER SINCE THE MINE WAS STARTED IS NOT IN THE AREA WHICH IS NOW PERMITTED TO MINE. MR. ANDERSON ADVISED THAT IN OVER 20 YEARS, ANGELL BROTHERS HAS NOT HAD A CITATION FROM DEQ OR ANYONE ELSE UNTIL THE NEW STORMWATER POLLUTION CONTROL PLAN CAME INTO EFFECT, AND HAS HAD SINCE THEN 1 NOTICE OF NONCOMPLIANCE. MR. ANDERSON REPORTED ANGELL BROTHERS SPENT \$150,000 DEVELOPING A STORMWATER SYSTEM AND THE LAST 3 SAMPLES TAKEN WERE ALL IN COMPLIANCE. MR. ANDERSON REPORTED THAT ROCK QUALITY IS THE SAME THROUGHOUT QUARRY; SEISMIC TESTING WAS DONE IN 1991 OR 1992; AND THAT 98% OF THE AGGREGATE GOES TO MULTNOMAH COUNTY CUSTOMERS. MR. ANDERSON TESTIMONY IN SUPPORT OF ANGELL BROTHERS PROPOSAL TO LEAVE PART OF THE BOTTOM 3B, LEAVE 1,000 FEET OF THE BUFFER, MOVE UP THE HILL, AND LEAVE SOME ABOVE FOR WILDLIFE PROTECTION. MR. ANDERSON RESPONSE CONCERNING ROCHLIN, ET AL PROPOSED MINING EXPANSION ACREAGE VERSUS COUNTY PROPOSED MINING EXPANSION ACREAGE, ADVISING ANGELL BROTHERS IS PROPOSING AND WILLING TO ACCEPT SOMETHING BETWEEN THE UPPER AND BOTTOM, IN ORDER TO MINE THE MIDDLE PART.**

**MR. ROCHLIN REBUTTAL TESTIMONY ADVISING THERE WERE NO HEAVY RAINS THIS WINTER, SO THE SYSTEM IS UNTESTED; THE HIGHER MINING GOES, THE MORE VISIBLE IT IS FROM SIGNIFICANT VIEWING AREAS; PERSISTENCE NOT AN APPROVAL OF CRITERION, NOR IS PUBLIC RELATIONS. MR. ROCHLIN EXHIBITED COPIES OF PHOTOGRAPHS ALREADY IN RECORD SHOWING EFFECTS OF RUNOFF GOING INTO THE WETLAND AND THE CHANNEL FROM THE QUARRY SITE AND ADVOCATED BOARD DESIGNATING STREAMS AND AGGREGATE 3C AND REGULATING MINING ACTIVITIES.**

**FOLLOWING DISCUSSION WITH MR. PEMBLE AND MR. DuBAY, CHAIR STEIN ADVISED THE RECORD WOULD REMAIN OPEN FOR WRITTEN REBUTTAL ON THE JULY 25, 1994 LETTER FROM FRANK SCHNITZER OF DOGAMI, TO BE SUBMITTED TO THE PLANNING OFFICE BY 4:30 PM, TUESDAY, AUGUST 2, 1994. MR. PEMBLE RESPONSE TO BOARD QUESTION CONCERNING THE ROLE OF DOGAMI IN OVERSEEING MINING OPERATION AND TO ENSURE THAT THE MINING OPERATION IS CONSISTENT WITH THE RECLAMATION PLAN. CHAIR STEIN CLOSED THE HEARING ON THE WEST HILLS APPEALS AND ADVISED THE BOARD WILL DELIBERATE ON THIS MATTER AT 1:30 PM, TUESDAY, AUGUST 9, 1994.**

*The hearing was recessed at 4:37 p.m. and reconvened at 4:52 p.m.*

**P-2      C 2-94a      DE NOVO HEARING, WITH TESTIMONY LIMITED TO 30 MINUTES PER SIDE, in the Matter of an Appeal of the June 27, 1994 Multnomah County Planning Commission's Recommendation on the Howard Canyon Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents**

**CHAIR STEIN OUTLINED THE ORDER OF PROCEDURE. IN RESPONSE TO QUESTIONS OF CHAIR STEIN, NO DISCLOSURES, CHALLENGES OR OBJECTIONS WERE REPORTED.**

**SCOTT PEMBLE PRESENTED THE STAFF REPORT, CITING APPLICABLE LAWS AND ADVISING THE FINAL DECISION OF THE BOARD WILL BE REPORTED TO THE LAND CONSERVATION AND DEVELOPMENT COMMISSION FOR DETERMINATION AS TO WHETHER COUNTY SATISFIED. LCDC'S REMAND ORDER REQUIREMENTS. MR. PEMBLE REPORTED ON THE CHRONOLOGY OF THE LAND USE HEARING PROCESS, PUBLIC NOTICE COMPLIANCE, THE APPEAL PROCESS, AND REPORTED ON ITEMS INCLUDED IN THE RECORD TO DATE. MR. PEMBLE SUBMITTED COPIES OF A JULY 18, 1994 LETTER FROM PAUL KEIRAN AND A JULY 17, 1994 LETTER FROM KATHLEEN AND DAVID SHELMAN FOR INCLUSION IN THE RECORD. MR. PEMBLE ADVISED THE MAY 23, 1994 HOWARD CANYON RECONCILIATION REPORT, INCLUDING**

**ADDENDA DATED JUNE 21, 1994, CONSTITUTES THE PLANNING COMMISSION DECISION.**

**LEONARD YOON SUBMITTED AND PRESENTED TESTIMONY SUMMARIZING CHANGES MADE BY THE PLANNING COMMISSION REGARDING THE HOWARD CANYON RECONCILIATION REPORT AND RESPONDED TO QUESTIONS OF COMMISSIONER KELLEY REGARDING ESEE ANALYSIS ON RIVER AND ROAD TRANSPORTATION ISSUES.**

**APELLANT NEIL KAGAN, ATTORNEY FOR FRIENDS OF HOWARD CANYON, TESTIFIED IN SUPPORT OF REQUEST FOR BOARD TO REJECT THE RECOMMENDATION OF THE PLANNING COMMISSION TO CLASSIFY THE HOWARD CANYON AGGREGATE SITE AND HOWARD CANYON SIGNIFICANT STREAMS AS 3C ON THE BASIS OF A GROSSLY DEFICIENT RECONCILIATION REPORT WHICH IS VAGUE, INCOMPLETE AND UNABLE TO STAND UP UNDER REVIEW. MR. KAGAN REQUESTED THAT BOARD EITHER DEFER A DECISION UNTIL STAFF REVISES RECONCILIATION REPORT AS DETAILED IN HIS LETTERS OF JUNE 10 AND JUNE 13, 1994, OR CLASSIFY THE AGGREGATE SITE AS A 3B SITE ON THE BASIS OF THE EVIDENCE IN THE RECORD AS HIGHLIGHTED BY HIS TESTIMONY. MR. KAGAN SUBMITTED A SIGNIFICANT STREAMS STUDY MAP AND TESTIFIED REGARDING VALIDITY OF REPORT CONCERNING IMPACT AREAS; NEED FOR INCLUSION OF ROADS IN THE IMPACT AREA; IDENTIFYING CONFLICTING USES; OMISSION OF TIMBER PRODUCTION AND AGRICULTURE USE; AND DEFECTIVENESS OF ESEE ANALYSIS BECAUSE PRECEDING STEPS WERE INVALID AND ANALYSIS WAS NOT REVISED TO ADDRESS JUNE 13 TESTIMONY ADVISING QUARRY WILL DEPRESS PROPERTY VALUES IN THE AREA. MR. KAGAN RECOMMENDED THAT THE BOARD CLASSIFY THE AGGREGATE SITE 3B; DIRECT STAFF TO REVISE RECONCILIATION REPORT PER RECOMMENDATIONS; AND THAT THE BOARD RECONSIDER SAME ON THE BASIS OF THE REVISED REPORT. MR. KAGAN URGED BOARD TO COMMISSION AN INDEPENDENT EXPERT NOISE STUDY EVALUATION.**

**PAUL HRIBERNICK, ATTORNEY FOR RAY SMITH TESTIFIED IN SUPPORT OF PLANNING COMMISSION DECISION AND STAFF RECOMMENDATIONS, ADVISING THERE IS PLENTY OF ROOM BETWEEN THE AGGREGATE SITE AND THE SIGNIFICANT STREAMS TO ENSURE PROTECTION FOR BOTH. MR. HRIBERNICK ADVISED THAT AN INDEPENDENT NOISE STUDY IS FINE, BUT ONCE THE OPERATION/CRUSHER SITE IS ESTABLISHED INSIDE THE QUARRY, THERE IS NO NEED FOR THE EXPENSE OF A PERIODIC CHECK UP BECAUSE THE NOISE PARAMETERS WON'T CHANGE. MR. HRIBERNICK SUGGESTED THAT AN ANNUAL WATER QUALITY STUDY BE PERFORMED BY DEQ STORMWATER OFFICIALS RATHER THAN REQUIRING HIS CLIENTS TO BEAR THE EXPENSE OF AN INDEPENDENT CONSULTANT. MR. HRIBERNICK ADVISED HIS CLIENTS ARE WILLING TO LIMIT SITE TO COMMUNITY BASED SITE TO SERVE CORBETT AREA EAST OF THE RIVER AND ARE NOT INTERESTED IN COMPETING IN THE PORTLAND MARKET. MR. HRIBERNICK REBUTTAL TO MR. KAGAN TESTIMONY CONCERNING NOISE IMPACT AREA; TRAFFIC ON COUNTY ROADS; BALANCING NEED FOR GRAVEL WITH NEED FOR ADDITIONAL GRAZING OR TIMBER LAND; AND PROPERTY VALUES. MR. HRIBERNICK TESTIFIED IN SUPPORT OF A 3C DESIGNATION, ENDORSING LCDC, STAFF AND PLANNING COMMISSION RECOMMENDATIONS. MR. HRIBERNICK RESPONSE TO BOARD QUESTIONS.**

**MICHAEL CARLSON OF THE PORTLAND AUDUBON SOCIETY PRESENTED TESTIMONY CONCERNING POTENTIAL HARM TO SANDY RIVER TRIBUTARIES, WILDLIFE AND FISHERIES RESOURCES FROM SEDIMENT DUE TO QUARRY OPERATION AND ADVISED THE INVENTORIES AND ANALYSIS REPORT NOT AS DETAILED AS IT SHOULD BE.**

**MICHAEL GAMA PRESENTED TESTIMONY ADVISING THE RECONCILIATION REPORT IS FLAWED BECAUSE TRANSPORTATION ISSUES WERE NOT ADDRESSED AND IN OPPOSITION TO QUARRY EXPANSION DUE TO NEGATIVE IMPACT TO TRAFFIC SAFETY, TOURISM AND PROPERTY VALUES.**

**SUSAN FRY PRESENTED TESTIMONY IN OPPOSITION**

**TO QUARRY EXPANSION DUE TO NEGATIVE IMPACT TO LIVEABILITY AND TRAFFIC SAFETY, AND URGED BOARD TO ADOPT 3B DESIGNATION.**

**CAROLYN COONS PRESENTED TESTIMONY IN OPPOSITION TO QUARRY EXPANSION, SUGGESTING THE CURRENT LEVEL OF OPERATION IS SUFFICIENT FOR OPERATOR'S USE, WITH AN ADDITIONAL 5,000 CUBIC YARDS AVAILABLE FOR SALE TO THE PUBLIC, AND URGED BOARD TO ADOPT 3B DESIGNATION.**

**DENNIS WIANCKO PRESENTED TESTIMONY IN OPPOSITION TO QUARRY EXPANSION, ADVISING THE STUDY IS FLAWED BECAUSE TOPOGRAPHY WAS NOT TAKEN INTO ACCOUNT ON NOISE LEVEL IMPACT ZONE.**

**JANE ANDERSON PRESENTED TESTIMONY IN OPPOSITION TO QUARRY EXPANSION, EXPRESSING CONCERNS REGARDING DIMINISHED PROPERTY VALUES; TRAFFIC SAFETY ISSUES; AND PRESERVING THE NATIONAL SCENIC AREA. MS. ANDERSON ADVISED THE DEPARTMENT OF TRANSPORTATION HAS CONFLICTING OPINIONS REGARDING QUARRY.**

**KLAUS HEYNE PRESENTED TESTIMONY IN OPPOSITION TO QUARRY EXPANSION, ASSERTING THE NEED FOR ROCK FOR BUILDING OF NEW HOMES AND LOCAL ROADS IN THE COMMUNITY REMAINS STABLE AND THE PRESENT OPERATION IS SUFFICIENT FOR AREA. MR. HEYNE URGED BOARD TO ADOPT 3B DESIGNATION.**


**NEIL KAGAN PRESENTED REBUTTAL IN OPPOSITION TO MR. HRIBERNICK TESTIMONY AND RESPONSE TO BOARD QUESTIONS.**

**AT THE REQUEST OF MR. KAGAN, CHAIR STEIN ADVISED THAT THE RECORD WOULD REMAIN OPEN FOR WRITTEN REBUTTAL ON THE JULY 18, 1994 LETTER FROM PAUL KEIRAN OF DEQ, TO BE SUBMITTED TO THE PLANNING OFFICE BY 4:30 PM, TUESDAY, AUGUST 2, 1994. CHAIR STEIN CLOSED THE HEARING ON THE HOWARD CANYON APPEAL AND ADVISED THE BOARD WILL DELIBERATE ON**

**THIS MATTER AT 1:30 PM. TUESDAY, AUGUST 9, 1994.**

*There being no further business, the hearing was adjourned at 6:15 p.m.*

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

  
**Deborah L. Bogstad**

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*Thursday, July 28, 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, Commissioners Sharron Kelley and Dan Saltzman present.*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**C-2**      *ORDER in the Matter of Cancellation of Land Sale Contract 15522 Between Multnomah County, Oregon and Joe S. Brown Upon Default of Payments and Performance of Covenants*

***CHAIR STEIN ANNOUNCED THAT C-2 WILL BE  
CONTINUED TO THURSDAY, AUGUST 4, 1994.***

**CONSENT CALENDAR**

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

**DEPARTMENT OF HEALTH**

**C-1**      *Ratification of Amendment No. 2 to Intergovernmental Agreement Contract 103661 Between Oregon Health Sciences University, School of Medicine and Multnomah County, Adding the Dietetic Internship Program to the List of Administrative Units Providing Students to Work in County Clinics Per the Affiliation Agreement, for the Period Upon Execution through June 30, 1996*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-3      *ORDER in the Matter of the Execution of Deed D941023 Upon Complete Performance of a Contract to Iner Poe*

**ORDER 94-137.**

**REGULAR AGENDA**

**NON-DEPARTMENTAL**

- R-1      *Presentation in the Matter of Employee Service Awards Honoring Multnomah County Employees with Various Years of Service*

*Commissioner Gary Hansen arrived at 9:35 a.m.*

**BOARD GREETED, ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO SANDRA LEAPTROTT OF ASD; JEAN LEAKE AND SHIRLEY WOLF OF CFS; DEBORA BROWN OF DA; RUTH WIEBER OF DCC; TERRY HOWARD AND PATRICK JONES OF DES; LARRY FRITZ AND LAURA SELBIGER OF JJD AND WENDY HAUSOTTER OF NOND. 10 YEAR AWARDS PRESENTED TO JEANETTE HANKINS OF ASD; MARIETTA POWERS AND NORMAN ROSENBLOOM OF DA; GLORIA FLUKER AND DIANNE SMITH OF DCC; CYNTHIA FREIERMUTH OF JJD AND SARA MARTIN OF NOND. 15 YEAR AWARDS PRESENTED TO PATTY BOWSER AND DONALD NEWELL OF DES AND EMMA KAUFMAN OF NOND. 20 YEAR AWARD PRESENTED TO STEVEN BAKER OF DES. 25 YEAR AWARDS PRESENTED TO C. DALE BAIRD OF DA AND DOCKUM SHAW OF DCC.**

- R-2      *Consideration in the Matter of the Appeal of the Revocation of an Adult Home Care License for Charla Dinnocenzo (Continued from July 7, 1994)*

**IN RESPONSE TO A REQUEST OF CHAIR STEIN, CITY ATTORNEY ADRIANNE BROCKMAN, LEGAL COUNSEL FOR BOARD OF COMMISSIONERS, EXPLAINED THE BOARD MAY AFFIRM, REVERSE OR MODIFY THE HEARINGS OFFICER DECISION. COMMISSIONER COLLIER'S MOTION TO AFFIRM DIED FOR LACK OF A SECOND. STEVE BALOG RESPONSE TO QUESTION OF COMMISSIONER HANSEN. MS. BROCKMAN RESPONSE TO QUESTION OF COMMISSIONER KELLEY. BOARD COMMENTS AND DISCUSSION REGARDING COMMISSIONER KELLEY'S PROPOSED LICENSE CONDITIONS, LIMITATIONS AND REVIEW**



**PERIOD. BOARD COMMENTS AND DISCUSSION REGARDING PSYCHIATRIC EVALUATIONS OF DRS. TURCO, CRAFT AND SARDO, CLIENT SAFETY AND OPERATOR STABILITY. COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, TO AFFIRM HEARINGS OFFICER DECISION REVOKING LICENSE AND ALLOW OPERATOR TO REAPPLY FOR A LICENSE NO SOONER THAN SIX MONTHS AS LONG AS OPERATOR DOES NOT EXHIBIT BIZARRE EVIDENCE AS OUTLINED IN MR. BALOG'S SEPTEMBER 22, 1993 LETTER. BOARD DISCUSSION. MR. BALOG AND MS. BROCKMAN RESPONSE TO BOARD QUESTIONS AND DISCUSSION. FOLLOWING ADVICE OF COUNSEL, COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, TO AFFIRM THE HEARINGS OFFICER DECISION REVOKING LICENSE, WITH THE CONDITION THAT OPERATOR NOT REAPPLY SOONER THAN SIX MONTHS AFTER REVOCATION, AND REQUIRING THAT ANY REAPPLICATION BE ACCOMPANIED BY AN UPDATED EVALUATION REPORT FROM DR. TURCO. MOTION APPROVED, WITH COMMISSIONERS COLLIER, SALTZMAN AND STEIN VOTING AYE, AND COMMISSIONERS KELLEY AND HANSEN VOTING NO. COUNSEL TO DRAFT FINDINGS AND FINAL ORDER FOR BOARD CONSIDERATION. IN RESPONSE TO A QUESTION OF MS. BROCKMAN, MR. BALOG EXPLAINED THE DIVISION'S PROCEDURE REGARDING RELOCATION OF A CLIENT FOLLOWING LICENSE REVOCATION. BOARD CONSENSUS THAT PROCESS BE UNDERTAKEN.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**R-3 ORDER in the Matter of Restricting Pedestrian and Vehicular Traffic From SE 212th Avenue Between SE Burnside and SE Division Streets for Construction of Tri-Met Light Rail Facilities**

**COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-3. JOHN DORST EXPLANATION AND RESPONSE TO BOARD QUESTIONS. MR. DORST ADVISED RESTRICTION DATES WILL BE FROM AUGUST 1, 1994 TO JANUARY 26, 1995. ORDER 94-138 UNANIMOUSLY APPROVED.**

**SHERIFF'S OFFICE**

- R-4**      *Ratification of Intergovernmental Agreement Contract 800045 Between the City of Maywood Park and Multnomah County, Providing Additional Patrol Services for the City of Maywood Park, for the Period July 1, 1994 through June 30, 1995*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. LARRY AAB AND RANDY AMUNDSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.**

- R-5**      *Ratification of Intergovernmental Agreement Contract 800255 Between Multnomah County and Mt. Hood Community College, Wherein the College Will Provide Office Space for Multnomah County Sheriff's Office Use in Providing Community Police Services to Citizens of Maywood Park*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. RANDY AMUNDSON EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.**

- R-6**      *Ratification of Intergovernmental Agreement Contract 800325 Between Multnomah County and the City of Portland, Providing Certain Law Enforcement Services Involving Driving Under the Influence of Intoxicants (DUI) Pursuant to the Multnomah County Comprehensive Community DUI Prevention Program*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-6. RANDY AMUNDSON AND PAUL WICKERSHAM EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.**

- R-7**      *Ratification of Intergovernmental Agreement Contract 800355 Between Multnomah County and the Housing Authority of Portland, Providing a Supervised Inmate Work Crew to Perform General Labor Such as Grounds Maintenance, Yard and Nursery Work, Light Carpentry and Painting at Various Facilities Owned or Operated by the Housing Authority of Portland*

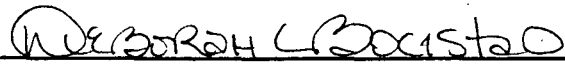
**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-7. LARRY AAB EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.**

**PUBLIC COMMENT**

**R-8**      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

*There being no further business, the meeting was adjourned at 10:30 a.m.*

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

  
**Deborah L. Bogstad**

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**Thursday, July 28, 1994 - 10:15 AM  
(Or Immediately Following Regular Meeting)**

**Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland**

**BOARD BRIEFING**

**B-1**      *Briefing, Discussion and Request for Policy Direction in the Matter of Establishing Minimum Wage "Floors" for Unarmed Security Guard Services and Other Similar Contracts. Presented by Dave Boyer.*

**CANCELLED.**



# 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

JULY 25, 1994 - JULY 29, 1994

*Tuesday, July 26, 1994 - 1:30 PM - Planning Items . . . . . Page 2*

*Thursday, July 28, 1994 - 9:30 AM - Regular Meeting . . . . . Page 2*

*Thursday, July 28, 1994 - 10:15 AM - Board Briefing . . . . . Page 4*

*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, July 26, 1994 - 1:30 PM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**PLANNING ITEMS**

- P-1     C 1-94a     DE NOVO HEARING, WITH TESTIMONY LIMITED TO 30 MINUTES PER SIDE, in the Matter of Appeals of the June 27, 1994 Multnomah County Planning Commission's Recommendation on the West Hills Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents (1:30 PM TIME CERTAIN REQUESTED)
- P-2     C 2-94a     DE NOVO HEARING, WITH TESTIMONY LIMITED TO 30 MINUTES PER SIDE, in the Matter of an Appeal of the June 27, 1994 Multnomah County Planning Commission's Recommendation on the Howard Canyon Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents (3:30 PM TIME CERTAIN REQUESTED)
- 

Thursday, July 28, 1994 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

**CONSENT CALENDAR**

**DEPARTMENT OF HEALTH**

- C-1     Ratification of Amendment No. 2 to Intergovernmental Agreement Contract 103661 Between Oregon Health Sciences University, School of Medicine and Multnomah County, Adding the Dietetic Internship Program to the List of Administrative Units Providing Students to Work in County Clinics Per the Affiliation Agreement, for the Period Upon Execution through June 30, 1996

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-2     ORDER in the Matter of Cancellation of Land Sale Contract 15522 Between Multnomah County, Oregon and Joe S. Brown Upon Default of Payments and Performance of Covenants
- C-3     ORDER in the Matter of the Execution of Deed D941023 Upon Complete Performance of a Contract to Iner Poe

## REGULAR AGENDA

### NON-DEPARTMENTAL

- R-1      *Presentation in the Matter of Employee Service Awards Honoring Multnomah County Employees with Various Years of Service*
- R-2      *Consideration in the Matter of the Appeal of the Revocation of an Adult Home Care License for Charla Dinnocenzo (Continued from July 7, 1994)*

### DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3      *ORDER in the Matter of Restricting Pedestrian and Vehicular Traffic From SE 212th Avenue Between SE Burnside and SE Division Streets for Construction of Tri-Met Light Rail Facilities*

### SHERIFF'S OFFICE

- R-4      *Ratification of Intergovernmental Agreement Contract 800045 Between the City of Maywood Park and Multnomah County, Providing Additional Patrol Services for the City of Maywood Park, for the Period July 1, 1994 through June 30, 1995*
- R-5      *Ratification of Intergovernmental Agreement Contract 800255 Between Multnomah County and Mt. Hood Community College, Wherein the College Will Provide Office Space for Multnomah County Sheriff's Office Use in Providing Community Police Services to Citizens of Maywood Park*
- R-6      *Ratification of Intergovernmental Agreement Contract 800325 Between Multnomah County and the City of Portland, Providing Certain Law Enforcement Services Involving Driving Under the Influence of Intoxicants (DUII) Pursuant to the Multnomah County Comprehensive Community DUII Prevention Program*
- R-7      *Ratification of Intergovernmental Agreement Contract 800355 Between Multnomah County and the Housing Authority of Portland, Providing a Supervised Inmate Work Crew to Perform General Labor Such as Grounds Maintenance, Yard and Nursery Work, Light Carpentry and Painting at Various Facilities Owned or Operated by the Housing Authority of Portland*

### PUBLIC COMMENT

- R-8      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

*Thursday, July 28, 1994 - 10:15 AM  
(Or Immediately Following Regular Meeting)*

*Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**BOARD BRIEFING**

***B-1      Briefing, Discussion and Request for Policy Direction in the Matter of  
Establishing Minimum Wage "Floors" for Unarmed Security Guard Services  
and Other Similar Contracts. Presented by Dave Boyer. 30 MINUTES  
REQUESTED.***

Meeting Date: JUL 28 1994  
Agenda No.: B-4

(Above space for Clerk's Office Use)

**AGENDA PLACEMENT FORM**

SUBJECT: Security Bid Wages/DES Work Session

BOARD BRIEFING Date Requested: July 28, 1994 On-Call

Amount of Time Needed: 15 - 30 minutes

REGULAR MEETING Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: MSS DIVISION: Finance

CONTACT: David Boyer TELEPHONE #: x3312

BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Dave Boyer

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

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

Receive policy direction from Board on establishing a minimum wage "floor" for unarmed guard security services.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

OR

DEPARTMENT MANAGER: 

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 JUL 21 AM 11:05





# MULTNOMAH COUNTY OREGON

BEVERLY STEIN  
COUNTY CHAIR

EMPLOYEE SERVICES  
FINANCE  
LABOR RELATIONS  
PLANNING & BUDGET  
RISK MANAGEMENT

(503) 248-5015  
(503) 248-3312  
(503) 248-5135  
(503) 248-3883  
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING  
1120 S.W. FIFTH, 14TH FLOOR  
P.O. BOX 14700  
PORTLAND, OREGON 97214

PURCHASING, CONTRACTS  
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR  
PORTLAND, OREGON 97202

## MEMORANDUM

To: Board of County Commissioners

From: Dave Boyer, Finance Director *DB*

Date: July 19, 1994

Requested Placement Date: July 28, 1994

RE: Unarmed Security Guard Services

### I. Recommendation/Action Requested:

Give policy direction on establishing minimum wage "floors" of security guard services and other similar contracts.

### II. Background/Analysis:

In April the County was in the process of bidding out unarmed security guard services when the Chair and two other Commissioners were contacted by a potential bidder on the contract and requested the County to consider requiring the contract contain language establishing wage "floors". We have canceled the bid and extended the current contract until September 1, 1994.

The following are the issues that we feel need to be considered before enacting this type of policy:

Issue 1. Can the County require a wage "floor" in its contract specifications? The answer is yes, the City of Portland currently requires a wage "floor" in one of its security services contract and the City has to follow the same contract rules as the County. The "floor set by the City is \$7.00 per hour.

Issue 2. Can the County require contractors to provide medical benefits? We believe the answer is no. It is my understanding that the Employee Retirement Income Act of 1974 (ERISA) prohibits the County from requiring Contractors to provide medical benefits. I have requested an opinion from County Counsel but have not received an answer yet.

Issue 3. The County has various service contracts with custodial providers and if the Board wishes to establish wage "floors" in security contracts the Board may want this policy extended to those contracts. At this time, we feel that the security guard and custodial contracts are the only similar contracts. If a wage "floor" is enacted program staff will need to verify and periodically monitor the contractors to ensure compliance.

III. Financial Impact: The financial impact depends on the wage "floor" and if the policy is extended to custodial contracts. The following financial impact is based on the County's current contracts in force and the various "floor" levels identified:

<u>Policy Standard</u>	<u>Security wage</u>	<u>Custodial wage</u>	<u>Total wage</u>
"Floor" \$5.00	\$ 3,673	\$	\$ 3,673
"Floor" \$5.50	11,020	7,130	18,150
"Floor" \$6.00	18,368	21,391	39,759
"Floor" \$7.00	36,736	42,783	79,519

IV. Legal Issues: We have asked for an opinion from County Counsel if the County can establish a wage "floor" and require contractors to provide medical benefits.

V. Controversial Issues: None that I am aware of.

VI. Link to Current County Policies: Would be a change in current policy.

VII. Citizen participation: This issue was raised by one of our service contractors.

VIII. Other Government Participation: None



# MULTNOMAH COUNTY OREGON

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2505 S.E. 11TH, 1ST FLOOR  
PORTLAND, OREGON 97202

## MEMORANDUM

To: John Dubay, Assistant County Counsel  
From: Dave Boyer, Finance Director *DB*  
Date: June 3, 1994  
Subject: Request for Opinion on Wage "Floor" in Public Contracts

Attached is a request for an opinion on wage and benefit "Floors" that we need to have answered by June 30, 1994. We will be briefing the Board of County Commissioners on July 19, 1994 and we will need some time to prepare for the briefing.

The City of Portland has established wage "floors" in some of their contracts so we are assuming this is okay. It is my understanding that Employee Retirement Income Act of 1974 (ERISA) may prohibit the County from requiring medical benefits in our contracts.

The questions we have are: Can the County require contractors pay a minimum wage that is higher than the State minimum wage law? Can the County require contractors to provide medical benefits to their employees.

Attached is previous correspondence regarding this issue. If you have any questions please call me at 248-3903. Thanks for your help.

CC: Lillie Walker  
Bob Kieta  
Jan Thompson  
Maria Rojo de Steffey  
F. Wayne George