

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

Tuesday, May 4, 2004 - 9:30 AM

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

EXECUTIVE SESSION

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

EXECUTIVE SESSION CANCELLED.

Tuesday, May 4, 2004 - 10:00 AM

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

BOARD BRIEFING

Chair Diane Linn convened the meeting at 10:05 a.m., with Vice-Chair Serena Cruz and Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey present.

- B-1 Adult and Children Mental Health and Alcohol and Drug Treatment. Presented by Patricia K. Pate, DCHS Director; Lillian Shirley, Health Department Director; Joanne Fuller, DCJ Director; Derald Walker, MHASD Director; Mark Spofford, Health Services Administrator; and Kathleen Treb, DCJ Assistant Director.**

PATRICIA PATE INTRODUCED DEPARTMENT STAFF PRESENTERS. DERALD WALKER INTRODUCED NEW DEPARTMENT STAFF GODWIN NWEREM, NANCY WINTERS AND JOAN RICE AND PRESENTED DIVISION OVERVIEW. AMY BAKER PRESENTATION ON MENTAL HEALTH SERVICES FOR CHILDREN. MR. WALKER RESPONSE TO QUESTIONS OF COMMISSIONER CRUZ REGARDING ACCESS TO SERVICES FOR HISPANIC, ASIAN AND EASTERN EUROPEAN YOUTH IN ADDITION TO ACCESS AND SERVICES FOR AFRICAN AMERICAN YOUTH. SETH LYON PRESENTATION ON MENTAL HEALTH SERVICES FOR ADULTS AND RESPONSE TO BOARD QUESTIONS AND COMMENTS. MARK SPOFFORD

PRESENTATION ON HEALTH DEPARTMENT PROJECTS INCLUDING LATINO AND RUSSIAN YOUTH MENTAL HEALTH SERVICES, GRANT FUNDING AND RESPONSE TO QUESTIONS OF COMMISSIONER CRUZ REGARDING ACCESS AND DIAGNOSIS DATA AND BILLING THE OREGON HEALTH PLAN FOR CLINIC SERVICES PROVIDED BY THE COUNTY. PETER DAVIDSON PRESENTATION. MATT NICE PRESENTATION ON ALCOHOL AND DRUG TREATMENT COMPARATIVE CONTINUUM, COUNTY BUDGETED COSTS AND TREATMENT SERVICES CAPACITY. KATHLEEN TREB PRESENTATION ON THE IMPACT OF THE LOSS OF SAMSAA FUNDING ON COMMUNITY JUSTICE PROGRAMS, ADDICTIONS SYSTEMS, DUAL DIAGNOSED AND CULTURALLY SPECIFIC SERVICES AND PLANS TO ESTABLISH BEST PRACTICES PROGRAMS AND SEEK LEVERAGED GRANT FUNDING FOR SERVICES INCLUDING SHARED TREATMENT BEDS, RESIDENTIAL AND OUTPATIENT CARE, SEX OFFENDER TREATMENT; YOUTH COMING OUT OF JAIL.

Commissioner Roberts was excused at 11:20 a.m. and returned at 11:22 a.m.

DERALD WALKER DISCUSSED NEED FOR QUALITY AND ACCURATE DATA ON ALCOHOL AND DRUG TREATMENT PROGRAM SERVICES. IN RESPONSE TO A COMMENT OF CHAIR LINN, MR. WALKER, DR. SPOFFORD AND KATHLEEN TREB DISCUSSED THE IMPACT OF ITAX FUNDED PROGRAMS, THE POSSIBLE LOSS OF THE OREGON HEALTH PLAN, AND THE NEED TO ENSURE SYSTEM SERVICES ARE MAINTAINED AFTER ITAX SUNSETS.

Commissioner Rojo was excused at 11:29 a.m.

MR. WALKER THANKED COMMISSIONER NAITO FOR HER ADVOCACY IN SUPPORT OF MENTAL HEALTH SERVICES FOR CHILDREN AND RESPONDED TO COMMENTS OF COMMISSIONER NAITO AND CHAIR LINN.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:37 a.m.

Thursday, May 6, 2004 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Diane Linn convened the meeting at 9:34 a.m., with Vice-Chair Serena Cruz and Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER NAITO, THE CONSENT CALENDAR (ITEM C-1) WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

C-1 Budget Modification DCS 04-05 Increasing Mail Distribution Postage Appropriation due to Unbudgeted Expenditures from ITAX Mailings to Citizens

REGULAR AGENDA

AT THE REQUEST OF CHAIR LINN AND UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER ROBERTS, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

UC-1 RESOLUTION Setting a Public Hearing and Directing Notice for Consideration of Boundaries for Willamette Electric People's Utility District

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF UC-1. AGNES SOWLE EXPLANATION. RESOLUTION 04-053 SETTING A PUBLIC HEARING FOR THURSDAY, JULY 8, 2004 UNANIMOUSLY ADOPTED.

PUBLIC COMMENT

Public comment was made and received for the record.

NON-DEPARTMENTAL

R-1 Chair's 2004-2005 Executive Budget Message, Followed by PUBLIC HEARING and Consideration of a RESOLUTION Approving the Chair's Proposed Fiscal Year 2004-2005 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421

CHAIR LINN THANKED EVERYONE FOR BEING HERE. CHAIR LINN APOLOGIZED FOR NOT BEING MORE OPEN ABOUT THE SAME SEX MARRIAGE PROCESS AND APOLOGIZED TO THE CITY OF GRESHAM AND TO COMMISSIONER ROBERTS FOR THE WAY SHE TREATED HIM AND ADVISED SHE IS VERY PROUD OF THE MARRIAGES OF 3,000 COUPLES IN MULTNOMAH COUNTY. CHAIR LINN APOLOGIZED FOR THE NEW DIRECTOR SALARY AND SNOW DAY EMPLOYEE PAYMENT ISSUES.

CHAIR LINN PRESENTED HER EXECUTIVE BUDGET MESSAGE, ADVISING SHE LEFT FLEXIBILITIES FOR FINAL DECISIONS AND SPOKE IN SUPPORT OF FUNDING FOR SUN SCHOOLS AND PUBLIC SAFETY PROGRAMS. CHAIR LINN ACKNOWLEDGED AND APPRECIATED THE EFFORTS OF COMMISSIONERS NAITO, CRUZ, ROBERTS AND ROJO, THE BUDGET OFFICE, DEPARTMENT DIRECTORS AND STAFF, THE SHERIFF, AUDITOR AND DISTRICT ATTORNEY.

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-1. KARYNE DARGAN EXPLANATION AND CLARIFICATION IN RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS. COMMISSIONER NAITO EXPRESSED HER APPRECIATION TO CECILIA JOHNSON, JOANNE FULLER, MIKE SCHRUNK, BERNIE GIUSTO, PATTY PATE, MOLLY RAPHAEL, LOLENZO POE, DAVE BOYER, JOHN KAUFFMAN, AGNES SOWLE, GINA MATTIODA AND SUZANNE FLYNN AND ADVISED THAT SHE WILL CONTINUE TO LOOK HARD AT THE BUDGET AND THAT SHE WILL ADVOCATE FUNDING SERVICES FOR VULNERABLE CITIZENS, AT RISK CHILDREN AND THE ELDERLY. RESOLUTION 04-055 UNANIMOUSLY ADOPTED.

R-2 PROCLAMATION Proclaiming May 2004 National Older Americans Month in Multnomah County, Oregon

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-2. COMMISSIONER ROJO INTRODUCED PRESENTERS AND GUESTS. AGING AND DISABILITY SERVICES STAFF PAUL IARROBINO AND JAN JOSLYN READ PROCLAMATION. NARCISSA PIMENTEL, ESTHER MCGINNIS AND THERESA FLOWERS TESTIMONY IN SUPPORT OF HEALTH AND WELLNESS PROGRAMS FOR SENIORS, INCLUDING MEALS ON WHEELS, HEALTH ACTIVITIES, SENIOR OMBUDSMAN AND THE ASSISTANCE OF ELDERS IN ACTION. CHAIR LINN AND COMMISSIONER ROBERTS EXPRESSED THEIR APPRECIATION TO THE GUESTS. PROCLAMATION 04-054 UNANIMOUSLY APPROVED.

R-3 Authorizing Filing of an Intervention in Consolidated Land Use Board of Appeals (LUBA) Cases

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-3. SANDRA DUFFY EXPLANATION. AUTHORIZATION UNANIMOUSLY APPROVED.

R-4 Authorizing Filing of an Amicus Brief in the Oregon Supreme Court

COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-4. SANDRA DUFFY EXPLANATION. AUTHORIZATION UNANIMOUSLY APPROVED.

R-5 Authorizing Settlement of a Claim by Dan and Doris Boyd Relating to Work Done on a Cornelius Pass Road Transportation Project

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-4. JOHN THOMAS EXPLANATION. AUTHORIZATION UNANIMOUSLY APPROVED.

R-6 RESOLUTION Authorizing Property Tax Refunds Under ORS 311.806 (2) for Appeals Pending More Than Six Years

COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-6. DAVE BOYER EXPLANATION. RESOLUTION 04-056 UNANIMOUSLY ADOPTED.

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS

R-7 PUBLIC HEARING to Consider and Approve the 2004-2005 Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-7. HC TUPPER EXPLANATION. CONSOLIDATED PLAN AND ANNUAL ACTION PLAN UNANIMOUSLY APPROVED.

Commissioner Roberts was excused at 10:22 a.m.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

R-8 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending MCC § 37.0560 with Respect to Issuing Permits and Allowing Issuance of a Permit When Necessary to Protect Public Safety

SEE R-9.

R-9 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending MCC § 38.0560 for the Columbia River Gorge National Scenic Area with Respect to Issuing Permits and Allowing Issuance of a Permit When Necessary to Protect Public Safety

ORDINANCES READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF SECOND READING AND ADOPTION OF R-8 AND R-9. NO EXPLANATION NEEDED. NO ONE WISHED TO TESTIFY. ORDINANCES 1030 AND 1031 ADOPTED, WITH COMMISSIONERS NAITO, CRUZ, ROJO AND LINN VOTING AYE.

R-10 First Reading of an ORDINANCE Amending MCC Chapter 33, Land Use Code, West Hills Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

SEE R-14.

R-11 First Reading of an ORDINANCE Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use

SEE R-14.

R-12 First Reading of an ORDINANCE Amending MCC Chapter 35, Land Use Code, East of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

SEE R-14.

R-13 First Reading of an ORDINANCE Amending MCC Chapter 36, Land Use Code, West of Sandy River Rural Plan Area, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding Land Uses on Lands Zoned Exclusive Farm Use and Commercial Forest Use

SEE R-14.

R-14 First Reading of an ORDINANCE Amending MCC Chapter 37, Land Use Code, Administration and Procedures, to Update the Zoning Code to Include Changes to the Oregon Statutes and Administrative Rules Regarding the Expiration of Certain Land Use Approvals on Lands Zoned Exclusive Farm Use and Commercial Forest Use

ORDINANCE R-10 TO R-14 READ BY TITLE ONLY. COPIES OF ALL FIVE ORDINANCES AVAILABLE. COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF FIRST READING OF R-10.

Commissioner Roberts returned at 10:26 a.m.

GARY CLIFFORD EXPLANATION OF ALL FIVE ORDINANCES (R-10 THROUGH R-14). PHILIP THOMPSON TESTIMONY ADVISING HE IS IN SUPPORT OF THE ALL THE ORDINANCE CHANGES EXCEPT THE PLANNING COMMISSION NOT CHANGING THE DWELLING TEMPLATE TEST IN CODE CHAPTERS 33 AND 36

FROM "LAWFULLY CREATED" TO "LAWFULLY EXISTED" IN CONFORMANCE WITH STATE LAW. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, MR. CLIFFORD ADVISED THE PLANNING COMMISSION ADDED THE TERM "LAWFULLY CREATED" TO THE COUNTY CODE IN 1996. COMMISSIONER NAITO REQUESTED THAT THE PLANNING COMMISSION BE ASKED TO REVIEW ITS POLICY AND ADDRESS THIS ISSUE SEPARATELY SO THESE ORDINANCES CAN MOVE FORWARD. COMMISSIONERS ROBERTS AND ROJO STATED THEY SUPPORT THAT SOLUTION AND WILL JOIN COMMISSIONER NAITO IN WRITING A LETTER TO THE PLANNING COMMISSION. IN RESPONSE TO A QUESTION OF COMMISSIONER ROJO, MR. CLIFFORD ADVISED THAT COUNTY CODE CAN BE MORE RESTRICTIVE THAN STATE LAW. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, MR. CLIFFORD ADVISED THERE ARE SOME ILLEGAL MOBILE HOMES IN RURAL AREAS. CHAIR LINN ADVISED SHE AGREES TO ASK THE PLANNING COMMISSION TO REVIEW THIS POLICY AND COMMISSIONER NAITO ASKED MR. CLIFFORD TO PREPARE A DRAFT FOR THE BOARD. CONSTANCE KREITZ TESTIMONY ADVISING SHE PURCHASED HER PROPERTY 30 YEARS AGO, HAS HAD THREE ADDRESS CHANGES IN THAT TIME AND THAT SHE HAS NOW BEEN TOLD HER LOG HOME IS ILLEGAL AND SHE CAN'T SELL IT. STAFF DIRECTED TO LOOK INTO THE ISSUE AND REPORT BACK TO MS. KREITZ AND THE BOARD.

Chair Linn was excused at 10:40 a.m.

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-10, R-11, R-12, R-13 AND R-14. DON STURM TESTIMONY RELATING TO PROPOSED CODE AMENDMENTS TO CHAPTER 35, EXPLAINING HE IS A CORBETT FARMER AND WANTS TO BUILD ON HIS PROPERTY SO HE CAN LIVE WHERE HE WORKS, BUT BECAUSE HE HAS A RESIDENCE IN TROUTDALE, OREGON LAW PREVENTS HIM FROM BUILDING IN CORBETT. IN RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS, MR. STURM ADVISED HE HAS A HOUSE WITH EIGHT ACRES OF NURSERY STOCK AND WANTS TO MOVE TO HIS MAIN FARM 13 MILES AWAY. IN RESPONSE TO A QUESTION, MR. CLIFFORD ADVISED HE IS NOT FAMILIAR WITH THE SPECIFICS. COMMISSIONER CRUZ SUGGESTED THAT SINCE MR. STURM'S ISSUE DOESN'T EXACTLY RELATE TO THIS LEGISLATION, MR. STURM WORK WITH LAND USE PLANNING STAFF. THE FIRST READINGS OF ORDINANCES R-10 THROUGH R-14 WERE APPROVED, WITH COMMISSIONERS NAITO, CRUZ, ROBERTS AND ROJO VOTING AYE. SECOND READINGS THURSDAY, MAY 13, 2004.

R-15 First Reading of an ORDINANCE Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, to Add Certain Transportation Land Uses, Add a Definition of "Water-Dependent Use", and Amend the Definition of "Large Fill"

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROJO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF FIRST READING.

Commissioner Naito was excused at 10:48 a.m. and returned at 10:50 a.m.

GARY CLIFFORD EXPLANATION. NO ONE WISHED TO TESTIFY. FIRST READING APPROVED, WITH COMMISSIONERS CRUZ, ROBERTS AND ROJO VOTING AYE, AND COMMISSIONER NAITO VOTING AYE AS SHE RETURNED TO THE DAIS. SECOND READING THURSDAY, MAY 13, 2004.

R-16 First Reading and Possible Adoption of an ORDINANCE Amending MCC Land Use Chapters 33 through 38 with Respect to Violations and Enforcement, and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROBERTS MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF FIRST READING AND ADOPTION. KIM PEOPLES EXPLANATION OF PLANS TO ENFORCE VIOLATIONS AND TO ADDRESS BACKLOG OF COMPLAINT CASES NOT YET INVESTIGATED. BOB LEIPPER TESTIMONY REQUESTING MANDATORY FINANCIAL PENALTIES FOR CODE VIOLATIONS, WITH FUNDS COLLECTED AND USED SUCH AS WILL BE DONE WITH ITAX MONIES. MR. LEIPPER EXPLAINED THAT CODE VIOLATIONS ARE NO LONGER REQUIRED TO BE RECORDED IN DEED RECORDS, PUTTING UNSUSPECTING BUYERS IN JEOPARDY OF POTENTIAL VIOLATIONS OF THE COLUMBIA GORGE NATIONAL SCENIC ACT. IN RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS, MR. PEOPLES ADVISED THAT PRIOR LAND USE PLANNING PRACTICE WAS NOT TO ASSESS A PENALTY, TO JUST INFORM PROPERTY OWNERS OF THE VIOLATION AND GIVE THEM TIME TO ADDRESS THE VIOLATION. ORDINANCE 1032 ADOPTED, WITH COMMISSIONERS NAITO, CRUZ, ROBERTS AND ROJO VOTING AYE.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:01 a.m.

Submitted by:

Lynda J. Grow, Board Clerk

Marina Baker, Assistant Board Clerk and

Shirley Luo, Intern

Board of County Commissioners

Multnomah County