

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

Thursday, September 9, 2004 - 9:00 AM

Multnomah Building, First Floor Commissioners Conference Room 112
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.

Thursday, September 9, 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 9:30 a.m., with Vice-Chair Serena Cruz and Commissioners Lisa Naito, and Maria Rojo de Steffey present, and Commissioner Lonnie Roberts arriving at 9:32 a.m.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER NATIO, THE CONSENT CALENDAR (ITEM C-1) WAS APPROVED WITH COMMISSIONERS NAITO, CRUZ, ROJO AND LINN VOTING AYE.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 Budget Modification BCS-03 Appropriating \$68,000 of Department of Land Conservation and Development and USDA Forest Service Grant Revenues to the Department of Business and Community Services, Land Use and Transportation Planning Program for the National Scenic Area Compliance Project**

REGULAR AGENDA
PUBLIC COMMENT

No public comments were made.

SHERIFF'S OFFICE

R-1 RESOLUTION Amending Resolutions 97-159 and 98-1 to Decrease the Maximum Number of Inmates at the Multnomah County Detention Center and Allow Daytime Initiation of the Capacity Management Action Plan

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-1. SCOTT ASPHAUG, CHRISTINE KIRK AND TIM MOORE EXPLANATION

Commissioner Roberts arrived at 9:32 a.m.

MS. KIRK CLARIFIED THAT THERE IS NO CHANGE IN JAIL BED NUMBERS. RESOLUTION 04-135 UNANIMOUSLY ADOPTED.

NON-DEPARTMENTAL

R-2 RESOLUTION Appointing Clara Padilla Andrews as the County Representative to the Children's Investment Fund Allocation Committee for a Term to Expire May 1, 2005

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-2. COMMISSIONER NAITO EXPLANATION, ADVISING UPON THE RESIGNATION OF FORMER COUNTY REPRESENTATIVE SAM HENRY SHE AND COMMISSIONER ROJO MET WITH THE COMMITTEE AND IT WAS AGREED THAT CLARA WOULD BE AN EXEMPLARY CANDIDATE. CHAIR LINN COMMENTS IN SUPPORT OF APPOINTMENT AND IN APPRECIATION OF THE LEADERSHIP OF COMMISSIONERS NAITO AND ROJO IN THIS MATTER. RESOLUTION 04-136 UNANIMOUSLY ADOPTED.

R-3 RESOLUTION in Support of the 2001 Roadless Area Conservation Rule; Urging the United States Forest Service to Refrain from the Proposed Changes to the Rule and in the Interest of Maintaining the American Peoples' Confidence and Trust in Government, Urging the United States Forest Service to Hold Public Hearings and to Extend the Opportunity for the American People to Fully Participate in Decisions Affecting These Precious Public Resources

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-3. CHAIR LINN EXPLANATION AND RESPONSE TO CONCERN

OF COMMISSIONER ROBERTS REGARDING FIRE ACCESS. RESOLUTION 04-138 UNANIMOUSLY ADOPTED.

DEPARTMENT OF COMMUNITY JUSTICE

R-4 Approval to Drawdown Federal Local Law Enforcement Block Grant Funds

COMMISSIONER CRUZ MOVED AND COMMISSIONER NATIO SECONDED, APPROVAL OF R-4. SHAUN COLDWELL EXPLANATION AND RESPONSE TO QUESTION OF COMMISSIONER ROBERTS. COMMISSIONER NAITO COMMENTS REGARDING DIFFICULTIES WITH HOMELAND SECURITY FUNDS AND BUDGET CONCERNS. DRAWDOWN UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

R-5 NOTICE OF INTENT to Apply for a Kaiser Permanente Group Health Community Foundation Children and Teens Grant

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-5. WENDY RANKIN EXPLAINED THE HEALTH DEPARTMENT IS PARTNERING WITH THE MULTNOMAH EDUCATION SERVICE DISTRICT AND NO LONGER NEEDS TO APPLY FOR THIS GRANT. UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER CRUZ, R-5 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

R-6 NOTICE OF INTENT to Apply for a Hispanic Family Diabetes Project Grant

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-6. WENDY RANKIN EXPLANATION AND RESPONSE TO QUESTIONS OF COMMISSIONER ROBERTS CONCERNING EQUITY FOR OTHER ETHNIC GROUPS. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF COUNTY HUMAN SERVICES

R-7 NOTICE OF INTENT to Submit a Proposal to the Office of Mental Health and Addiction Services, Oregon Department of Human Services, for Funding Early Childhood Mental Health System Development Evidence-Based Practices Projects

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-7. TRACI GOFF EXPLANATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

R-8 NOTICE OF INTENT to Apply for an Aging Services Network Integrated Care Management Grant

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-8. TRACI GOFF EXPLANATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

R-9 PROCLAMATION Proclaiming October 9 through 16, 2004 the Inaugural Oregon Archives Week in Multnomah County, Oregon

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-9. DWIGHT WALLIS AND TERRY BAXTER EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT AND APPRECIATION. PROCLAMATION READ. PROCLAMATION 04-137 UNANIMOUSLY APPROVED.

R-10 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions in Compliance with Metro's Functional Plan and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF FIRST READING AND ADOPTION. GARY CLIFFORD EXPLANATION. NO ONE WISHED TO TESTIFY. ORDINANCE 1048 UNANIMOUSLY ADOPTED.

R-11 NOTICE OF INTENT to Apply for National Oceanic and Atmospheric Administration (NOAA) Funds for Community-based Restoration Program Project, Johnson Creek at 282nd Avenue and Stone Road

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-11. KAREN SCHILLING EXPLANATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

R-12 First Reading of a Proposed ORDINANCE Amending MCC Chapter 29: Building Regulations, Building Code to Add Fire-Flow Standards and Fire Apparatus Access Requirements for Private Streets and Driveways. Presented by Gary Clifford.

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF FIRST READING. PLANNER GARY CLIFFORD EXPLANATION AND RESPONSE TO COMMISSIONER ROBERTS COMMENT THAT BUILDING CODE REGULATIONS APPEAR TO BE TREATED DIFFERENTLY IN RURAL AREAS.

BOB LEIPPER TESTIMONY IN APPRECIATION FOR MR. CLIFFORD'S GOOD EXPLANATION AND DISCUSSED HIS CONCERNS REGARDING FIRE FLOW AND CONFLICTING REGULATIONS. FIRE CHIEF TOM LAYTON TESTIMONY IN SUPPORT, ADVISING HE WORKED WITH MR. CLIFFORD DEVELOPING POLICY FOR THIS ORDINANCE AND THAT THE FIRE FLOW IS GOOD FOR THE TYPES OF EQUIPMENT USED IN RURAL AREAS WHICH IS DIFFERENT THAN EQUIPMENT USED IN URBAN AREAS. CHIEF LAYTON STATED HE FEELS THIS IS A GOOD AND NECESSARY DOCUMENT. IN RESPONSE TO A QUESTION OF COMMISSIONER CRUZ, CHIEF LAYTON EXPLAINED THAT SPRINKLERS ARE REQUIRED IN LARGER HOMES AND BUILDINGS IN ORDER TO ALLEVIATE THE DANGER TO OCCUPANTS AND FIRE FIGHTERS. IN RESPONSE TO A QUESTION OF COMMISSIONER CRUZ, MIKE KELLY OF GRESHAM EXPLAINED THE 3,600 GALLONS OF WATER PER MINUTE INCREMENTS FIRE FLOW REQUIREMENT IS ENOUGH TO PUT FIRES OUT. IN RESPONSE TO QUESTIONS OF COMMISSIONER CRUZ, MR. CLIFFORD, MR. KELLY AND CHIEF LAYTON EXPLAINED THAT STATEWIDE NO OTHER COUNTIES HAVE ADOPTED THESE OPTIONS; THEY PROVIDE A BASE STANDARD WHICH IS STRICTER THAN OTHER COUNTIES; THAT THE CODE CHANGES WILL PROVIDE A BETTER EXPLANATION FOR ALL, INCLUDING PROPERTY OWNERS AND VOLUNTEER FIRE DISTRICTS; THAT THE PROPOSED REGULATIONS AFFECT NEW CONSTRUCTION ONLY AND THAT EXCEPTIONS CAN BE MADE BY THE FIRE CHIEF IF THERE ARE FIRE ROADS FOR UP TO TWO FAMILY DWELLINGS AND COMMERCIAL PROPERTY.

COMMISSIONERS CRUZ AND ROJO STATED THEY WOULD HAVE PREFERRED BEING BRIEFED ON THIS ISSUE BEFORE TODAY. COMMISSIONER ROBERTS ADVISED HE HAS COMPLETE RESPECT FOR MR. CLIFFORD AND CHIEF LAYTON AND APPRECIATES THE GREAT WORK THEY DO BUT THAT HE WILL BE VOTING NO. COMMISSIONER NAITO STATED SHE TOO WOULD HAVE PREFERRED BEING BRIEFED ON THIS ISSUE; THAT SHE COMMENDS EVERYONE INVOLVED IN COMING UP WITH A BALANCED APPROACH TO WILDFIRE PROTECTION AND GIVING POTENTIAL PROPERTY OWNERS ADDITIONAL OPTIONS; AND THAT SHE SUPPORTS THE ORDINANCE. CHAIR LINN ADVISED SHE SUPPORTS THE ORDINANCE. FIRST READING APPROVED, WITH COMMISSIONERS NAITO, CRUZ, ROJO AND LINN VOTING AYE, AND COMMISSIONER ROBERTS VOTING NO. SECOND READING THURSDAY, SEPTEMBER 16, 2004.

The meeting was recessed at 10:38 a.m. and reconvened at 11:04 a.m.

R-13 First Reading of a Proposed ORDINANCE Amending the Howard Canyon Reconciliation Report of June 1996, a Part of the Comprehensive Framework Plan Findings, by Updating the Chapter Sections on the Aggregate Resource and Making the Decision to “Allow Conflicting Uses Fully” and Prohibit Mining. Presented by Kim Peoples.

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF FIRST READING. COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF AMENDMENT ADDING TO THE ORDINANCE TITLE THE WORDS “EXPANSION OF” BEFORE THE WORD “MINING.” ALSO, SECTION 1 (A) ADD “EXPANSION OF” BEFORE THE WORD MINING AND ADD THE WORD “CURRENTLY” BEFORE THE PHRASE “UNDER A DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES GRANT OF TOTAL EXEMPTION.” COMMISSIONER NAITO EXPLANATION AND COMMENTS IN APPRECIATION FOR STAFF. AT THE REQUEST OF COMMISSIONER CRUZ, STAFF READ AMENDED ORDINANCE TITLE. AMENDMENT APPROVED, WITH COMMISSIONERS NAITO, CRUZ, ROJO AND LINN VOTING AYE. PLANNER KIM PEOPLES EXPLANATION.

Commissioner Roberts returned from recess at 11:07 a.m.

TOM ARMSTRONG OF WINTERBROOK EXPLANATION. TESTIMONY BY JOE SCHNEIDER, ALAN STOKES, LINDEN BURK, CLAIR KLOCK, ALAN ABRAMSON, KLAUS HEYNE, VERA DATOE, MINDY SCHMIDT, MICHELE ABRAMSON, SUSAN FRY, LEE WYATT, CHRIS MATHESON AND ERIC TINUS IN SUPPORT OF ORDINANCE. TIM RAMIS, ATTORNEY REPRESENTING HOWARD CANYON QUARRY OWNER, IS AGAINST ORDINANCE. COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, AMENDMENT CONTINUING FIRST READING TO THURSDAY, SEPTEMBER 30, 2004. FIRST READING UNANIMOUSLY CONTINUED TO THURSDAY, SEPTEMBER 30, 2004.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:25 p.m.

Submitted by:

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