

ANNOTATED MINUTES

Tuesday, October 22, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEM

Chair Gladys McCoy convened the meeting at 9:32 a.m., with Vice-Chair Rick Bauman, Commissioners Pauline Anderson, Sharron Kelley and Gary Hansen present.

P-1 CU 15-91 DE NOVO HEARING, 10 MINUTES PER SIDE in the Matter of the September 3, 1991 Planning Commission Decision DENYING a Conditional Use Request for a Non-Resource Related Single Family Residence in the MUF-19 (Multiple Use Forest) District for Property Located at 16745 NW McNAMEE ROAD. (From September 24, 1991 Board Meeting)

BOB HALL OUTLINED THE RULES, PROCEDURES AND SPECIFIC CRITERIA AND PRESENTED STAFF REPORT. IN RESPONSE TO A QUESTION OF COMMISSIONER KELLEY, MR. HALL EXPLAINED THE PROPERTY IS OUTSIDE THE BIG GAME WINTER HABITAT AREA, BUT IT IS UNKNOWN WHETHER THE PROPERTY IS WITHIN THE WILDLIFE CORRIDOR AS THE STUDY IS NOT YET COMPLETE.

IN RESPONSE TO A REQUEST OF MR. HALL AND AFTER A RULING FROM JOHN DuBAY AND UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, IT WAS UNANIMOUSLY APPROVED THAT A LETTER FROM DONNA GREEN OF HILLSBORO, OREGON NOT BE SUBMITTED INTO EVIDENCE.

JAMES HUTCHINSON, ATTORNEY FOR APPLICANT DON JOYCE, TESTIFIED IN SUPPORT OF REVERSAL OF PLANNING COMMISSION DECISION AND SUBMITTED DOCUMENTATION ADVISING THAT FIRE AND POLICE SERVICE IS PROVIDED TO THE AREA.

ANDEE CARLSTROM TESTIFIED IN SUPPORT OF PLANNING COMMISSION DECISION AND RESPONDED TO BOARD QUESTIONS REGARDING LOGGING IN AND NEAR JOYCE PROPERTY. MR. HALL RESPONDED TO A QUESTION OF COMMISSIONER ANDERSON.

ARNOLD ROCHLIN REQUESTED PROCEDURAL CLARIFICATION REGARDING FINDINGS PRESENTED AT THIS HEARING. IN RESPONSE TO A QUESTION OF CHAIR McCOY, MR. DuBAY EXPLAINED MR. ROCHLIN HAS STANDING IN THIS MATTER. MR. ROCHLIN TESTIFIED IN SUPPORT OF PLANNING COMMISSION DECISION AND RESPONDED TO BOARD QUESTIONS.

MR. HUTCHINSON PRESENTED REBUTTAL TESTIMONY.

MR. HALL AND MR. DuBAY RESPONSE TO BOARD QUESTIONS. COMMISSIONER ANDERSON MOVED AND COMMISSIONER BAUMAN SECONDED, TO AFFIRM THE PLANNING COMMISSION DECISION. COMMISSIONER KELLEY COMMENTS IN OPPOSITION TO THE MOTION. PLANNING COMMISSION DECISION DENYING CONDITIONAL USE REQUEST WAS AFFIRMED, WITH COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING AYE, AND COMMISSIONERS KELLEY AND HANSEN VOTING NO.

IN RESPONSE TO MR. DuBAY, VICE-CHAIR BAUMAN EXPLAINED THE UNDERLYING FINDING FOR HIS DECISION WAS BASED ON INCOMPATIBLE USAGE WITH THE PRIMARY USE OF THE LAND IN THAT AREA.

IN RESPONSE TO A CONCERN OF CHAIR McCOY, MR. DuBAY ADVISED THIS IS NOT APPROPRIATE FORUM IN WHICH TO DISCUSS TAKING ISSUE RAISED BY APPLICANT'S ATTORNEY. MR. DuBAY EXPLAINED THAT IF BY THE BOARD'S ACTION, MR. JOYCE IS DEPRIVED OF ANY ECONOMIC USE OF HIS PROPERTY, IT WOULD BE A TAKING ISSUE, BUT ALL OPTIONS MUST BE EXPLORED AND DENIED FIRST AND THE NEXT STEP MUST BE MADE BY APPLICANT.

MR. HALL ADVISED THAT STAFF WILL PREPARE FINDINGS FOR BOARD REVIEW AND ADOPTION NEXT WEEK.

There being no further business, the meeting was adjourned at 10:25 a.m.

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



Deborah L. Bogstad

*Tuesday, October 22, 1991 - 10:25 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING

B-2 *Discussion of Details of a Proposal by State Senior and Disabled Services that Area Agencies on Aging Begin Serving the Disabled for Public Assistance and Long Term Care. Presented by Multnomah County Aging Services Director, Jim McConnell; and State Senior and Disabled Services Administrator, Dick Ladd.*

**JIM McCONNELL AND DICK LADD PRESENTATION AND
RESPONSE TO BOARD QUESTIONS. RECOMMENDATIONS
TO COME BEFORE THE BOARD WITHIN A MONTH.**

*Tuesday, October 22, 1991 - 10:45 AM
Multnomah County Courthouse, Room 602*

AGENDA REVIEW

- B-1 Review of Agenda for Regular Meeting of October 24, 1991.*
-

*Wednesday, October 23, 1991 - 9:30 AM - 12:00 PM
Multnomah County Courthouse, Room 602*

WORK SESSION

- B-1 Informational Session, Including a Historical Overview of the Mentally and Emotionally Disturbed System, State Perspectives, and Testimony Presented by System Participants.*

DIANE LUTHER, JERRY FRYE, BARRY KAST, GEORGE BACHIK, SUSAN CLARK, GARY SMITH, JOE DEAN, JOHN PARKER, NELLIE FOX-EDWARDS, ED WASHINGTON, DOUG MONTGOMERY, JOE BLOOM, DAVID GREEN, GARRETT SMITH AND MARGE GALLAHAN PRESENTATION, TESTIMONY AND DISCUSSION. BOARD COMMENTS.

*Wednesday, October 23, 1991 - 1:30 PM - 3:00 PM
Multnomah County Courthouse, Room 602*

WORK SESSION

- B-2 Board Discussion and Policy Direction Regarding Methods for Re-Examining the Mentally and Emotionally Disturbed System.*

DIANE LUTHER, JERRY FRYE, DAVID GREEN, NORMAN MILLER, GARY SMITH, LIAM CALLEN AND JIM EDMONDSON DISCUSSION. BOARD COMMENTS AND DISCUSSION.

*Wednesday, October 23, 1991 - 3:00 - 4:00 PM
Multnomah County Courthouse, Room 602*

WORK SESSION

**PAULINE ANDERSON, RICK BAUMAN, GLADYS McCOY,
SHARRON KELLEY, GARY HANSEN, LARRY NICHOLAS
AND PAUL YARBOROUGH DISCUSSION REGARDING
MERITS OF PROPOSED CONSOLIDATION OPTIONS.**

*Thursday, October 24, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:32 a.m., with Commissioners Pauline Anderson, Sharron Kelley and Gary Hansen present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, CONSENT
CALENDAR ITEMS C-1 THROUGH C-8 AND C-10 THROUGH
C-12 WERE UNANIMOUSLY APPROVED.**

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 *Ratification of an Intergovernmental Agreement Between Oregon State Marine Board and Multnomah County to Provide Funding for Sheriff's River Patrol Marine Law Enforcement Activities for Fiscal Year July 1, 1991 through June 30, 1992*
- C-2 *Liquor License Change of Ownership Application Submitted by the Sheriff's Office with Recommendation for Approval as Follows:
Package Store for QUICK SHOP MINIT MART #11, 13076 SE Stark Street, Portland.*
- C-3 *Liquor License Application Renewals Submitted by the Sheriff's Office with Recommendation for Approval as Follows:
Dispenser Class A for CHINA HUT RESTAURANT, 16721 SE Division, Portland; MULTNOMAH FALLS LODGE, P.O. Box 377, Troutdale; TIPPY CANOE INN, 28242 Crown Point Highway, Troutdale; THE DRUM AND RICCARDOS LA FIESTA RESTAURANT, 14601 SE Division, Portland.
Dispenser Class B for THE RACQUET CLUB, 1853 SW Highland Road, Portland
Package Store for BOB'S CORNER GROCERY AND DELI, 13110 SE Division, Portland; CORBETT COUNTRY MARKET, 36801 NE Crown Point Highway, Corbett; DAVID'S MARKET, 12217 SE Foster Road, Portland; FRED'S MARINA, 12800 NW Marina Way, Portland; J & N GROCERY, 10729 SE Harold Street, Portland; K.S. FOOD MARKET, 15231 SE Division, Portland; ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham; PLEASANT VALLEY MARKET, 16880 SE Foster, Portland; SUNSHINE MARKET, 13580 SE Powell, Portland; THREE-D MARKET, 1739 SE 139th, Portland.*

Restaurant for ROUND TABLE PIZZA, 15920 SE Division, Portland.

Retail Malt Beverage for POWELLHURST TAVERN, INCORPORATED, 844 SE 144th, Portland; WEBB'S ROYAL TAP ENTERPRISES, INC. CLUB GENESIS, 13639 SE Powell, Portland.

DEPARTMENT OF HUMAN SERVICES

- C-4 *Ratification of Amending No. 1 to the Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University Providing Increased Non-Residential Adult Services Funds for Clients of the Mental and Emotional Disabilities Program Office, Effective July 1, 1991 through June 30, 1992*
- C-5 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and Reynolds School District #7 Providing Increased Early Intervention Funds for Clients of the Developmental Disabilities Program Office, Effective September 1, 1991 through June 30, 1992*
- C-6 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University, Providing Contractor a 1.5% Cost of Living Increase Awarded by the Federal Granting Agency for the Provision of Dental Care to Low Income Residents, through June 30, 1992*
- C-7 *Ratification of Amendment No. 3 to the Intergovernmental Agreement Between the State Health Division and Multnomah County Reflecting a \$1,050 Increase in Grant Funding for Various Health Division Programs, for the Period July 1, 1991 through June 30, 1992*
- C-8 *Ratification of an Intergovernmental Agreement Between the Oregon Department of Human Services and Multnomah County, to Provide the Entire County Health Division Access to the State Office of Medical Assistance Programs Data System*
- C-10 *Ratification of an Intergovernmental Agreement Between the Oregon Department of Human Resources, Children's Services Division and Multnomah County to Provide Funding for Staffing of the Juvenile Justice Division's Gang Unit and Operation of the House of Umoja, and the 30-Day Residential Treatment Program Housed at the Donald E. Long Facility, for the Period July 1, 1991 through June 30, 1992*
- C-11 *Ratification of a Revised Memorandum of Understanding Between the Oregon Housing and Community Services Department and Multnomah County Wherein the Aging Services Division's Community Action Program Office is Authorized to Administer the Housing Agency Low Income Rental Housing Fund Program and Pay Housing Rent on Behalf of Very Low Income Households, through June 30, 1992*

NON-DEPARTMENTAL

- C-12 *In the Matter of the Appointments of Marian Keyser and Arthur Payne to the PORTLAND/MULTNOMAH COMMISSION ON AGING*

Vice-Chair Rick Bauman arrived at 9:34 a.m.

DEPARTMENT OF HUMAN SERVICES

- C-9 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and the City of Portland Wherein the City will Fund the CHIERS Program's Central City Concern Inebriate Pick-Up Service for the Period October 1, 1991 through June 30, 1992, or Until City Funds of \$36,750 are Fully Expended*

CHAIR McCOY EXPLANATION. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, C-9 WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-1 *Budget Modification DA #5 Authorizing Expenditure of a \$201,643 Interjurisdiction Manufacturing and Distributing Project Grant Awarded by the Bureau of Justice Assistance to Provide Funding for Certain Staff Within the District Attorney's Office*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HANSEN, R-1 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-2 *Second Reading and Possible Adoption of an ORDINANCE Relating to the Business Income Tax: Amending MCC 5.70.045 and 5.70.075 to Provide for Quarterly Tax Payments and Collection*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 702 UNANIMOUSLY APPROVED.

- R-3 *RESOLUTION in the Matter of the Regionalization of County Services*

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-3. COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, AMENDMENT TO PAGE TWO, LINE 2, DELETING THE WORD "LIBRARIES". BOARD COMMENTS AND DISCUSSION. AMENDMENT UNANIMOUSLY APPROVED. COMMISSIONER KELLEY DISCUSSED CITY OF WOOD VILLAGE CONCERNS REGARDING THE EFFECT OF THE PROPOSED RESOLUTION ON THE WORK OF THE METRO CHARTER COMMITTEE. BOARD DISCUSSION AND COMMENTS. RESOLUTION 91-147 UNANIMOUSLY APPROVED, AS AMENDED.

- R-4 *RESOLUTION in the Matter of Designating Ben Buisman as Multnomah County's Representative to the Tax Coordinating Planning Effort*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 91-148 WAS UNANIMOUSLY APPROVED.

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of MID COUNTY STREET LIGHTING SERVICE DISTRICT NO. 14)

- R-5 *RESOLUTION in the Matter of Designating Ben Buisman as Multnomah County's Representative to the Tax Coordinating Planning Effort for Mid County Street Lighting Service District No. 14*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, RESOLUTION 91-149 WAS UNANIMOUSLY APPROVED.

(Recess as the Governing Body of Mid County Street Lighting Service District No. 14 and convene as the Governing Body of DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)

- R-6 *RESOLUTION in the Matter of Designating Ben Buisman as Multnomah County's Representative to the Tax Coordinating Planning Effort for Dunthorpe Riverdale Sanitary Service District No. 1*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, RESOLUTION 91-150 WAS UNANIMOUSLY APPROVED.

(Recess as the Governing Body of Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as the Board of County Commissioners)

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-7 *RESOLUTION in the Matter of Opposition to the Proposed Land Use Re-Zoning to Eliminate the County Expo Center*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, RESOLUTION 91-151 WAS UNANIMOUSLY APPROVED.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, ITEMS R-8 THROUGH R-19 WERE UNANIMOUSLY APPROVED.

- R-8 *ORDER in the Matter of Cancellation of Land Sale Contract 15397 Between Multnomah County, Oregon and Richard O. Carpenter and Marvin W. Albaugh*

Upon Default of Payments and Performance of Covenants

ORDER 91-152.

- R-9 *ORDER in the Matter of Cancellation of Land Sale Contract 15236R Between Multnomah County, Oregon and Evelyn L. Corbin Upon Default of Payments and Performance of Covenants*

ORDER 91-153.

- R-10 *ORDER in the Matter of Cancellation of Land Sale Contract 15459 Between Multnomah County, Oregon and Richard Fowlkes Upon Default of Payments and Performance of Covenants*

ORDER 91-154.

- R-11 *ORDER in the Matter of Cancellation of Land Sale Contract 15540 Between Multnomah County, Oregon and H. Gene Hatten Upon Default of Payments and Performance of Covenants*

ORDER 91-155.

- R-12 *ORDER in the Matter of Cancellation of Land Sale Contract 15435 Between Multnomah County, Oregon and Carrie L. Holliday Upon Default of Payments and Performance of Covenants*

ORDER 91-156.

- R-13 *ORDER in the Matter of Cancellation of Land Sale Contract 15448 Between Multnomah County, Oregon and Shirley N. Long Upon Default of Payments and Performance of Covenants*

ORDER 91-157.

- R-14 *ORDER in the Matter of Cancellation of Land Sale Contract 15166 Between Multnomah County, Oregon and Allen W. Murphy Upon Default of Payments and Performance of Covenants*

ORDER 91-158.

- R-15 *ORDER in the Matter of Cancellation of Land Sale Contract 13972R Between Multnomah County, Oregon and Leona Ramseth Upon Default of Payments and Performance of Covenants*

ORDER 91-159.

- R-16 *ORDER in the Matter of Cancellation of Land Sale Contract 15394 Between Multnomah County, Oregon and Mary A. Rosebrough Upon Default of Payments and Performance of Covenants*

ORDER 91-160.

- R-17 *ORDER in the Matter of Cancellation of Land Sale Contract 15279 Between Multnomah County, Oregon and Troy N. Tyrell and Carol J. Tyrell Upon Default of Payments and Performance of Covenants*

ORDER 91-161.

- R-18 *ORDER in the Matter of Cancellation of Land Sale Contract 15449 Between Multnomah County, Oregon and John S. Wiley, Jr. Upon Default of Payments and Performance of Covenants*

ORDER 91-162.

- R-19 *ORDER in the Matter of Cancellation of Land Sale Contract 15453 Between Multnomah County, Oregon and Ernestine H. Wiseman Upon Default of Payments and Performance of Covenants*

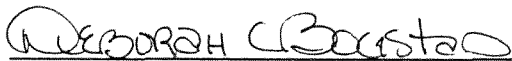
ORDER 91-163.

- R-20 *FINAL ORDER DENYING CU 6-91 in the Matter of the Review of the Planning Commission Decision Which Approved "Beaver Bark", a Wood Products Transfer, Storage, and Processing Operation Proposed in an EFU Zoning District*

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, ORDER 91-164 WAS APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING AYE, AND COMMISSIONERS KELLEY AND HANSEN VOTING NO.

There being no further business, the meeting was adjourned at 9:53 a.m.

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

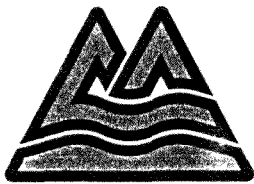

Deborah L. Bogstad

*Thursday, October 24, 1991 - 3:00 PM - 5:00 PM
Standard Plaza Building
1100 SW Sixth - Portland
Third Floor Conference Rooms A & B*

JOINT GOVERNMENTS MEETING

1. *Third in a Series of Joint Governments Meetings Between Fairview, Gresham, Multnomah County Portland, Troutdale and Wood Village to Discuss Service Delivery.*

***PARTICIPANTS GLADYS McCOY, BERNIE GUISTO, EARL
BLUMENAUER, RICK BAUMAN, JO HAVERKAMP, FRED
CARLSON, GRETCHEN KAFOURY, SAM COX, GARY
HANSEN, PAULINE ANDERSON, MIKE LINDBERG, GUSSIE
McROBERT, DICK BOGLE, SHARRON KELLEY, BUD
CLARK, ARNOLD COGAN, TIM OWENS, MAUREEN
LEONARD, LARRY NICHOLAS, KATHY BUSSE, FELICIA
TRADER, SHEILA ARTHUR, MIKE CASEY AND RAMSEY
WEIT DISCUSSION AND CONSENSUS BUILDING
REGARDING PROPOSED OPTIONS A, B, C, D AND E.***



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

OCTOBER 21 - 25, 1991

Tuesday, October 22, 1991 - 9:30 AM - Planning ItemPage 2
Tuesday, October 22, 1991 - 10:30 AM - Agenda Review. . . .Page 2
Tuesday, October 22, 1991 - 11:15 AM - Board BriefingPage 2
Wednesday, October 23, 1991 - 9:30 AM - Work Session. . . .Page 2
Wednesday, October 23, 1991 - 1:30 PM - Work Session. . . .Page 3
Thursday, October 24, 1991 - 9:30 AM - Regular Meeting. . . .Page 3
Thursday, October 24, 1991 - 3:00 PM - Joint Governments
Meeting.Page 7

PLEASE NOTE FUTURE SCHEDULE CHANGES:

- *Tuesday, November 12, 1991 - Meeting Cancelled*
- *Thursday, November 14, 1991 - Meeting Cancelled*
- *Thursday, November 28, 1991 - Meeting Cancelled*
- *Thursday, December 26, 1991 - Meeting Cancelled*

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, October 22, 1991 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEM

- P-1 CU 15-91 DE NOVO HEARING, 10 MINUTES PER SIDE in the Matter of the September 3, 1991 Planning Commission Decision DENYING a Conditional Use Request for a Non-Resource Related Single Family Residence in the MUF-19 (Multiple Use Forest) District for Property Located at 16745 NW McNAMEE ROAD. (From September 24, 1991 Board Meeting)
-

Tuesday, October 22, 1991 - 10:30 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-1 Review of Agenda for Regular Meeting of October 24, 1991.
-

Tuesday, October 22, 1991 - 11:15 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-2 Discussion of Details of a Proposal by State Senior and Disabled Services that Area Agencies on Aging Begin Serving the Disabled for Public Assistance and Long Term Care. Presented by Multnomah County Aging Services Director, Jim McConnell; and State Senior and Disabled Services Administrator, Dick Ladd.
-

Wednesday, October 23, 1991 - 9:30 AM - 12:00 PM

Multnomah County Courthouse, Room 602

WORK SESSION

- B-1 Informational Session, Including a Historical Overview of the Mentally and Emotionally Disturbed System, State Perspectives, and Testimony Presented by System Participants.
-

Wednesday, October 23, 1991 - 1:30 PM - 3:00 PM

Multnomah County Courthouse, Room 602

WORK SESSION

- B-2 Board Discussion and Policy Direction Regarding Methods for Re-Examining the Mentally and Emotionally Disturbed System.
-

Thursday, October 24, 1991 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Ratification of an Intergovernmental Agreement Between Oregon State Marine Board and Multnomah County to Provide Funding for Sheriff's River Patrol Marine Law Enforcement Activities for Fiscal Year July 1, 1991 through June 30, 1992
- C-2 Liquor License Change of Ownership Application Submitted by the Sheriff's Office with Recommendation for Approval as Follows:
Package Store for QUICK SHOP MINIT MART #11, 13076 SE Stark Street, Portland.
- C-3 Liquor License Application Renewals Submitted by the Sheriff's Office with Recommendation for Approval as Follows:
Dispenser Class A for CHINA HUT RESTAURANT, 16721 SE Division, Portland; MULTNOMAH FALLS LODGE, P.O. Box 377, Troutdale; TIPPY CANOE INN, 28242 Crown Point Highway, Troutdale; THE DRUM AND RICCARDOS LA FIESTA RESTAURANT, 14601 SE Division, Portland.
Dispenser Class B for THE RACQUET CLUB, 1853 SW Highland Road, Portland
Package Store for BOB'S CORNER GROCERY AND DELI, 13110 SE Division, Portland; CORBETT COUNTRY MARKET, 36801 NE Crown Point Highway, Corbett; DAVID'S MARKET, 12217 SE Foster Road, Portland; FRED'S MARINA, 12800 NW Marina Way, Portland; J & N GROCERY, 10729 SE Harold Street, Portland; K.S. FOOD MARKET, 15231 SE Division, Portland; ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham; PLEASANT VALLEY MARKET, 16880 SE Foster, Portland; SUNSHINE MARKET, 13580 SE Powell, Portland; THREE-D MARKET, 1739 SE 139th, Portland.
Restaurant for ROUND TABLE PIZZA, 15920 SE Division, Portland.

Retail Malt Beverage for POWELLHURST TAVERN, INCORPORATED, 844 SE 144th, Portland; WEBB'S ROYAL TAP ENTERPRISES, INC. CLUB GENESIS, 13639 SE Powell, Portland.

DEPARTMENT OF HUMAN SERVICES

- C-4 Ratification of Amending No. 1 to the Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University Providing Increased Non-Residential Adult Services Funds for Clients of the Mental and Emotional Disabilities Program Office, Effective July 1, 1991 through June 30, 1992
- C-5 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and Reynolds School District #7 Providing Increased Early Intervention Funds for Clients of the Developmental Disabilities Program Office, Effective September 1, 1991 through June 30, 1992
- C-6 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University, Providing Contractor a 1.5% Cost of Living Increase Awarded by the Federal Granting Agency for the Provision of Dental Care to Low Income Residents, through June 30, 1992
- C-7 Ratification of Amendment No. 3 to the Intergovernmental Agreement Between the State Health Division and Multnomah County Reflecting a \$1,050 Increase in Grant Funding for Various Health Division Programs, for the Period July 1, 1991 through June 30, 1992
- C-8 Ratification of an Intergovernmental Agreement Between the Oregon Department of Human Services and Multnomah County, to Provide the Entire County Health Division Access to the State Office of Medical Assistance Programs Data System
- C-9 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and the City of Portland Wherein the City will Fund the CHIERS Program's Central City Concern Inebriate Pick-Up Service for the Period October 1, 1991 through June 30, 1992, or Until City Funds of \$36,750 are Fully Expended
- C-10 Ratification of an Intergovernmental Agreement Between the Oregon Department of Human Resources, Children's Services Division and Multnomah County to Provide Funding for Staffing of the Juvenile Justice Division's Gang Unit and Operation of the House of Umoja, and the 30-Day Residential Treatment Program Housed at the Donald E. Long Facility, for the Period July 1, 1991 through June 30, 1992
- C-11 Ratification of a Revised Memorandum of Understanding Between the Oregon Housing and Community Services Department and Multnomah County Wherein the Aging Services Division's Community Action Program Office is Authorized to Administer the Housing Agency Low Income Rental Housing Fund Program and Pay Housing Rent on Behalf of Very Low

Income Households, through June 30, 1992

NON-DEPARTMENTAL

- C-12 In the Matter of the Appointments of Marian Keyser and Arthur Payne to the PORTLAND/MULTNOMAH COMMISSION ON AGING

REGULAR AGENDA

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-1 Budget Modification DA #5 Authorizing Expenditure of a \$201,643 Interjurisdiction Manufacturing and Distributing Project Grant Awarded by the Bureau of Justice Assistance to Provide Funding for Certain Staff Within the District Attorney's Office

NON-DEPARTMENTAL

- R-2 Second Reading and Possible Adoption of an ORDINANCE Relating to the Business Income Tax: Amending MCC 5.70.045 and 5.70.075 to Provide for Quarterly Tax Payments and Collection
- R-3 RESOLUTION in the Matter of the Regionalization of County Services
- R-4 RESOLUTION in the Matter of Designating Ben Buisman as Multnomah County's Representative to the Tax Coordinating Planning Effort

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of MID COUNTY STREET LIGHTING SERVICE DISTRICT NO. 14)

- R-5 RESOLUTION in the Matter of Designating Ben Buisman as Multnomah County's Representative to the Tax Coordinating Planning Effort for Mid County Street Lighting Service District No. 14

(Recess as the Governing Body of Mid County Street Lighting Service District No. 14 and convene as the Governing Body of DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)

- R-6 RESOLUTION in the Matter of Designating Ben Buisman as Multnomah County's Representative to the Tax Coordinating Planning Effort for Dunthorpe Riverdale Sanitary Service District No. 1

(Recess as the Governing Body of Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as the Board of County Commissioners)

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-7 RESOLUTION in the Matter of Opposition to the Proposed Land Use Re-Zoning to Eliminate the County Expo Center
- R-8 ORDER in the Matter of Cancellation of Land Sale Contract 15397 Between Multnomah County, Oregon and Richard O. Carpenter and Marvin W. Albaugh Upon Default of Payments and Performance of Covenants
- R-9 ORDER in the Matter of Cancellation of Land Sale Contract 15236R Between Multnomah County, Oregon and Evelyn L. Corbin Upon Default of Payments and Performance of Covenants
- R-10 ORDER in the Matter of Cancellation of Land Sale Contract 15459 Between Multnomah County, Oregon and Richard Fowlkes Upon Default of Payments and Performance of Covenants
- R-11 ORDER in the Matter of Cancellation of Land Sale Contract 15540 Between Multnomah County, Oregon and H. Gene Hatten Upon Default of Payments and Performance of Covenants
- R-12 ORDER in the Matter of Cancellation of Land Sale Contract 15435 Between Multnomah County, Oregon and Carrie L. Holliday Upon Default of Payments and Performance of Covenants
- R-13 ORDER in the Matter of Cancellation of Land Sale Contract 15448 Between Multnomah County, Oregon and Shirley N. Long Upon Default of Payments and Performance of Covenants
- R-14 ORDER in the Matter of Cancellation of Land Sale Contract 15166 Between Multnomah County, Oregon and Allen W. Murphy Upon Default of Payments and Performance of Covenants
- R-15 ORDER in the Matter of Cancellation of Land Sale Contract 13972R Between Multnomah County, Oregon and Leona Ramseth Upon Default of Payments and Performance of Covenants
- R-16 ORDER in the Matter of Cancellation of Land Sale Contract 15394 Between Multnomah County, Oregon and Mary A. Rosebrough Upon Default of Payments and Performance of Covenants
- R-17 ORDER in the Matter of Cancellation of Land Sale Contract 15279 Between Multnomah County, Oregon and Troy N. Tyrell and Carol J. Tyrell Upon Default of Payments and Performance of Covenants
- R-18 ORDER in the Matter of Cancellation of Land Sale Contract 15449 Between Multnomah County, Oregon and John S. Wiley, Jr. Upon Default of Payments and Performance of Covenants
- R-19 ORDER in the Matter of Cancellation of Land Sale Contract 15453 Between Multnomah County, Oregon and Ernestine H. Wiseman Upon Default of Payments and Performance of Covenants

R-20 FINAL ORDER DENYING CU 6-91 in the Matter of the Review of the Planning Commission Decision Which Approved "Beaver Bark", a Wood Products Transfer, Storage, and Processing Operation Proposed in an EFU Zoning District

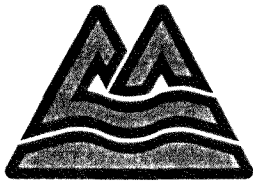
Thursday, October 24, 1991 - 3:00 PM - 5:00 PM

Standard Plaza Building
1100 SW Sixth - Portland
Third Floor Conference Rooms A & B

JOINT GOVERNMENTS MEETING

1. Third in a Series of Joint Governments Meetings Between Fairview, Gresham, Multnomah County Portland, Troutdale and Wood Village to Discuss Service Delivery.

0105C/12-18/dr



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

SUPPLEMENTAL AGENDA

Wednesday, October 23, 1991 - 3:00 - 4:00 PM

Multnomah County Courthouse, Room 602

WORK SESSION

B-1 Work Session for Board Discussion Prior to Thursday's Joint Governments Meeting.

0105C/19/dr

1

DATE 10-22

NAME James Hutchinson

ADDRESS 1100 SW 6th, Suite 1105

STREET

Portland

CITY

97204

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # CU-15-91

SUBJECT Approval MUF Bldg

X FOR AGAINST

PLEASE PRINT LEGIBLY!

#

2

DATE

10/22

NAME

Andee Carlstrom

ADDRESS

15400 N.W. McNamee Rd

STREET

CITY

97231

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

CU 15.91

SUBJECT

Review of planning commission denied

FOR

AGAINST

PLEASE PRINT LEGIBLY!

3

DATE 10/22/91

NAME

Arnold Rochlin

ADDRESS

Rt 2 Box 58

STREET

Portland

CITY

97231

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

SUBJECT

~~R~~ P-1 CV 15-91

FOR

X Applicant AGAINST

PLEASE PRINT LEGIBLY!

Meeting Date: October 22, 1991

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

BCC Informal _____ (date) _____ BCC Formal October 22, 1991
DEPARTMENT _____ DES _____ DIVISION Planning and Development
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

xx DENIAL

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

CU 15-91 Decision of the Planning Commission of September 3, 1991 and appealed by the property owner, with recommendation to the Board for denial of a conditional use request for a non-resource residence in the MUF-19 zoning district for property located at 16745 NW McNamee Road.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

1991 OCT 15 AM 9:16
MULTI-COUNTY
OREGON



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

NOTICE OF REVIEW

1026 11 300.00 10
203 1026 5/14/91 300.00 10

1. Name: Joyce , H. , Don

Last

Middle

First

2. Address: 226 NW Hermosa Blvd. , Portland , OR 97210

Street or Box

City

State and Zip Code

3. Telephone: (503) 227 - 2591

4. If serving as a representative of other persons, list their names and addresses:

N/A

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Denial of Application for Approval of a Conditional Use to
construct a non-resource dwelling on a 29,000 Sq.Ft. Lot of
Record within the MUF-19 zoning District.

6. The decision was announced by the Planning Commission on _____, 19__

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

Applicant and record owner of the Subject property.

Please return this original form

*clong
ee
46800
I ask
sup to
de
stee
of Review,
Monday
Sept 23
4:30pm*

8. Grounds for Reversal of Decision (use additional sheets if necessary):

Please see attached.

9. Scope of Review (Check One):

(a) ☐ On the Record

(b) ☐ On the Record plus Additional Testimony and Evidence

(c) ☒ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

Scope of Review is scheduled "De Novo" because the recording of the original hearing was sufficiently inaudible to require findings to be based upon Staff notes taken during the hearing.

Signed: Don H. Joyce

Date: 9/20/91

For Staff Use Only

Fee:

Notice of Review = \$300.00

Transcription Fee:

Length of Hearing 48 min x \$3.50/minute = \$ 168.00

Total Fee = \$ 468.00 300.00

No transcript.

Received by: Gary Clifford

Date: Sept 23, 1991

Case No. C2415-91

8. Grounds for Reversal of Decision

1. The overall land use pattern in the area is one of mixed residential and resource uses, the proposed residence on the Subject site will not materially alter the stability of the overall land use pattern. (see attached exhibits)
2. There are both police and fire services provided to this property and the proposed residence will not create significant new public service demands. (see attached exhibits)
3. Having complied with all other building requirements, and the lot having met the standards of MCC.2182 (A) (2) and being incapable of sustaining a farm or forest use, denial of this application renders the property economically unusable to the owner on the basis of public interest and therefore constitutes a taking in violation of the Takings Clause of the Fifth Amendment as incorporated against the States by the Fourteenth Amendment.

JAMES F. HUTCHINSON, ATTORNEY

STANDARD PLAZA, SUITE 1105

1100 S.W. 6TH AVENUE

PORTLAND, OREGON 97204-1085

PHONE (503) 248-9455

TELEFAX (503) 222-4429

September 23, 1991

Board of County Commissioners
Multnomah County Courthouse, Rm. 602
1021 SW 4th Avenue
Portland, OR 97204

Re: Notice of Review/Denial of Application For
Conditional Use
Applicant: Don H. Joyce

Dear Board Members:

Attached hereto please find a Notice of Review and accompanying documents and exhibits for your consideration. Review of this matter is De Novo as no transcript of the proceedings is available. The basis for the denial is however, as noted by attending Staff, the lack of fire and police services to the area, and the non-compatibility of a residence with the surrounding area. These allegations, submitted by individuals who ironically live in homes in the area themselves, are controverted by Mr. Joyce's Review materials.

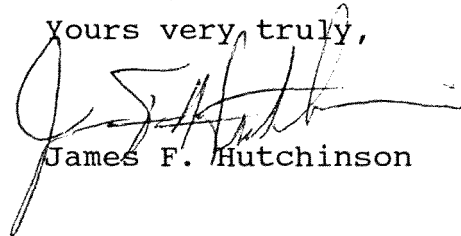
Incidentally, this is apparently the first time on record that under circumstances like these, the Staff recommendations have been rejected. Because this application meets all considerations for approval, affirming this denial would undermine the Staff's credibility.

Finally, there is no other economic use which this property can serve. The denial of this request to build a home in this neighborhood is an arbitrary and capricious exercise of the authority of the Planning Commission under the pretense of the public interest. This conduct constitutes a taking of Mr. Joyce's property which, if it was legal, would require compensation to Mr. Joyce. No such remuneration has been considered by the Commission, nor has any proposal been suggested regarding what else Mr. Joyce might be able to do with this property.

Board of Commissioners
September 23, 1991
Page -2-

I respectfully request that, upon review of this matter and the enclosed materials the Board of Commissioners overturn the decision of the Planning Commission which was made in error. Thank-you for your consideration.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'J. F. Hutchinson', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James F. Hutchinson

JFH:mep

cc: Mr. Don H. Joyce

AFFIDAVIT

STATE OF OREGON)
) ss
County of Multnomah)

I, DON H. JOYCE, being first duly sworn, depose and say as follows:

1. I am a party to the foregoing review as I own the subject property and have applied for and have been denied my request for Conditional Use to construct a non-resource dwelling thereon;

2. Since the time of the hearing I have confirmed the existence of both fire and police protection to the subject property (please see exhibits 1 and 2 attached hereto);

3. Since the time of the hearing I have again personally inspected the subject property and the surrounding lots and properties. I have taken the photographs attached hereto as Exhibits 3 pages 2 through 9. These photos depict the uses to which the surrounding lots and properties are being put;

4. Based upon my aforementioned personal inspection of the area, and my review of the map attached hereto as Exhibit 3 page 1, I have drawn onto this map, boxes depicting some of the existing residences and sights being developed currently. None of these sights is over one mile from the subject property, and as I have

indicated on the photo on Exhibit 3 page 3, a modern home is presently located within 800 feet of the subject property;

5. The subject property is not large enough to be used for farm or forest, and as such, is only suitable for the proposed use, non-resource dwelling;

6. Denial of my application is not consistent with other similar applications which have previously been approved;

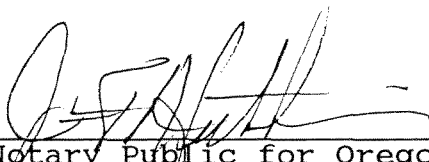
7. Denial of my application will render my property virtually unusable for any purpose which, I believe, will deprive me of my constitutional rights to my private property.

Respectfully submitted,



DON H. JOYCE

SUBSCRIBED AND SWORN to before me this 23rd day of
September, 1991.



Notary Public for Oregon
My Commission Expires: 10-13-91

2 - AFFIDAVIT OF DON H. JOYCE

JAMES F. HUTCHINSON, ATTORNEY
STANDARD PLAZA, SUITE 1105
1100 S.W. 6TH AVENUE
PORTLAND, OREGON 97204-1085
(503) 248-9455



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

ROBERT G. SKIPPER
SHERIFF

(503) 255-3600

September 20, 1991

TO WHOM IT MAY CONCERN:

Please be advised that McNamee Road between St. Helens Highway and Skyline Boulevard is routinely patrolled by the Multnomah County Sheriff's Office. This would include the proposed residence currently known as LOT 4-7, Burlington Addition.

Sincerely,

A handwritten signature in cursive script that reads "Robert G. Skipper".

ROBERT G. SKIPPER
Sheriff



CITY OF

PORTLAND, OREGON

FIRE PREVENTION DIVISION

Dick Bogle
Commissioner of Public Safety
Lynn C. Davis, Fire Marshal
55 S.W. Ash Street
Portland, Oregon 97204-3590
(503) 823-3700

September 20, 1991

To whom it may concern:

RE: Block 25
Lots 4, 5, 6, and 7
Burlington

The above property is covered under fire protection by the City of Portland Bureau of Fire, Rescue and Emergency Services by Station 22 located at 7205 N. Alta in St. Johns.

Sincerely,

LYNN C. DAVIS
Fire Marshal

By: Robert A. Weaver
Bob Weaver, Fire Inspector

LCD:BW:cibl

as per F.A.D. and given information

Code Area	Account Number	Assessed Value	Last Year	This Year
072	R- 1990-4850	LAND VALUE	3,000	3,300
Property Description (Map Number)		BUILDING VALUE		
		TOTAL VALUE	3,000	3,300
		NET ASSESS VAL	3,000	3,300
		TAX RATE/\$1000	30.1789	30.7931
		PROPERTY TAXES	90.53	101.61
		Current Taxes Levied By	Tax Rate	Tax Amount

YOUR CANCELLED CHECK IS YOUR RECEIPT
RETURNED CHECK WILL INCUR A SERVICE CHARGE

(21) 2748

JOYCE, DON II
226 NW HERMOSA BLVD
PORTLAND, OREGON 97210

GAL
SCR:
RLINGTON
LOT BLOCK
4-7 25

PORT OF PORTLAND	.3053	1.00
PORT BONDS	.0140	0.04
EDUCATION SERVICE DIST	1.4715	4.85
PORTLAND COMMUNITY COLL	.9136	3.01
PORTLAND SCHOOL DIST	16.7656	55.32
BURLINGTON WATER DIST	6.3576	20.98
MULTNOMAH COUNTY	4.9655	16.41

DELINQUENT TAXES	Interest To
Tax Year	Amount
closure Proceedings will be ed after July 15 on real erty accounts with an un- balance for any tax year ed with an asterisk (*).	

ASE Tax Collector, Multnomah County
CE P.O. Box 2716
MENT Portland, Oregon 97208-2716

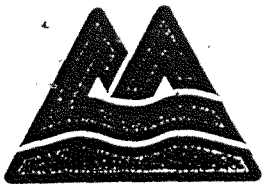
(For tax information, call (503) 243-3326)

* READ PAYMENT INSTRUCTIONS ON REVERSE

Property Tax Totals		101.61	
ASSESSMENTS	FIRE PATROL-NORTHWEST	15.00	
	326 2931		
Total Taxes and Assessments		116.61	
	Discount Allowed*	Pay By	Pay One of These Amounts
FULL - 3%	3.50	NOV. 15	113.11
2/3 - 2%	1.55	NOV. 15	76.19
1/3 - None		NOV. 15	38.87

1025 50 MAGAZINE AUG 92

SAVE THIS PART FOR YOUR RECORDS



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY •	CHAIR •	248-3308
PAULINE ANDERSON •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
RICK BAUMAN •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •		248-3277

Date: 10/22/91 Time: 9:30 a.m. Place: Room 602, Multnomah County Courthouse

CU 15-91 Public Hearing - On The Record

Review the Decision of the Planning Commission of September 3, 1991, denying conditional use request for development of the subject site with a non-resource related single family residence, for property located at **16745 NW McNamee Road**

Scope of Review

On the Record

Oral Argument

Each side has ten minutes per side to present oral argument to the Board

MUA

N

Zoning Map

Case #: CU 15-91

Location: 16745 NW McNamee Road

Scale: 1 inch to 200 feet

Shading indicates subject properties

F

RC

13

MUF-19

27

BURLINGTON

MUF-19

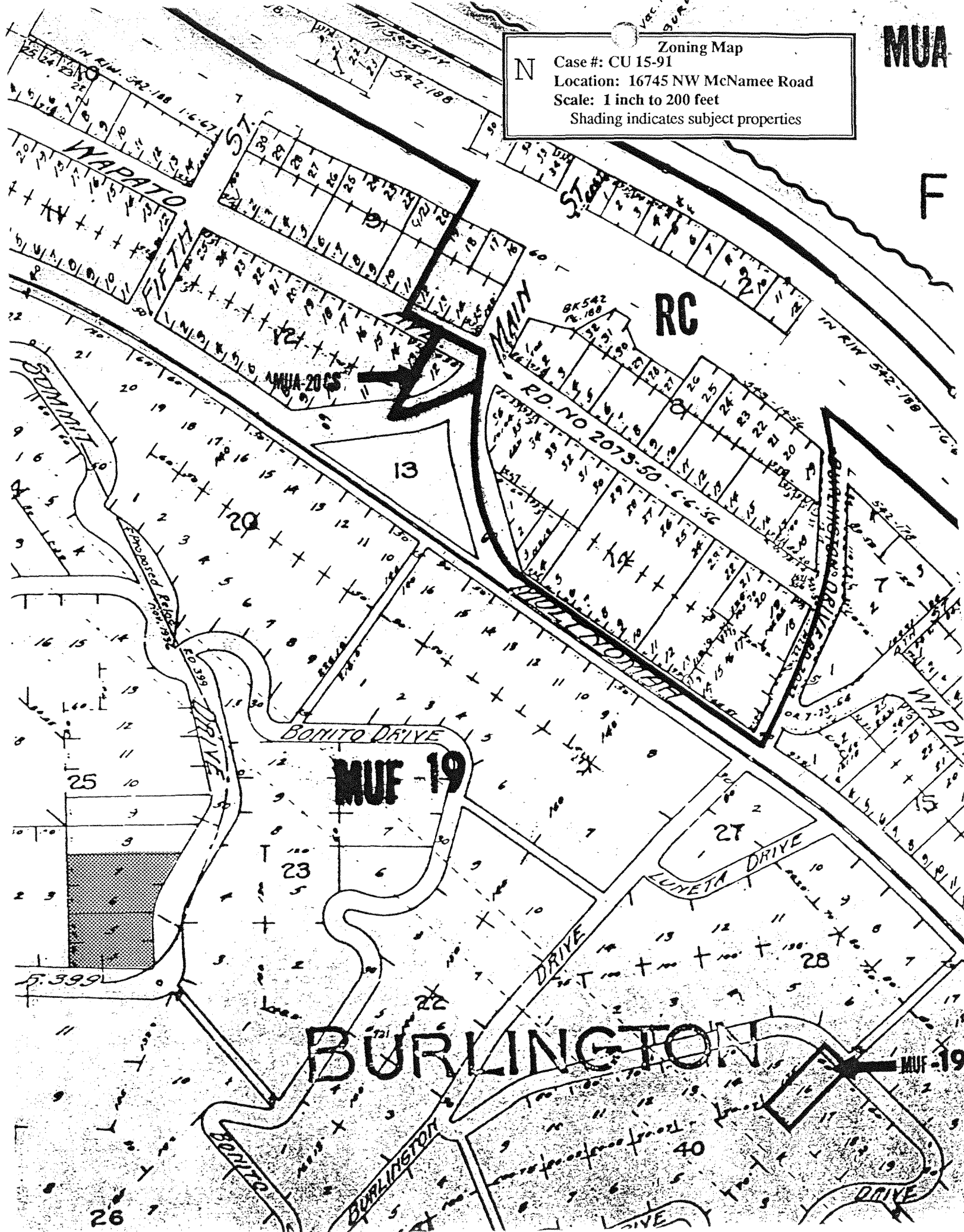
26

40

28

23

25





1"=50'

June 11, 91'



SITE PLAN: DON JOYCE
Lots 4, 5, 6 & 7, Block 25
"Burlington", located:
2N., 1W., Section 20,
Multnomah County, Oregon

CU 15-91

LAND DEVELOPMENT CONSULTANTS, INC.
209 N.E. LINCOLN STREET
HILLSBORO, OREGON 97124
PHONE: (503) 648-4061

Line 4. ✓ CU 15-91 (7:22 - 8:10) (Tape 2)

Conditional Use Request (Non-Resource Related Dwelling)

16745 NW McNamee Road

Denied Entire Application

The applicant, **Vern Lentz, c/o Land Development Consultants, 209 NE Lincoln Street, Hillsboro, 97124**, was present, representing the applicant, Don Joyce.

- He agrees with the Staff Report.
- Two tax lots have been under one ownership since 1978.
- They purposely did not indicate setbacks, and will meet all Code requirements for setbacks.
- There will be at least 200 feet between the proposed residence and the next lot north.
- The area has been recently clear-cut and re-planted.
- NW McNamee Road is a County road

Opposed:

Arnold Rachlin, Rt. 2, Box 58, Portland, 97231:

- There are no dwellings on surrounding properties at this time.
- He read a prepared statement, marked as Opponent's Exhibit A, dated August 5, 1991.
- He feels that the proposal is not compatible with the surrounding area.
- This is not an isolated small lot development. The same owner and development consultant are involved in two 40-lot subdivisions on the other side of NW Newberry Road.
- The applicant has failed to show compliance with MCC 11.15.2194(2) development standards.

Andrea Carlstrom, 15400 NW McNamee Road

- This parcel is an island with no residential buildings in the MUF zoning district in the immediate area.
- This is a natural wild life area.
- She read and submitted a prepared statement with maps, marked as Opponent's Exhibit B, dated August 5, 1991.

Following discussion, motion by Fry and seconded by Al-Sofi, with Hunt opposed, to **deny conditional use request** to allow development of the subject site with a non-resource related single family residence, based in part on three findings: compatibility, public services and access to water sources.

August 5 '91

CU 15-91
Appropriation
Exhibit B
Dated 8/5/91
js

To: Planning Commission

Re: CU 15-91, #48

Location: 16745 N.W. McNamara Rd

Comments or Staff report - conditional use application.

The burden of proof is the applicants responsibility. The "proof" consists of compliance with the criteria of items 1-7.

Item #1 "Is consistent with the character of the area"

This parcel is an island in the midst of a 360 acre commercial timberland parcel owned by Hampton Affiliates. There are no residential buildings in the MUF zone of the immediate area. The smallest 'built' residential occupancies in the nearby MUF zone are over 10 acres, which is over 15 times the size of this parcel, approx 1/2 mile away. None of these larger building sites are islands, surrounded by commercial forest operations.

Therefore, in at least 2 significant ways, it is not consistent. It is not reasonable to say that it is "consistent" because Rural Residential and Rural Community zones are within 1/2 mile." This parcel is zoned MUF-19, not RR or RC and there are no "consistent" residential buildings in the MUF zone. As your staff reported to you in a previous meeting, when the new forestry rules take effect, 80 acres minimums may replace the MUF zoning designations where applied to commercial forestland properties. In any case, rules will tighten.

Item #2 - "Will not adversely affect natural resources"

The Applicant fails to address this. The parcel sits in the midst of the largest remaining undeveloped commercial forestland tract south of Cornelius Pass Rd. It is obvious that it is a historically important wildlife area. Major game trails are on or within close proximity to the building site. Early findings of the Wildlife Corridor Study suggest housing is the greatest conflict to wildlife. The principle of allowing "just one" house is the same principle that would allow 50 houses on substandard lots. Though one house may not have significant impact, the cumulative effect of saying each individual house has little impact on natural resources, adds to a significant total.

Item #3 - "Will not conflict with forest use"

The recent DLCD Forestland Study of May 21 '91 - establishes significant conflict of residential building amongst commercial forestland properties. The recommendations of the **DLCD** staff are to check these conflicts by further restricting residences in forest zones. Reducing housing density - 80 acre minimums, and requiring residences be "necessary and accessory to forest management. A signature on a document at the time of a building permit application is woefully inadequate. (Planning commission members all received copies of the DLCD report in a July meeting)

Item #6 - "Will not create hazardous conditions"

On the westside of the Cascades, housing in forest zones are potentially one the greatest risks factors in forest fires. Oregon State Dept. of Forestry believes the way to address this problem is by not creating more residences in forest zones. Again, the first line of defense recommended by the LCDC and the Dept. of Forestry is by checking the conversion

of forest properties to residential use. The Regional Forester, Dave Johnson, Forest Grove, will confirm this. Current fire rules are inadequate and placing much forestland at risk. Remember this is an island in a clearcut commercial forest property. Much hazard is already present. Further hazard is created by the blind turn just below the proposed driveway.

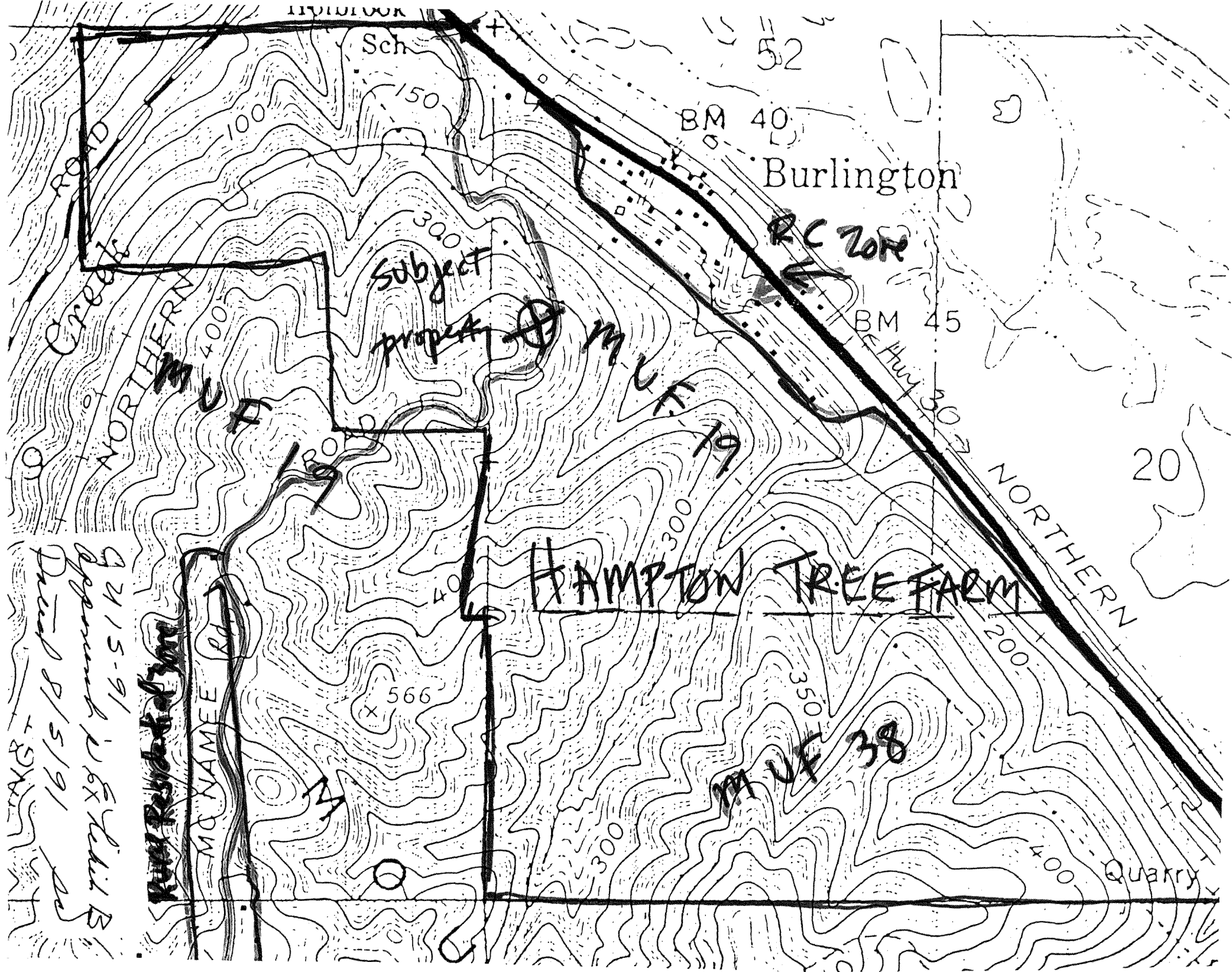
As this application is being made on behalf of a residential developer who holds this property on speculation, no hardship will result in delaying this decision until the pending forest rules or possible wildlife corridor study results are implemented. It is obvious that the rules are going to change, and to grant this request is to ignore the obvious. Speculation about the new rules, rather than housing need have prompted this application, I believe.

In any case the applicant fails in the burden of proof on criteria 1, 2, 3 and 6. Remember, the applicant wants exception to the MDF rules and so must comply with all 7 criteria. Don't let the process be circumvented.

Thank you for your time,
Andrea L. Carlstrom

Andrea L. Carlstrom
15400 N.W. McNamee Rd
Portland, Or 97231

621-3564





1990

C215-91
Apparent's
Exhibit B
Dated 8/5/91
pc



1991 - cumulative clear cutting of approx 1000 acres in MUF zone
between '90 + '91

CD 15-91
Opponent's
Exhibit B
Dated 8/5/91/pc

August 5, 1991

Arnold Rochlin
Rt. 2 Box 58
Portland, OR 97231
(503) 289-2657

Multnomah County Planning Commission
re: CU 15-191, #48
Hearing August 5, 1991

Dear Commissioners,

The following is submitted as testimony in the subject hearing.

*0215-91
Opponent's
Exhibit A,
Dated 8/5/91
per*

The developer is requesting a conditional use; a use that is neither proper nor best for land in this area as defined by the county code. Under certain conditions, the developer is entitled to his wish. However, he must address and prove compliance with all of the criteria in the code. This is not a situation where some requirements are important and should be obeyed, while others may be winked at. The developer has failed to show compliance with all regulations, and the application should be denied.

COMPATIBILITY:

11.15.2172 (C) (3) requires "compatibility with the primary uses as listed in 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area". Staff picked up on the applicant's statement that there are non-resource related residential uses approved a half mile away, as a demonstration of compatibility. These lots are a **half mile away** and, they are 10 acre lots. This one is a 3/5 acre lot, in no way comparable. For this reason alone, the application should be denied. However, compatibility with other non-conforming uses is not the main issue, which is compatibility with the hundreds of acres of completely surrounding commercial forestry. This lot is in the middle of the largest commercial forestry tract in the area. And, it was recently harvested in conjunction with the harvest of the Agency Creek Management Co. land.

If you approve this little application, you will have another, and another. Indeed, the applicant himself contends that, despite the encoded policy of this county, that's the way the area is going. I would like to quote some remarks of Chris Foster, who was unable to be here to testify. "The recent LCDC Forestland Study of April 1991 establishes that significant conflict is the result of residential building amongst commercial forestland properties. It is the recommendation of LCDC staff to check these conflicts by further restricting residences in forest zones." While you, of course, may not apply restrictions that are merely anticipated, you may and must, consider their factual basis, as it emphasizes the urgency of enforcement of the existing code.

There is no way that this proposal is compatible. It would be impossible to keep chemical treatments of the forest from affecting this property, both on the surface, and perhaps affecting underground water. Such affects present a hazard to human health, and must be addressed. No "waiver of rights of remonstrance" can morally or legally prevent a family from resisting practices that threaten their health and lives. Approval of this project will lead to bitter conflicts, if not actual harm to children and adults. It should be denied.

SERVICES:

11.15.2172 (C) (4) requires that the applicant will not require public services beyond those existing or programmed. It has not been established that there is an adequate source of water, both in quantity and quality on this property. The developer has merely stated his

hope to find and use such water. There is no demonstration of adequacy for normal family use, much less for emergency fire use. Neither the applicant nor staff even mention how much water will be needed. As noted above, commercial forestry practices threaten the quality of underground water. In addition, the recent forest harvest has destroyed the watershed. Normal groundwater replenishment may not be expected for years to come. Mere desire to use resources on the property fails to meet this requirement. It may in fact prove impossible to establish a dwelling on this property without outside services. The applicant has failed to carry his burden of proof, and the application should be denied.

FIRE SAFETY:

The developer has failed to show compliance with 11.15.2194 (2) development standards. It says "An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot; (emphasis added)" The developer obliquely says that a water supply and fire fighting equipment will be maintained. Staff says "There are no perennial water sources identified on the site." This is not enough. The rule says on the lot or an adjacent lot. Housing in forest zones constitute a disproportionate fire risk. First, they are a source of man caused fires, and second, they hinder fire suppression. Invariably, fire-fighters must devote their efforts to saving dwellings in the path of forest fires, abandoning any rational fire suppression plan. Untold thousands of acres burn because of such dwellings. The developer has not complied, and the application must be denied.

This proposal is unsuitable for other reasons. Again quoting Chris Foster, "Major game trails are to be noted on or about the property. Early findings of the wildlife corridor study suggest that housing presents the greatest threat to wildlife."

This site consists of the fragile soils of the west hills. The surface is readily erodible, and fragipan, capable of perching water, is usually found 20 to 40 inches below the surface. The recent clear cut of the entire vicinity, will lead to a "re-arrangement" of the land. There will be erosion, slippage and slides, some minor and some major. Neither staff nor the developer have addressed this issue. While it would be wise to wait 20 or more years, to allow the new forest to re-establish land stability before building, at the very least, a geotechnical report is required to assess three factors: The hazards on this site, the hazards posed to this site by conditions on neighboring property, and the hazard posed by construction on this site to neighboring property. Without addressing these conditions, the application must be denied.

This is not an isolated small lot development. The same owner and development consultant are involved in two 40 lot subdivisions on the other side of Newberry Rd. They are well able to cope with the regulations. Failure to do so was a matter of care or economy.

If you deny applications that fail to strictly comply with regulations, I think it will not take long before almost all applications filed are in strict compliance. The converse is, of course, also true. Laxity encourages sloppy applications--more work for you, staff and the public. If this developer is excused from full compliance with all requirements, then the law is not the law.

Sincerely Yours,



Arnold Rochlin

Meeting Date: September 24, 1991

Agenda No.: P-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: _____

BCC Informal _____ (date) _____ BCC Formal September 24, 1991 (date) _____
DEPARTMENT _____ DES _____ DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

xx DENIAL

☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: xx

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

CU 15-91 Decision of the Planning Commission of September 3, 1991
with recommendation to the Board for denial

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER

Paul Garsnagh/bku

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1991 SEP 18 PM 3:23
MULTI-STATE COUNTY
OREGON



**DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043**

Decision

This Decision consists of Findings of Fact and Conclusions

September 3 1991

CU 15-91 #48

**Conditional Use Request
(Non-forest Dwelling)**

Applicant requests approval of a Conditional Use to construct a non-resource dwelling on a 29,000 sq.ft. Lot of Record within the MUF-19 zoning district.

Location: 16745 NW McNamee Road
Legal: Lots 4 – 6, Block 25, Burlington 1991 Assessor's Map
Site Size: 29,000 sq.ft.
Property Owner: Don H. Joyce
226 NW Hermosa Blvd.
Portland 97210
Applicant: Land Development Consultants
209 NE Lincoln Street
Hillsboro 97124
Comprehensive Plan: Multiple Use Forest
Present Zoning: MUF-19, Multiple Use Forest District;

PLANNING COMMISSION

DECISION: DENY conditional use request for a non-resource related single family residence on this Lot of Record in the MUF-19 district, based on the following Findings and Conclusions..

MU

N
Zoning Map
Case #: CU 15-91
Location: 16745 NW McNamee Road
Scale: 1 inch to 200 feet
Shading indicates subject properties

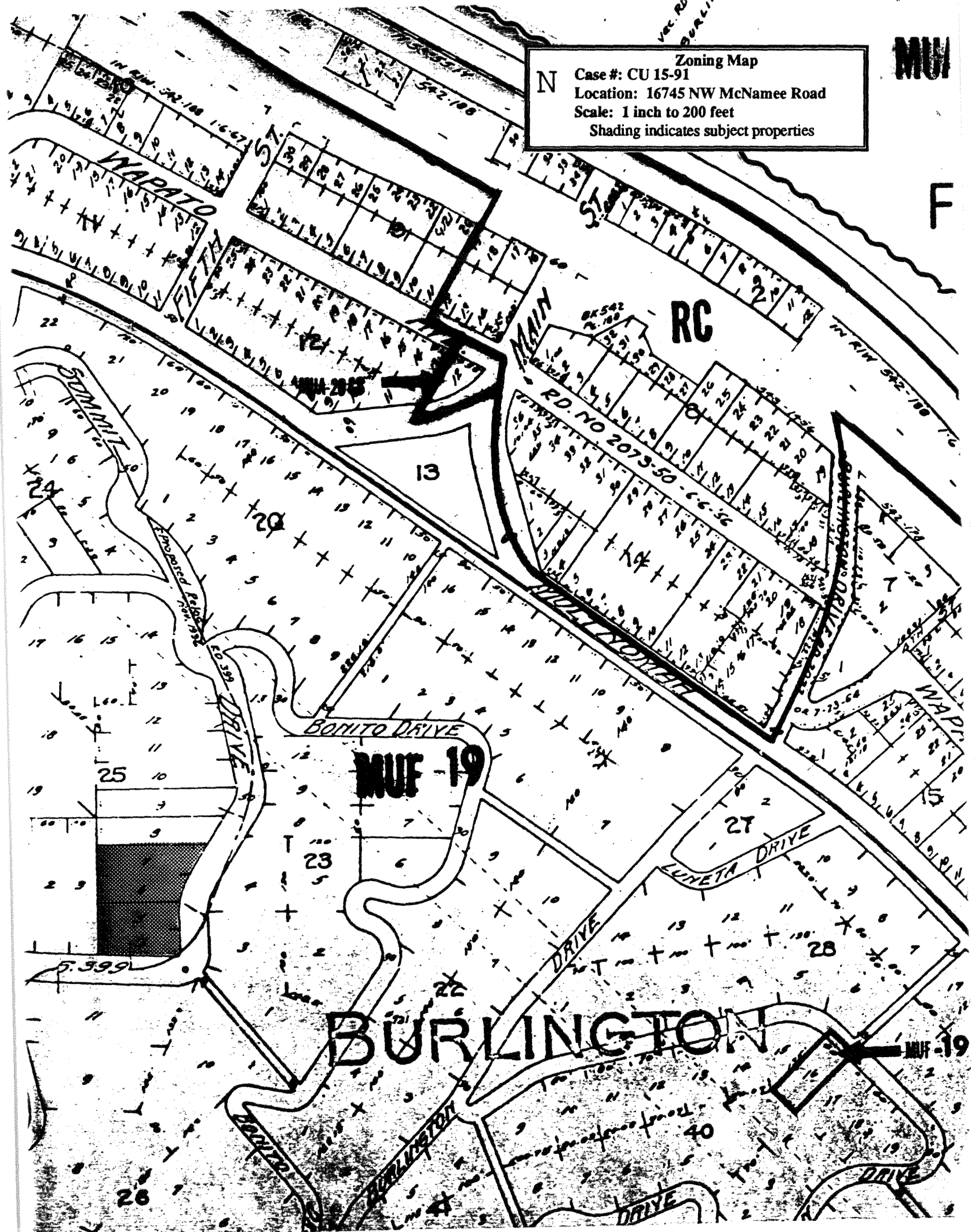
F

RC

MUF-19

BURLINGTON

MUF-19





1"=50'

June 11, 91'



SITE PLAN: DON JOYCE
Lots 4, 5, 6 & 7, Block 25
"Burlington", located:
2N., 1W., Section 20,
Multnomah County, Oregon

CU 15-91

LAND DEVELOPMENT CONSULTANTS, INC.
209 N.E. LINCOLN STREET
HILLSBORO, OREGON 97124
PHONE: (503) 648-4061

FINDINGS OF FACT:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described Lot of Record with a non-resource related single family dwelling

2. Site and Vicinity Characteristics:

The subject property is a 29,000 sq.ft. Lot of Record comprising four lots in the plat of Burlington and located on the west side of McNamee Road.. The site is wooded with a mix of deciduous and evergreen trees.

The surrounding area is characterized by several smaller lots also within the plat of Burlington used for forestry purposes. Nearly all of the immediate surrounding area was harvested for timber purposes within the past six to nine months. All of the area harvested was replanted.

3. Conditional Use Request:

The following section presents findings regarding the proposed non-resource related residence; the applicable standard is in ***bold italics***, applicant's responses are presented first in *italics*, followed by staff comments.

The MUF-19 District provides for non-resource related dwellings as a Conditional Use in MCC .2172(C). When approving a non-resource residence, the Planning Commission must find that:

(1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).

"...[The] parcel is a 'lot of record' and is 29,000 sq.ft. in size. Under this ordinance, a lot of record under 10 acres may be permitted for the proposed conditional use."

Comment: The property is a "Lot of Record" pursuant to MCC .2182(A)(2).

(2) The land is incapable of sustaining a farm or forest use, based upon one of the following:

(a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;

(b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or

(c) The lot is a Lot of Record under MCC II.15.2182(A) through (C) and is ten acres or less in size.

Comment: The property is a "Lot of Record" pursuant to MCC .2182(A)(2) and less than 10-acres in size. Therefore, the land is incapable of sustaining a farm or forest use pursuant to item (c) above.

(3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC II.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.

"Other lands nearby, within one-half mile of the subject property, include the community of Burlington and McNamee Ridge View subdivision, both of which include parcels that have been developed with detached single family residences. Therefore,, since the overall land use pattern in the area is one of mixed residential and resource uses, the proposed residence on the subject site will not materially alter the stability of the overall land use pattern."

Planning Commission Finding: The Planning Commission heard testimony indicating that surrounding lots were undeveloped with residences. Instead, those properties were being utilized or planned for forestry purposes. Based on that testimony, the Planning Commission found that due to the small size of the parcel, and its proximity to forest lands, a dwelling on this property would not be compatible with surrounding forestry uses and would interfere with the resource management practices of the surrounding area.

(4) The dwelling will not require public services beyond those existing or programmed for the area.

"...both water supply and sewage disposal will be on-site...the dwelling will not require public services beyond those existing or programmed for the area."

Comment: The proposed residence will not create significant new public service demands.

Planning Commission Finding: The Planning Commission heard testimony that there were no police or fire services available to this property. Therefore, this proposal would require public services beyond those existing along McNamee Road.

(5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming prac-

tices.

"A waiver of rights of remonstrance against accepted farm and forest practices on nearby lands will be recorded with the County Division of Records and Elections."

- (6) *The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts are acceptable.***

Comment: The site is not within a designated big game winter habitat area.

B. *A residential use located in the MUF district after August 14, 1980 shall comply with the following:*

- (1) *The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:***
- a) *Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;***
- (2) *An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;***
- (3) *The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;***
- (4) *The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;***
- (5) *Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:***
- a) *a setback of 30 feet or more may be provided for a public road, or***
- b) *the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;***
- (6) *The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;***
- (7) *The dwelling shall be attached to a foundation for which a building permit has been obtained;***

(8) The dwelling shall have a minimum floor area of 600 square feet; and

(9) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

"...If this proposal is permitted, construction of the dwelling, and their access and location shall conform with all applicable residential use development standards."


Comment: Building permits required for the proposed house would address building code requirements. The plan indicates the house will exceed the 600 square foot minimum.

CONCLUSIONS:

1. The property is a Lot of Record of less than ten acres in size; it is therefore incapable of sustaining a farm or forest use.
2. This proposal fails to satisfy the applicable approval criteria with respect to compatibility of the proposed residence with the surrounding area and the fact that the use would place an unplanned burden on public services.
3. The applicant has failed to carry the burden necessary for the approval of a non-resource related single family dwelling in the MUF-19 zoning District.

In the Matter of CU 15-91:

Signed September 3, 1991


By Richard Leonard, Chairman

Filed With the Clerk of the Board on September 13, 1991

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or **before 4:30 PM. on Monday, September 23, 1991** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 24, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

Multnomah County Commissioners

RE: CU 15-91

Hearing Date: October 22, 1991

CLERK OF
COUNTY COMMISSIONERS

1991 OCT 16 PM 2:52 October 10, 1991

MULTNOMAH COUNTY
OREGON

Dear Commissioners:

I am unable to attend the hearing on the date as mentioned above; therefore, I would like this to be read into the record as testimony in opposition to the requested Conditional Use, and in support of the Planning Commission's decision dated September 3, 1991.

MCC II.15.2172(c) lists 3 conditions (only 1 of which is required to be met) for land to be "incapable of sustaining a farm or forest use". The only one that the applicant meets is "(c) the lot is a lot of Record... and is ten acres or less in size". However, because a parcel of land is below 10 acres is not adequate justification to say it cannot sustain a forest use. As a land use planner employed with Columbia County for 1 1/2 years, this issue was raised by the Department of Land Conservation and Development (DLCD) in several of their appeals of Planning Commission approvals of similar types of applications. Simply stated, trees can be planted and grown on land less than 10 acres, particularly when adjacent land is being used strictly for forest use. DLCD is becoming increasingly more restrictive when it comes to productive forest land, as studies have shown the conflict between residential and forest uses. This is the key issue here: the incompatibility of residential and forest uses. This issue has prompted DLCD to change some of its forest land rules, and will likely result in Multnomah County.

changing its code accordingly. Although those changes have not yet taken place, Multnomah County should be equally concerned about the impact residential uses have on forest land. This particular parcel is surrounded by forest use. While this area has recently been harvested and replanted, the issues of increased fire hazard and the spraying of the forest land are brought to light with the placement of a residence in this area. I will not dwell on the issue of the incompatibility of this proposed use with adjacent land uses, as the letters in opposition from Andrea Carlstrom and Arnold Rochlin also raise this issue. Suffice it to say, this application does not meet MCC 11.15.2172(C)(3).

The applicant has also failed to show that MCC 11.15.2194(A) and (F) have been met. (F) states building setbacks of 200 feet shall be maintained from all property lines... with exception of 30 feet from a public road, or allowing for the clustering of dwellings. There is no way the dwelling can be placed 200 feet from the property lines on the side/rear (where there is no public road or dwellings). Further, with the City of Portland's septic evaluation for a sand filter system and the room that that takes, combined with the placement of a well, I don't see how all the requirements can be met. The septic system as shown does not show the provision of a secondary site, which is required by the City. This is required so that if needed, a

secondary site will be available. I know this is required because the City of Portland requires this on all new building sites; I am building a home and have had to provide a curtain drain and secondary site. The drainfield must be 50 feet from the road cut as well. While public services for water and sewer are not provided, the applicant has not shown how the dwelling can meet the 200 feet setback and meet the requirements for the septic system and well. It is also questionable how the driveway will meet the required site distance, given the curve in the road there.

This proposed use should be denied as it clearly does not meet all of Multnomah County's requirements. It will have opened up the door for similar development on forest land if approved, not to mention the adverse impact this can have on forest use and wildlife.

Respectfully submitted,

Donna Green
Donna Green
349 NE 3rd #5
Hillsboro, OR 97124

①
Andee Carlstrom

15400 N.W. McNamee Rd
Portland, OR 97231

Dear members of the county board of commissioners,
Please uphold the planning commission denial
for allowing a dwelling on this substandard lot.

A dwelling in this location is NOT consistent
with the immediate area. The parcel in question
is a tiny island in the midst of a 360 acre
commercial timber land parcel owned by Hampton Affiliates.
There are no residential buildings in the MUF zone
of the immediate area. It is NOT reasonable to say
that it is consistent because rural residential and rural
community zones exist about 1/2 mile away. Establishing
a dwelling on this site is inconsistent with the stated
goals of Oregon Land Use LAUs. It may set into
motion a pattern of development on the largest
remaining forest land tract this side of Cornelius Pass.
Just over 1 year ago this area was a beautiful,
mature, native forest. Over 1000 acres of clear cutting
has occurred in the vicinity. Now the pressure to
convert these lands to residential building is under way.
Please do NOT allow this to continue. As it stands,
a strong case can be made that much of this area
has been miszoned. MUF. It should be CFI-80.

About 1000 acres of the adjacent property has been
held in recent times by industrial forest owners

It is my belief that dwellings of this sort have
many conflicts with continued forest use and are
contributing to the decline of our resource land base

The DLCD study of May, 1991 clearly supports this conclusion. The report's recommendations to bring local zoning into compliance with the State Land Use law, is to severely limit the residential non-resource related development in forest zones.

In fact, the county must adopt more comprehensive forest rules by 1993.

Aside from these problems, this parcel is in an important wildlife area. In the midst of the largest undeveloped forest parcel this side of Cornelius Pass, it is significant in terms of the wildlife corridor. Early findings in the County sponsored study suggest housing and housing density, especially in forest interior, is the greatest conflict, greater than periodic clearcutting. The principal allowing "just one" house here on a substandard lot is the same principle which would allow 20. Please consider the cumulative effect. The wildlife corridor may be destroyed one house at a time.

The trees on this lot were commercially harvested last year, so it's use has been established. There are so many reasons why this parcel should not be built on. There are frequent big game wildlife sightings, it introduces forest fire risk, it cannot comply with MUF setback rules.

In summary, I believe granting this conditional use permit is inconsistent with current state land use law protecting forestlands and natural resources. It is not consistent with the immediate area, adversely affects natural resources, creates conflicts with forest use.

Thank you, Andrew Carlson

BCC ✓

JAMES F. HUTCHINSON, ATTORNEY
STANDARD PLAZA, SUITE 1105
1100 S.W. 6TH AVENUE
PORTLAND, OREGON 97204-1085

PHONE (503) 248-9455

TELEFAX (503) 222-4429

November 1, 1991

HAND DELIVERED

The Board of County Commissioners
Multnomah County Courthouse, Rm. 602
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Re: Denial of Application For Conditional Use
Applicant: Don H. Joyce CU:15-91

Dear Board Members:

Please accept this letter as a request for reconsideration of your tentative decision to affirm the denial of Mr. Joyce's application for conditional use in the above-referenced matter. No written decision has yet resulted from the hearing which took place on October 22, 1991. The basis of this request is two-fold:

1. Because denying Mr. Joyce's use of this property for one single family dwelling does render the property virtually useless and is thus constructively a taking in violation of the Takings Clause of the Constitution; and,
2. Because a major portion of Mr. Joyce's de Novo appeal which included exhibits controverting testimony of those in opposition of Mr. Joyce's application, while submitted timely, were neither reviewed nor considered by your Board prior to the decision being rendered on October 22, 1991.

These exhibits, frequently referred to in our oral presentation, and relied upon in Mr. Joyce's Affidavit which was submitted as part of the appeal packet, would have given the Board opportunity to question the allegations raised by those opposing the application.

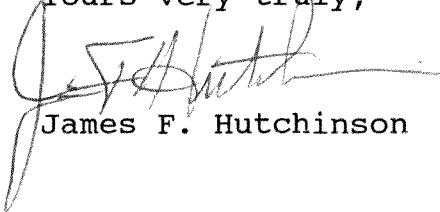
The fact that these materials were not provided to the members of the Board of Commissioners for review prior to and during the applicant's appeal presentation has denied Mr. Joyce a fair consideration of his position. I would therefore request on behalf of Mr. Joyce that we be given the opportunity to present these materials to the Board of Commissioners at a time on the agenda and to be granted five minutes time for oral presentation to explain

RECEIVED
COUNTY CLERK
NOV 1 1991
10:21 AM
CLERK OF
BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

The Board of County Commissioners
November 1, 1991
Page 2

the importance of these items. This appeal process is and has been costly for Mr. Joyce. He has already paid a \$300 fee to the County to have his matter fairly heard. Thank you in advance for your consideration.

Yours very truly,



James F. Hutchinson

JFH:mep

cc: Mr. Donald H. Joyce

copies to SCOTT PEMBLE
John DeBary
11/1/91 Bob Hall
RMB

Meeting Date: OCT 22 1991

Agenda No.: B-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Briefing on Aging Issues

BCC Informal Oct. 22, 1991 - 9:30 a.m. BCC Formal (T) 11:15
(date) (date)

DEPARTMENT Human Services DIVISION Aging Services

CONTACT Jim McConnell TELEPHONE 248-3646 ext. 6843

PERSON(S) MAKING PRESENTATION Jim McConnell, Director, Aging Services and
Dick Ladd, Administrator, State Senior and
Disabled Services

ACTION REQUESTED:

☒ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

Discussion of details of a proposal by State Senior and Disabled Services
(SDSD) that Area Agencies on Aging begin serving the disabled for public
assistance and long term care.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

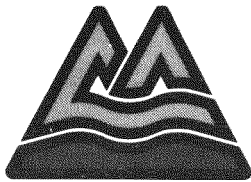
Or

DEPARTMENT MANAGER

Billi Odegaard (ac)

(All accompanying documents must have required signatures)

1991 OCT 22 11 31
HUMAN SERVICES
COUNTY OF OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
AGING SERVICES DIVISION
AREA AGENCY ON AGING
421 S.W. 5TH, 3RD FLOOR
PORTLAND, OREGON 97204
(503) 248-3646
TDD: 248-3683

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Gladys McCoy, Chair of the Board
FROM: Jim McConnell, Director, Aging Services Division *JWaf*
THROUGH: Billi Odegaard, Acting Director, DHS *Billi Odegaard(ac)*
DATE: September 25, 1991
RE: Informal Briefing for Board of County Commissioners on Aging Issues

=====

Recommendation: That the BCC schedule a briefing on Aging Issues from Jim McConnell and Dick Ladd, Administrator of State Senior and Disabled Services Division (SDSD) on October 22, 1991.

Discussion: As part of the State's initiatives to streamline State government, Dick Ladd is proposing that all Area Agencies on Aging in the State take on responsibility for serving the Disabled for public assistance and long term care. This issue was discussed with the Board several years ago. It might be useful for the members of the Board to hear from Mr. Ladd some of the details and motivation behind the proposal. The briefing would last around one half hour. Dick Ladd will be meeting with ASD staff, PMCoA representatives, etc, for the rest of the day.

Please contact Jim McConnell (x-6843) directly if you have questions.

JM:km

Notice of Public Meetings with Dick Ladd, Administrator of Oregon's Senior and Disabled Services Division (SDSD).

Dick Ladd will present details of a State proposal
to reorganize State services for Seniors and
Disabled persons

WHEN: Tuesday October 22, 1991

9:00 a.m. Advocates meet at PMCoA Room 518 (1120 SW
5th) to frame issues for 10:45 a.m. meeting.

10:00 Dick Ladd will meet with The Multnomah
County Board of Commissioners . 6th Floor of
County Courthouse (1021 SW 4th).

10:45 Dick Ladd will meet with local advocates to discuss
his plans to streamline State government. Northwest
Pilot Project (1137 SW Broadway).

2:00-4:00 Dick will meet with staff of Aging Services Division
at the NE Multi-Cultural Senior Center (5325 NE
Martin Luther King , Jr. Blvd.) to discuss his plans
to streamline State government and how his proposal
will effect the aging network in Multnomah
County. Adult Foster Care Home Operators,
Nursing Facility Administrators and staff, Aging
Services Providers, and interested parties are
encouraged to attend.

For more information call Aging Services Division - 248-3646 or PMCoA - 796-5269.

CONTACTS: ASD, JULIE BERGSTROM AND PMCOA, BECKY WEHRLI

BOARD OF
COUNTY COMMISSIONERS
1991 OCT 21 AM 11:40
MULTNOMAH COUNTY
OREGON