

ANNOTATED MINUTES

*Monday, April 19, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602*

BUDGET WORK SESSION

WS-1 The Board of County Commissioners, Sitting as the Budget Committee, to Review the 1993-94 Budget. Work Sessions are Open to the Public, but Public Testimony will be Heard at Public Hearings Only.

BOARD DISCUSSION AND CONSENSUS OF WORK SESSION TOPICS. STAFF TO PREPARE AGENDA AND COORDINATE SCHEDULE FOR FRIDAY, APRIL 23; MONDAY, APRIL 26; AND WEDNESDAY, APRIL 28 BUDGET WORK SESSIONS. BOARD DISCUSSION ON PROPOSED BUDGET RESTORATIONS AND CUTS. DAVE WARREN, TAMARA HOLDEN, MARK MURRAY, BILLI ODEGAARD, TOM FRONK, JEANNE GOODRICH, LARRY AAB, GARY NAKAO AND BETSY WILLIAMS INPUT AND RESPONSE TO BOARD QUESTIONS.

*Monday, April 19, 1993 - 1:30 - 5:00 PM
Multnomah County Courthouse, Room 602*

PUBLIC HEARING

Acting Chair Henry C. Miggins convened the hearing at 1:37 p.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Dan Saltzman arriving at 1:40 p.m.

PH-1 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

NIN McKELLAR, DEBORAH WOOD, LT. DAVE AUSTIN, DAN SIMPSON, MAJOR TOM SLYTER, JON BRADFORD, ALAN CRAWFORD, ED BLACKBURN, JUDGE LINDA BERGMAN, LAMONT WILKINS, TOM HOPKINS, THELMA GOLDEN, ARLENE COLLINS, MAYOR GUSSIE McROBERT, LARRY SANCHEZ, NORMAN BROWN, BARB SANDER, MELVIN ELDRIDGE, MARY ANNE HANNIBAL, PAM PATTON, ALEJANDRA de SOLORIC, MARGARITA GUERRERO, DIXIE STEVENS, BILL FRONK, JEFF AUGUSTINE, NONI SAUSSER, NAN WALLER, VICKI SMEAD, KAY TORAN, RON HOWARD, LYNN TRAVIS, DONNA LEE SATHER, NELL NAJSIER, MARGE JOZSA, CARRIE REGIMBAL, SUSANA ROMO, DR. CATHERINE COLLIER, ROBERT WHITE, SANTOS ORTEGA, DR. JAMES THAYER AND JEAN PIERCE

TESTIMONY AND RESPONSE TO BOARD QUESTIONS.

There being no further business, the hearing was adjourned at 4:00 p.m.

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

Deborah L. Bogstad

Deborah L. Bogstad

*Tuesday, April 20, 1993 - 9:00 AM
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

E-1 Pursuant to ORS 192.660 (1)(d), the Multnomah County Board of Commissioners Will Meet in Executive Session for the Purpose of Discussing Labor Negotiations.

EXECUTIVE SESSION HELD.

*Tuesday, April 20, 1993 - 9:45 AM
Multnomah County Courthouse, Room 602*

AGENDA REVIEW

B-1 Review of Agenda for Regular Meeting of April 22, 1993.

*Tuesday, April 20, 1993 - 1:30 PM
Multnomah County Courthouse, Room 602*

BOARD BRIEFINGS

B-2 1993 Legislative Update on Child Care Teams and Other Children's Services Issues. Presented by Fred Neal, Howard Klink and Michael Morrissey.

**HOWARD KLINK, FRED NEAL AND MICHAEL MORRISSEY
PRESENTATION AND RESPONSE TO BOARD QUESTIONS.
MR. NEAL AND JANICE DRUIAN PRESENTATION.**

B-3 Land Conservation and Development Commission (LCDC) Report on the County's Periodic Review Order for Land Outside the Metropolitan Urban Growth Boundary and Outside the Columbia River Gorge National Scenic Area. Presented by R. Scott Pemble.

**SCOTT PEMBLE AND GARY CLIFFORD PRESENTATION
AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.**

Tuesday, April 20, 1993 - 5:30 - 8:00 PM
Multnomah County Courthouse, Room 602

PUBLIC HEARING

Acting Chair Henry C. Miggins convened the hearing at 5:35 p.m., with Vice-Chair Gary Hansen, Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

PH-2 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

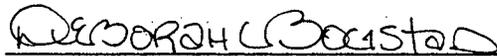
NANCY MILLER, SHARY MASON, CORBETT GORDON, TIM BARRINGER, SUSAN IMBRIE, SANDRA BAGER, CHARLOTTE COOK, VICTOR GALINDO, JOANNE, AND JULIE MANDISH TESTIMONY AND RESPONSE TO BOARD QUESTIONS. DAVE WARREN RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS.

The hearing was recessed at 6:25 p.m. and reconvened at 6:45 p.m.

ODALIS PEREZ TESTIMONY AND RESPONSE TO BOARD QUESTIONS.

There being no further business, the hearing was adjourned at 7:00 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad

Wednesday, April 21, 1993 - 1:30 - 5:00 PM
Multnomah County Courthouse, Room 602

PUBLIC HEARING

Acting Chair Henry C. Miggins convened the hearing at 1:32 p.m., with Commissioners Sharron Kelley and Tanya Collier present, Vice-Chair Gary Hansen arriving at 1:35 p.m., and Commissioner Dan Saltzman arriving at 1:36 p.m.

PH-3 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

PAULINE ANDERSON, DAVID MESIROW, ERIC LICHTENTHALER, ARLENE COLLINS, JIM BAILEY, BOB

BERNSTEIN, RAY ALLEN, TERRELL JOHNSON, GARY BUTTRAM, JOHN NEELANDS, KIM JOHNSON, RICK MATTER, EDNA WHITE, KATHY HAMMOCK, MICHAELLA MINICHIEFF AND RED SLYTER TESTIMONY AND RESPONSE TO BOARD QUESTIONS.

The hearing was recessed at 2:52 p.m. and reconvened at 3:00 p.m.

ANN UHLER, CARLOS RIVERA, TONYA JONES, KATHERINE PEDERSEN, MARILYN MILLER, GRETCHEN KAFOURY, LINDA TYON, SHIRLEY WARREN, JESSE WATSON, IRIS BELL, GERALD McFADDEN, BARBARA GRIDER, CAROL HALVORSON AND GRANT HIGGINSON TESTIMONY AND RESPONSE TO BOARD QUESTIONS.

The hearing was recessed at 4:00 p.m. and reconvened at 4:40 p.m., with Vice-Chair Gary Hansen and Commissioners Tanya Collier and Dan Saltzman present.

JULIANNE RYAN AND CHILD SHANNON CASEY RYAN TESTIMONY IN SUPPORT OF HOME HEALTH FUNDING.

There being no further business, the hearing was adjourned at 4:43 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad
Deborah L. Bogstad

Wednesday, April 21, 1993 - 4:01 - 4:35 PM
Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

WS *The Board of County Commissioners, Sitting as the Budget Committee, to Review the 1993-94 Budget. Work Sessions are Open to the Public, but Public Testimony will be Heard at Public Hearings Only.*

BEN BUISMAN, JANICE DRUIAN, TOM SIMPSON, DAVE WARREN PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

Thursday, April 22, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

Acting Chair Henry C. Miggins convened the meeting at 9:32 a.m., with Vice-Chair

Gary Hansen, Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-13) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointment of PAULINE ANDERSON as CHAIR of the MULTNOMAH COUNTY CHILDREN AND YOUTH SERVICES COMMISSION*
- C-2 *In the Matter of the Appointments of CHRISTINE LIGHTCAP and VIVIAN STARBUCK to the MULTNOMAH COUNTY PARKS ADVISORY COMMITTEE*

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-3 *In the Matter of the Transfer of Found/Unclaimed or Unidentified Property (List 93-1) to the Multnomah County Sheriff's Office D.A.R.E. Program*
- C-4 *Ratification of Intergovernmental Agreement Contract #800643, Between the Multnomah County Sheriff's Office and the U.S. Forest Service, Providing Enforcement of Federal and State Laws and Regulations in the National Forest Lands within the Columbia Gorge Ranger District and the Columbia River Gorge National Scenic Area, for the Period May 27, 1993 through September 6, 1993*
- C-5 *Ratification of Intergovernmental Agreement Contract #800014, Between the Oregon State Marine Board and Multnomah County, Providing Funding for the Sheriff's Office River Patrol to Conduct Marine Law Enforcement Activities, for the Period July 1, 1993 through June 30, 1994*

DEPARTMENT OF SOCIAL SERVICES

- C-6 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract #100083, Between Multnomah County, Mental and Emotional Disabilities Program Office of Child and Adolescent Mental Health and University Hospital, Reducing Medicaid Funds to More Accurately Reflect Usage, for the Period July 1, 1992 through June 30, 1993*
- C-7 *Ratification of Intergovernmental Agreement Contract #104273, Between Multnomah County and Institute of Aging, Portland State University, Allocating \$4,000 of Robert Wood Johnson Grant Funds to Purchase Development of a Training Program and Provision of Technical Assistance on the Subject of Resident Councils in Assisted Living Facilities for the Elderly, for the Period March 15, 1993 through June 30, 1994*
- C-8 *Ratification of Intergovernmental Agreement Contract #104333, Between Multnomah*

County and the City of Fairview, Allocating \$265,327 of Federal Community Development Block Grant Funds for the Completion of Fairview Avenue Sanitary Sewer Trunk Replacement, Fairview Creek Culvert Replacement, Depot Street Storm Drainage and Bridge Street Culvert Projects, for the Period Upon Execution through September 30, 1994

- C-9 *Ratification of Intergovernmental Agreement Contract #104363, Between Multnomah County and the City of Portland, Allocating \$50,000 of Federal Community Development Block Grant Funds to Plan and Develop a 7.14 Acre Park, Including Site Preparation, Installation of Fence, Pathways, Sports Court and Landscaping, (Harney Park Improvement Project) for the Period Upon Execution through September 30, 1994*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-10 *ORDER in the Matter of the Execution of Deed D930868 Upon Complete Performance of a Contract to Donna L. Schlappie*

ORDER 93-108.

- C-11 *ORDER in the Matter of the Execution of Deed D930879 Upon Complete Performance of a Contract to Scott Espedal*

ORDER 93-109.

- C-12 *ORDER in the Matter of the Execution of Deed D930880 Upon Complete Performance of a Contract to Linda George*

ORDER 93-110.

- C-13 *ORDER in the Matter of Cancellation of Land Sale Contract 15395R Between Multnomah County, Oregon and Virgil Van Winkle Upon Default of Payments and Performance of Covenants*

ORDER 93-111.

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *Presentation of Certificates of Appreciation to Developmental Disabilities Program Employees Jean Leake, Sandra Potter and Mary Alice Williams, in Recognition of their Concern For and Dedication to the Citizens of Multnomah County*

ACTING CHAIR MIGGINS PRESENTED CERTIFICATES TO JEAN LEAKE, SANDRA POTTER AND MARY ALICE WILLIAMS. IN THE COURSE OF THEIR EMPLOYMENT, MS. LEAKE PREVENTED A HOUSE FIRE AND SAVED THE LIFE OF A CLIENT, AND MS. POTTER AND MS. WILLIAMS HELPED PROVIDE FIRST AID, SUPPORT AND EMERGENCY

ASSISTANCE FOLLOWING A DRIVE BY SHOOTING INCIDENT.

R-2 *PROCLAMATION in the Matter of Proclaiming April 28, 1993 as WORKERS MEMORIAL DAY*

COMMISSIONER HANSEN MOVED, SECONDED BY COMMISSIONER KELLEY, APPROVAL OF R-2. GLORIA SCHIEWE OF NORTHWEST OREGON LABOR COUNCIL ADVISED THAT 10,000 WORKERS ARE KILLED AND 6,000,000 INJURED BY WORK PLACE HAZARDS EACH YEAR AND INVITED BOARD TO A NOON RALLY AT THE STATE CAPITOL ON APRIL 28, 1993. PROCLAMATION READ. PROCLAMATION 93-112 UNANIMOUSLY APPROVED.

R-3 *RESOLUTION in the Matter of Declaring April 18-24, 1993 as the Week of the Young Child, a Project of the National Association for the Education of Young Children*

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-3. NANCY CHAPIN PRESENTATION AND INFORMATION ON PIONEER COURTHOUSE SQUARE WALK AND RALLY. RESOLUTION 93-113 UNANIMOUSLY APPROVED.

R-4 *RESOLUTION in the Matter of the Preservation and Maximization of Jail Beds and Other Corrections Related Activities in Multnomah County, Oregon*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, TO TABLE R-4. DAN FAGALY AND DAN GARDNER TESTIMONY AND RESPONSE TO BOARD QUESTIONS. R-4 UNANIMOUSLY TABLED.

R-5 *Consideration and Request for Approval in the Matter of the Consolidated Cable Communications Commission Budget for Fiscal Year 1993-94*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. COMMISSIONERS SALTZMAN AND COLLIER COMMENTS IN OPPOSITION TO BUDGET. BOARD COMMENTS. BUDGET APPROVED WITH COMMISSIONERS KELLEY, HANSEN AND MIGGINS VOTING AYE AND COMMISSIONERS COLLIER AND SALTZMAN VOTING NO. JACK ADAMS COMMENTS.

R-6 *RESOLUTION in the Matter of the Adoption of a Supplemental Budget for Multnomah County, Oregon, for the Fiscal Year July 1, 1992 to June 30, 1993, and Making the Appropriations Thereunder, Pursuant to ORS 294.435*

DAVE WARREN EXPLANATION. COMMISSIONER HANSEN

MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-6. COMMISSIONER COLLIER MOVED, SECONDED BY COMMISSIONER KELLEY, TO AMEND RESOLUTION BY REMOVING COLUMBIA VILLA CONSTRUCTION FROM THE COP PACKAGE. MR. WARREN RESPONSE TO BOARD QUESTIONS AND COMMENTS. MOTION TO AMEND FAILED WITH COMMISSIONERS KELLEY AND COLLIER VOTING AYE AND COMMISSIONERS HANSEN, SALTZMAN AND MIGGINS VOTING NO. MOTION TO APPROVE RESOLUTION 93-114 UNANIMOUSLY APPROVED.

R-7 *Second Reading and Possible Adoption of an ORDINANCE Transferring Jurisdiction Over Way of Necessity Proceedings to the Multnomah County Circuit Court*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. HEARING HELD, NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, ORDINANCE 759 UNANIMOUSLY APPROVED.

R-8 *First Reading of an ORDINANCE Relating to Benefits for Employees Not Covered by Collective Bargaining Agreement, and Amending Ordinance No. 740*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED, AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE FIRST READING. HEARING HELD, NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR 9:30 AM, THURSDAY, APRIL 29, 1993.

R-9 *Request for a Blanket Exception to the Vacant Position Deletion Policy and Hiring Freeze for Case Managers, Case Management Assistants and Mental Health Consultants Positions Within the Mental Health, Youth and Family Services Division*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER SALTZMAN, R-9 WAS UNANIMOUSLY APPROVED.

R-10 *Request for an Exception to the Vacant Position Deletion Policy and Hiring Freeze for 1.0 FTE Program Supervisor Position in the Mental Health, Youth and Family Services Division, Alcohol and Drug Program*

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-10. SUSAN CLARK RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS. COMMISSIONER COLLIER COMMENTS IN OPPOSITION. EXCEPTION APPROVED WITH COMMISSIONERS KELLEY, HANSEN, SALTZMAN AND

**MIGGINS VOTING AYE AND COMMISSIONER COLLIER
VOTING NO.**

- R-11 *Request for an Exception to the Vacant Position Deletion Policy and Hiring Freeze for a .50 FTE Community Information Specialist Position in the Mental Health, Youth and Family Services Division, Alcohol and Drug Program*

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-11. MS. CLARK RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS. EXCEPTION APPROVED WITH COMMISSIONERS KELLEY, HANSEN, SALTZMAN AND MIGGINS VOTING AYE AND COMMISSIONER COLLIER VOTING NO.

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-12 *In the Matter of a Request for Exemption from the Hiring Restriction Policy for Corrections Technician Positions within the Sheriff's Population Release Office*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER COLLIER, R-12 WAS UNANIMOUSLY APPROVED.

DISTRICT ATTORNEY

- R-13 *Request for Approval to Apply for a \$35,826 Children's Justice Act Multidisciplinary Team Grant, No Matching Funds Required, to Provide Training Activities for Persons Involved in Reporting, Identifying, Interviewing and Investigating Allegations of Child Abuse, for the Period May 1, 1993 through September 29, 1994*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, R-13 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

- R-14 *Request for Approval to Respond to a National Center for Nursing Research Request for Applications Entitled "Community Interventions in Adolescent Health Promotion", No Matching Funds Required, Proposing a Three Year Sexual Abstinence Model Project Targeted to Middle School Aged Children*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED APPROVAL OF R-14. COMMISSIONER COLLIER THANKED HEALTH DEPARTMENT FOR PURSUING GRANT, ADVISING IT WILL PROVIDE STATISTICS NECESSARY TO DETERMINE HOW TO BEST SERVE ADOLESCENTS. R-14 UNANIMOUSLY APPROVED.

DEPARTMENT OF SOCIAL SERVICES

- R-15 *Budget Modification DSS #50 Requesting Authorization to Decrease the Mental Health, Youth and Family Services Division, Mental and Emotional Disabilities Program Budget by (\$960,524) to Reflect State Mental Health Division Revenue Changes through Amendment #41.*
- R-16 *Budget Modification DSS #51 Requesting Authorization to Increase Budgeted Revenue in the Mental Health, Youth and Family Services Division, Developmental Disabilities Program Budget by \$2,071,065 to Reflect Changes in State Mental Health Division Revenue through Amendment #41*
- R-17 *Budget Modification DSS #52 Requesting Authorization to Decrease the Mental Health, Youth and Family Services Division, Alcohol and Drug Program Budget by (\$85,545) to Reflect Changes in State Mental Health Division Revenue through Amendment #41*
- R-18 *Budget Modification DSS #53 Requesting Authorization to Increase the Mental Health, Youth and Family Services Division, Office of Child and Adolescent Mental Health Services Budget by \$79,458 to Reflect Changes in State Mental Health Division Revenue through Amendment #41*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, ITEMS R-15 THROUGH R-18 WERE UNANIMOUSLY APPROVED. AT THE SUGGESTION OF VICE-CHAIR HANSEN, CHAIR MIGGINS DIRECTED THAT FUTURE BUDGET MODIFICATIONS REFLECTING ROUTINE ADJUSTMENTS TO CONTRACTS BE PLACED ON THE CONSENT CALENDAR.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-19 *RESOLUTION in the Matter of Amending the Order of the Board Adopted February 26, 1987, Regarding Rules of Procedure for the Conduct of Hearings Pursuant to MCC Chapter 8.10 (Animal Control)*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, RESOLUTION 93-115 WAS UNANIMOUSLY APPROVED.

- R-20 *ORDER in the Matter of the Quitclaim of a Reversionary Interest in Lot 16, Block 7, NORTH IRVINGTON to the City of Portland*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, ORDER 93-116 WAS UNANIMOUSLY APPROVED.

- R-21 *ORDER in the Matter of the Conveyance to the City of Portland a One (1) Foot Strip (Street Plug) Owned by the County and Authorizing the Board to Execute Bargain and Sale Deed*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, ORDER 93-117 WAS UNANIMOUSLY APPROVED.

R-22 *ORDER in the Matter of the Transfer of Tax Foreclosed Property to the City of Portland, Oregon, Bureau of Parks and Recreation for a Public Purpose*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-22. COMMISSIONER SALTZMAN COMMENTS. ORDER 93-118 UNANIMOUSLY APPROVED.

QUARTERLY CONTINGENCY REQUESTS

R-23 *Budget Modification DSS #48 Requesting Transfer of \$104,000 General Fund Contingency to the Juvenile Justice Division Budget, to Purchase Meals for Juveniles in Detention*

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-23. MARIE EIGHMEY EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

R-24 *Budget Modification DSS #49 Requesting Transfer of \$7,000 General Fund Contingency to the Juvenile Justice Division Budget, to Fund Program Director Position in the Victim Offender Reconciliation Program, for the Period April through June, 1993*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, R-24 WAS UNANIMOUSLY APPROVED.

R-25 *Budget Modification NOND #34 Requesting Transfer of \$14,663 General Fund Contingency to the Transportation Division Budget, to Pay County's Share of Metro I-205/Milwaukie Preliminary Alternatives Analysis*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, R-25 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-26 *RESOLUTION in the Matter of an Intergovernmental Agreement with the Portland School District and the City of Portland Designating PILOT Fund Use and Transferring Title to Kennedy School*

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-26. COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, TO AMEND RESOLUTION BY

DELETING REFERENCES TO DEVELOPMENT COSTS AT JEFFERSON HIGH. BOARD DISCUSSION AND COMMENTS. RON FOSSUM RESPONSE TO BOARD QUESTIONS. AMENDMENT UNANIMOUSLY APPROVED. MR. FOSSUM TESTIMONY IN SUPPORT OF RESOLUTION. BOARD COMMENTS. RESOLUTION 93-119 AS AMENDED UNANIMOUSLY APPROVED.

R-27

RESOLUTION in the Matter of Inviting Public Comment on and Board Consideration of the Functions and Procedures of the Multnomah County Boards of Equalization

COMMISSIONER COLLIER THANKED LAURELHURST NEIGHBORHOOD ASSOCIATION AND CAROLINE MILLER FOR ASSISTANCE IN DEVELOPING RESOLUTION. COMMISSIONER COLLIER MOVED, SECONDED BY COMMISSIONER KELLEY, APPROVAL OF R-27. COMMISSIONER COLLIER EXPLANATION.

CAROLINE MILLER TESTIFIED IN SUPPORT OF PROPOSED RESOLUTION AND SUGGESTED VARIOUS CLARIFICATIONS TO SECTIONS PERTAINING TO COMPENSATION, IMPLEMENTATION AND EVALUATION PROCEDURE OF THE CHAIRS AND MEMBERS OF THE BOARD; AND DEVELOPING QUALIFICATIONS OF THE MEMBERS OF BOE. MS. MILLER DISCUSSED THE NEED TO ADDRESS SAFETY ISSUES FOR MEMBERS OF THE BOE.

RICHARD BOGUE RELATED HIS EXPERIENCE BEFORE BOE AND SUGGESTED THAT CLEAR AND CONCISE INSTRUCTIONAL MATERIAL BE AVAILABLE FOR PEOPLE APPEALING TO BOE, AND THAT AN OMBUDSMAN BE ESTABLISHED TO WORK WITH CITIZENS TO ENSURE THEY HAVE MET APPEAL CRITERIA BEFORE IT IS PRESENTED TO BOARD. MR. BOGUE SUBMITTED A LETTER FROM HIS NEIGHBOR MARY RUTH PEARSON, RELATING HER EXPERIENCE BEFORE THE BOE.

PAULINE GUSTAFSON TESTIFIED THAT SHE HAS BEEN THROUGH A BOE APPEALS PROCESS AND EXPRESSED CONCERN REGARDING QUALIFICATIONS AND ACCOUNTABILITY OF BOE MEMBERS, SUGGESTING A NEED FOR TRAINING AND EVALUATION PROCEDURES.

GORDON JOHNSTON TESTIFIED IN SUPPORT OF PROPOSED RESOLUTION, SUGGESTING THE FORMAT FOR INFORMATION REGARDING THE APPEALS PROCESS BE REVIEWED AND MADE MORE CONCISE AND CITIZEN USER FRIENDLY. MR. JOHNSTON EXPRESSED THE NEED TO REEVALUATE HOW OFTEN PEOPLE SERVE ON THE

BOE AND SPOKE AGAINST SEEKING A POTENTIAL BOE MEMBER BASED ONLY UPON ECONOMIC, PHYSICAL AND/OR RACIAL QUALIFICATIONS RATHER THAN EDUCATION AND SKILL. MR. JOHNSTON SUGGESTED AMENDING THE PROPOSED RESOLUTION PERTAINING TO DEVELOPING QUALIFICATIONS, TO INCLUDE BOARD OF RATIO REVIEW MEMBERS.

ACTING CHAIR MIGGINS EXPLAINED THAT STATE LAW REQUIRES SPECIFIC REPRESENTATION OF BOARD OF RATIO REVIEW MEMBERS

COMMISSIONER COLLIER REPORTED THAT COUNTY COUNSEL SUGGESTS THE WORD COMPENSATION IMPLIES THAT BOE MEMBERS ARE EMPLOYEES AND REQUESTED THAT MR. KRESSEL SUGGEST ANOTHER TERM.

BOARD COMMENTS AND DISCUSSION.

ROBIN HUNTINGTON TESTIFIED IN SUPPORT OF PROPOSED RESOLUTION, SUGGESTING IMPROVEMENTS TO THE CITIZEN INFORMATION ON APPEALS PROCESS, AND REQUIRING THAT BOE MEMBERS BE FAIR AND OBJECTIVE AND HAVE TECHNICAL TRAINING AND EXPERTISE EVIDENCED BY PASSAGE OF A TEST. MR. HUNTINGTON RECOMMENDED THAT THE BOE SCHEDULE HEARINGS EVERY TEN MINUTES RATHER THAN FIVE, THAT A TEN PAGE LIMIT BE ESTABLISHED, AND REQUIRING CITIZENS TO PROVIDE THREE COPIES OF THEIR MATERIALS FOR SUBMITTAL TO THE BOARD.

FOLLOWING BOARD DISCUSSION IN WHICH VICE-CHAIR HANSEN SUGGESTED A ONE OR TWO WEEK SET OVER IN ORDER TO INCORPORATE ALL THE SUGGESTED CHANGES AND ADDRESS THE TASK FORCE ISSUE, COMMISSIONER COLLIER EXPLAINED THE PROPOSED RESOLUTION SETS OUT PARAMETERS OF WHAT THE TASK FORCE WILL BE LOOKING AT AND THAT UPON ITS PASSAGE, THE COUNTY WILL ESTABLISH THE TASK FORCE WITH GOALS, OBJECTIVES AND CLEAR DIRECTION.

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT ITEM TWO OF THE PROPOSED RESOLUTION BE AMENDED TO READ "DEVELOP QUALIFICATIONS FOR MEMBERS OF THE BOARD OF EQUALIZATION AND THE BOARD OF RATIO REVIEW".

COMMISSIONER COLLIER SUGGESTED THAT THE TASK FORCE DETERMINE THE QUALIFICATIONS.

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT ITEM SEVEN OF THE PROPOSED RESOLUTION BE AMENDED TO READ "CLEARLY STATE THE METHOD FOR REIMBURSING MEMBERS OF THE BOARD OF EQUALIZATION."

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT ITEM NINE BE ADDED TO THE PROPOSED RESOLUTION TO READ "EXAMINE THE LENGTH OF TIME AVAILABLE TO CITIZENS TO PRESENT AN APPEAL."

IN RESPONSE TO QUESTIONS OF CHAIR MIGGINS REGARDING ESTABLISHMENT OF THE TASK FORCE, COMMISSIONER COLLIER EXPLAINED THAT THE RESOLUTION SETS OUT THE PARAMETERS OF WHAT THE TASK FORCE WILL BE LOOKING AT AND THAT SHE WANTS TO GIVE CLEAR DIRECTION TO THE TASK FORCE. FOLLOWING BOARD COMMENTS AND DISCUSSION, IT WAS DECIDED THE PROPOSED TASK FORCE GOALS, OBJECTIVES, ASSIGNMENT, TIMELINES AND MEMBERSHIP APPOINTEES WILL BE SUBMITTED FOR FINAL BOARD DECISION AT A LATER DATE.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, IT WAS UNANIMOUSLY APPROVED THAT ITEM SIX OF THE PROPOSED RESOLUTION BE AMENDED TO READ "ASSESSMENT" INSTEAD OF EVALUATION.

COMMISSIONER KELLEY THANKED COMMISSIONER COLLIER AND THE LAURELHOOD NEIGHBORHOOD ASSOCIATION FOR THEIR EFFORTS.

RESOLUTION 93-120 UNANIMOUSLY APPROVED AS AMENDED.

R-28 *Request for Policy Direction to Address the Necessity for Additional Space for Mental Health in the Pittock Building, and Remodel Issues Related to the Walnut Park Building*

R-29 *RESOLUTION in the Matter of Authorizing and Approving of the Issuance and Negotiated Sale of Certificates of Participation, Series 1993C, as Additional Certificates in an Amount Not to Exceed \$1,480,000; Approving and Authorizing a Supplement to the County Health Systems Facilities Master Lease-Purchase*

Agreement; Approving of a Certificate Purchase Agreement and a Final and Preliminary Official Statement; and Designating an Authorized Representative, Appointing Underwriter, Trustee, Bond Counsel and Financial Advisor

R-30 *RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of the Certificates of Participation, Series 1993C, Issued to Finance the Expansion, Remodeling and Equipping of the North Portland Health Clinic (CONTINUED FROM APRIL 8, 1993)*

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT R-28, R-29 AND R-30 BE CONTINUED TO THURSDAY, APRIL 29, 1993.

PUBLIC COMMENT

R-31 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

MELINDA ANN WILSON EXPLAINED THAT WHEN SHE APPEARED BEFORE THE BOARD PREVIOUSLY SHE INCORRECTLY STATED THAT SHE WAS SPEAKING ON BEHALF OF THE COUNCIL FOR PROSTITUTION ALTERNATIVES, BUT WAS ACTUALLY SPEAKING ON HER OWN BEHALF. MS. WILSON READ AN ORIGINAL PROSE.

COMMISSIONER SALTZMAN REMINDED THAT TODAY IS EARTH DAY.

There being no further business, the meeting was adjourned at 11:55 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad
Deborah L. Bogstad

Thursday, April 22, 1993 - 7:00 - 9:00 PM
Sheriff's Office Auditorium
12240 NE Glisan

PUBLIC HEARING

Acting Chair Henry C. Miggins convened the meeting at 7:15 p.m., with Vice-Chair Gary Hansen, Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Dan Saltzman arriving at 8:00 p.m. due to attendance at another meeting.

PH-4 *The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The*

Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

BETEW HAGOS, MOHAMED HASSAN, ED ANISUCUENKO, YELENA LEVITSKAYA, DANG LE, JEFF MACDONALD, LEE CHA, JEAN DeMASTER, NAOMI GROSZ, ANATOLIY GONCHARUK, VOLOSHINA LYUBOV, JUDITH DeCOURCY, BRUCE KWANSNEY, PRANSEVICH TAMARA, WILLIAM R. MADDOX, RICHARD HAZELTINE, CARRIE KARR, LONGSAN TZEO, KHAM-ONE KEOPRASEUTH, SALLY LUCERO, KEN JOHNSON, SHARYN KEENEY, KHANTHALY THAMMAVONG, GERARDO MADAIGAL, SANDY CARTER TEMPLEMAN, ALEJANDRO de SOLARIO, JUAN MACIAS, CESAR GULIERRER, DONNA SATHER AND GEORGE GILLESPIE TESTIMONY.

There being no further business, the meeting was adjourned at 8:30 p.m.

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

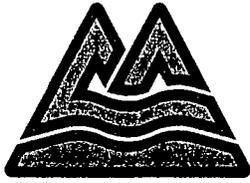
Deborah L. Bogstad
Deborah L. Bogstad

*Friday, April 23, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602*

BUDGET WORK SESSION

WS-2 *The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Work Session to Review the 1993-94 Budget. The Work Session is Open to the Public, However Public Testimony Will Not be Taken.*

JIM EMERSON, JERRY BITLE, WAYNE GEORGE, DAVE WARREN, BETSY WILLIAMS, MIKE OSWALD, BEN BUISMAN, MARK MURRAY, TOM SIMPSON AND DAVE BOYER PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
GLADYS McCOY •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

APRIL 19 - 23, 1993

Monday, April 19, 1993 - 9:30 AM - Budget Work Session. . . .Page 2

Monday, April 19, 1993 - 1:30 PM - Budget Hearing.. . . .Page 2

Tuesday, April 20, 1993 - 9:00 AM - Executive SessionPage 2

Tuesday, April 20, 1993 - 9:45 AM - Agenda ReviewPage 2

Tuesday, April 20, 1993 - 1:30 PM - Board BriefingsPage 2

Tuesday, April 20, 1993 - 5:30 PM - Budget Hearing.Page 3

Wednesday, April 21, 1993 - 1:30 PM - Budget Hearing.Page 3

Thursday, April 22, 1993 - 9:30 AM - Regular Meeting.Page 3

Thursday, April 22, 1993 - 7:00 PM - Budget HearingPage 8

Friday, April 23, 1993 - 9:30 AM - Budget Work Session. . . .Page 8

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

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers
- Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Monday, April 19, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

WS-1 The Board of County Commissioners, Sitting as the Budget Committee, to Review the 1993-94 Budget. Work Sessions are Open to the Public, but Public Testimony will be Heard at Public Hearings Only.

Monday, April 19, 1993 - 1:30 - 5:00 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

PH-1 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

Tuesday, April 20, 1993 - 9:00 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

E-1 Pursuant to ORS 192.660 (1)(d), the Multnomah County Board of Commissioners Will Meet in Executive Session for the Purpose of Discussing Labor Negotiations. (9:00 AM TIME CERTAIN, 45 MINUTES REQUESTED.)

Tuesday, April 20, 1993 - 9:45 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-1 Review of Agenda for Regular Meeting of April 22, 1993.

Tuesday, April 20, 1993 - 1:30 PM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

B-2 1993 Legislative Update on Child Care Teams and Other Children's Services Issues. Presented by Fred Neal, Howard Klink and Michael Morrissey. (45 MINUTES REQUESTED.)

B-3 Land Conservation and Development Commission (LCDC) Report on the County's Periodic Review Order for Land Outside the Metropolitan Urban Growth Boundary and Outside the Columbia

Tuesday, April 20, 1993 - 5:30 - 8:00 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

PH-2 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

Wednesday, April 21, 1993 - 1:30 - 5:00 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

PH-3 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

Thursday, April 22, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

C-1 In the Matter of the Appointment of PAULINE ANDERSON as CHAIR of the MULTNOMAH COUNTY CHILDREN AND YOUTH SERVICES COMMISSION

C-2 In the Matter of the Appointments of CHRISTINE LIGHTCAP and VIVIAN STARBUCK to the MULTNOMAH COUNTY PARKS ADVISORY COMMITTEE

JUSTICE SERVICES

SHERIFF'S OFFICE

C-3 In the Matter of the Transfer of Found/Unclaimed or Unidentified Property (List 93-1) to the Multnomah County Sheriff's Office D.A.R.E. Program

C-4 Ratification of Intergovernmental Agreement Contract #800643, Between the Multnomah County Sheriff's Office and the U.S. Forest Service, Providing Enforcement of Federal

and State Laws and Regulations in the National Forest Lands within the Columbia Gorge Ranger District and the Columbia River Gorge National Scenic Area, for the Period May 27, 1993 through September 6, 1993

- C-5 Ratification of Intergovernmental Agreement Contract #800014, Between the Oregon State Marine Board and Multnomah County, Providing Funding for the Sheriff's Office River Patrol to Conduct Marine Law Enforcement Activities, for the Period July 1, 1993 through June 30, 1994

DEPARTMENT OF SOCIAL SERVICES

- C-6 Ratification of Amendment No. 1 to Intergovernmental Agreement Contract #100083, Between Multnomah County, Mental and Emotional Disabilities Program Office of Child and Adolescent Mental Health and University Hospital, Reducing Medicaid Funds to More Accurately Reflect Usage, for the Period July 1, 1992 through June 30, 1993

- C-7 Ratification of Intergovernmental Agreement Contract #104273, Between Multnomah County and Institute of Aging, Portland State University, Allocating \$4,000 of Robert Wood Johnson Grant Funds to Purchase Development of a Training Program and Provision of Technical Assistance on the Subject of Resident Councils in Assisted Living Facilities for the Elderly, for the Period March 15, 1993 through June 30, 1994

- C-8 Ratification of Intergovernmental Agreement Contract #104333, Between Multnomah County and the City of Fairview, Allocating \$265,327 of Federal Community Development Block Grant Funds for the Completion of Fairview Avenue Sanitary Sewer Trunk Replacement, Fairview Creek Culvert Replacement, Depot Street Storm Drainage and Bridge Street Culvert Projects, for the Period Upon Execution through September 30, 1994

- C-9 Ratification of Intergovernmental Agreement Contract #104363, Between Multnomah County and the City of Portland, Allocating \$50,000 of Federal Community Development Block Grant Funds to Plan and Develop a 7.14 Acre Park, Including Site Preparation, Installation of Fence, Pathways, Sports Court and Landscaping, (Harney Park Improvement Project) for the Period Upon Execution through September 30, 1994

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-10 ORDER in the Matter of the Execution of Deed D930868 Upon Complete Performance of a Contract to Donna L. Schlappie
- C-11 ORDER in the Matter of the Execution of Deed D930879 Upon Complete Performance of a Contract to Scott Espedal
- C-12 ORDER in the Matter of the Execution of Deed D930880 Upon Complete Performance of a Contract to Linda George
- C-13 ORDER in the Matter of Cancellation of Land Sale Contract

15395R Between Multnomah County, Oregon and Virgil Van Winkle Upon Default of Payments and Performance of Covenants

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 Presentation of Certificates of Appreciation to Developmental Disabilities Program Employees Jean Leake, Sandra Potter and Mary Alice Williams, in Recognition of their Concern For and Dedication to the Citizens of Multnomah County (9:30 AM TIME CERTAIN REQUESTED)
- R-2 PROCLAMATION in the Matter of Proclaiming April 28, 1993 as WORKERS MEMORIAL DAY (9:30 AM TIME CERTAIN REQUESTED)
- R-3 RESOLUTION in the Matter of Declaring April 18-24, 1993 as the Week of the Young Child, a Project of the National Association for the Education of Young Children
- R-4 RESOLUTION in the Matter of the Preservation and Maximization of Jail Beds and Other Corrections Related Activities in Multnomah County, Oregon
- R-5 Consideration and Request for Approval in the Matter of the Consolidated Cable Communications Commission Budget for Fiscal Year 1993-94
- R-6 RESOLUTION in the Matter of the Adoption of a Supplemental Budget for Multnomah County, Oregon, for the Fiscal Year July 1, 1992 to June 30, 1993, and Making the Appropriations Thereunder, Pursuant to ORS 294.435
- R-7 Second Reading and Possible Adoption of an ORDINANCE Transferring Jurisdiction Over Way of Necessity Proceedings to the Multnomah County Circuit Court
- R-8 First Reading of an ORDINANCE Relating to Benefits for Employees Not Covered by Collective Bargaining Agreement, and Amending Ordinance No. 740
- R-9 Request for a Blanket Exception to the Vacant Position Deletion Policy and Hiring Freeze for Case Managers, Case Management Assistants and Mental Health Consultants Positions Within the Mental Health, Youth and Family Services Division
- R-10 Request for an Exception to the Vacant Position Deletion Policy and Hiring Freeze for 1.0 FTE Program Supervisor Position in the Mental Health, Youth and Family Services Division, Alcohol and Drug Program
- R-11 Request for an Exception to the Vacant Position Deletion Policy and Hiring Freeze for a .50 FTE Community Information Specialist Position in the Mental Health, Youth and Family Services Division, Alcohol and Drug Program

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-12 In the Matter of a Request for Exemption from the Hiring Restriction Policy for Corrections Technician Positions within the Sheriff's Population Release Office

DISTRICT ATTORNEY

- R-13 Request for Approval to Apply for a \$35,826 Childrens Justice Act Multidisciplinary Team Grant, No Matching Funds Required, to Provide Training Activities for Persons Involved in Reporting, Identifying, Interviewing and Investigating Allegations of Child Abuse, for the Period May 1, 1993 through September 29, 1994

DEPARTMENT OF HEALTH

- R-14 Request for Approval to Respond to a National Center for Nursing Research Request for Applications Entitled "Community Interventions in Adolescent Health Promotion", No Matching Funds Required, Proposing a Three Year Sexual Abstinence Model Project Targeted to Middle School Aged Children

DEPARTMENT OF SOCIAL SERVICES

- R-15 Budget Modification DSS #50 Requesting Authorization to Decrease the Mental Health, Youth and Family Services Division, Mental and Emotional Disabilities Program Budget by (\$960,524) to Reflect State Mental Health Division Revenue Changes through Amendment #41
- R-16 Budget Modification DSS #51 Requesting Authorization to Increase Budgeted Revenue in the Mental Health, Youth and Family Services Division, Developmental Disabilities Program Budget by \$2,071,065 to Reflect Changes in State Mental Health Division Revenue through Amendment #41
- R-17 Budget Modification DSS #52 Requesting Authorization to Decrease the Mental Health, Youth and Family Services Division, Alcohol and Drug Program Budget by (\$85,545) to Reflect Changes in State Mental Health Division Revenue through Amendment #41
- R-18 Budget Modification DSS #53 Requesting Authorization to Increase the Mental Health, Youth and Family Services Division, Office of Child and Adolescent Mental Health Services Budget by \$79,458 to Reflect Changes in State Mental Health Division Revenue through Amendment #41

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-19 RESOLUTION in the Matter of Amending the Order of the Board Adopted February 26, 1987, Regarding Rules of Procedure for the Conduct of Hearings Pursuant to MCC Chapter 8.10 (Animal Control)

- R-20 ORDER in the Matter of the Quitclaim of a Reversionary Interest in Lot 16, Block 7, NORTH IRVINGTON to the City of Portland
- R-21 ORDER in the Matter of the Conveyance to the City of Portland a One (1) Foot Strip (Street Plug) Owned by the County and Authorizing the Board to Execute Bargain and Sale Deed
- R-22 ORDER in the Matter of the Transfer of Tax Foreclosed Property to the City of Portland, Oregon, Bureau of Parks and Recreation for a Public Purpose

QUARTERLY CONTINGENCY REQUESTS

- R-23 Budget Modification DSS #48 Requesting Transfer of \$104,000 General Fund Contingency to the Juvenile Justice Division Budget, to Purchase Meals for Juveniles in Detention
- R-24 Budget Modification DSS #49 Requesting Transfer of \$7,000 General Fund Contingency to the Juvenile Justice Division Budget, to Fund Program Director Position in the Victim Offender Reconciliation Program, for the Period April through June, 1993
- R-25 Budget Modification NOND #34 Requesting Transfer of \$14,663 General Fund Contingency to the Transportation Division Budget, to Pay County's Share of Metro I-205/Milwaukie Preliminary Alternatives Analysis

NON-DEPARTMENTAL

- R-26 RESOLUTION in the Matter of an Intergovernmental Agreement with the Portland School District and the City of Portland Designating PILOT Fund Use and Transferring Title to Kennedy School
- R-27 RESOLUTION in the Matter of Inviting Public Comment on and Board Consideration of the Functions and Procedures of the Multnomah County Boards of Equalization (30 MINUTES REQUESTED)
- R-28 Request for Policy Direction to Address the Necessity for Additional Space for Mental Health in the Pittock Building, and Remodel Issues Related to the Walnut Park Building (30 MINUTES REQUESTED)
- R-29 RESOLUTION in the Matter of Authorizing and Approving of the Issuance and Negotiated Sale of Certificates of Participation, Series 1993C, as Additional Certificates in an Amount Not to Exceed \$1,480,000; Approving and Authorizing a Supplement to the County Health Systems Facilities Master Lease-Purchase Agreement; Approving of a Certificate Purchase Agreement and a Final and Preliminary Official Statement; and Designating an Authorized Representative, Appointing Underwriter, Trustee, Bond Counsel and Financial Advisor (CONTINUED FROM APRIL 8, 1993)

R-30 RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of the Certificates of Participation, Series 1993C, Issued to Finance the Expansion, Remodeling and Equipping of the North Portland Health Clinic (CONTINUED FROM APRIL 8, 1993)

PUBLIC COMMENT

R-31 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

Thursday, April 22, 1993 - 7:00 - 9:00 PM

Sheriff's Office Auditorium
12240 NE Glisan

PUBLIC HEARING

PH-4 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Public Hearing to Receive Testimony on the 1993-94 Budget. The Hearing is Open to the Public and Any Member of the Public May Speak on the Budget.

Friday, April 23, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

WS-2 The Multnomah County Board of Commissioners, Sitting as the Budget Committee, Will Hold a Work Session to Review the 1993-94 Budget. The Work Session is Open to the Public, However Public Testimony Will Not be Taken.

Meeting Date: ~~APR 13 1993~~ APR 20 1993

Agenda No.: B-2 B-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Legislative Update

BCC Informal 4/13/93 BCC Formal _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Fred Neal TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Fred Neal

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30-45 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):

Legislative Update - FOLLOWING AGENDA REVIEW

(If space is inadequate, please use other side)

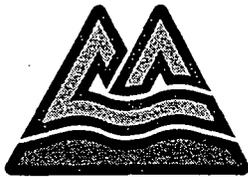
SIGNATURES:

ELECTED OFFICIAL Gladys McCoy
Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 APR - 6 AM 10:48



MULTNOMAH COUNTY OREGON

4/20/93 B-2 Submission
Michael Morrissey

DEPARTMENT OF SOCIAL SERVICES
HOUSING AND COMMUNITY SERVICES DIVISION
YOUTH PROGRAM OFFICE
421 S.W. FIFTH, SECOND FLOOR
PORTLAND, OREGON 97204-2221
PHONE (503) 248-5464 FAX (503) 248-3332
COUNTY INFORMATION TDD (503) 248-5040

COMMUNITY
CHILDREN AND
YOUTH SERVICES
COMMISSION

The Honorable John Meek, Chair
Committee on Children and Families
House of Representatives
Salem, OR

March 23, 1993

Dear Rep. Meek and Members of the Committee:

On behalf of the Multnomah County Community Children and Youth Services Commission (CCYSC), I thank you for the opportunity to testify regarding legislation which seeks to implement the Children's Care Team recommendations. This letter is intended to clarify and summarize the verbal testimony provided by Steve Fulmer on March 12, 1993.

These remarks are intended to apply to the entire package of "Care Team bills", originally known as HB2003, -4, and -5, regardless of the specific language ultimately voted upon by the committee or the legislature.

1. The CCYSC of Multnomah County is grateful for the leadership of Speaker Campbell and the members of the interim Children's Care Team which resulted in the publication of A Positive Future for Oregon's Children and Families. We find it to be a well stated, well reasoned, research-based approach to addressing the complex needs of children and families as we enter the 21st century. The fundamental precept that we must move to a more proactive, less reactive approach to social problems is unanimously embraced by us all. Specifically, we join in support of:

- organizing the delivery of human services at the community level,
- focusing services wherever possible to the entire family unit,
- empowering family members to actively participate in their own service delivery plan,
- integrating all services through a "single point of access" located in places frequented by children and families,
- earlier intervention and prevention as essential components of a more effective and cost containing approach to social problems,
- building in objective assessment mechanisms to improve accountability and outcome measurements, and
- providing services which are developmentally appropriate, culturally sensitive, and accessible by all.

These principals are already incorporated in our Commission's comprehensive plan. Moreover, integrated service models are now being implemented in Multnomah County.

2. **Keep the legislation clearly based on the Care Team report.** We are concerned that HB2003-5 may not result in the model promoted by the Care Team. Although that report is currently referenced in Section 3, it seems overwhelmed and superseded by the extensive language of the rest of HB2004. These concerns are exacerbated by the hectic pace of proposed amendments, the variety of interpretations already evidenced, a rapid implementation schedule for such sweeping change, and a lack of clarity in the legislation regarding responsibilities at the most critical, local level. (For example, the relationships between the Boards of County Commissioners and local Youth and Family Commissions seem largely unspecified.)
3. **The "feedback loops",** described on page 57 of the Care Team report, **should be apparent in the *initial* implementation and planning process** - not just in the "final product." We urge you to mandate check points and opportunities for collaborative participation in the implementation schedule prior to fully enacting this legislation to better guarantee that local citizens, providers, and consumers can express their concerns and ideas. A schedule of progress reports and accessible public forums is needed if local communities are to ultimately "take ownership" of the service delivery system. Care must be taken from the earliest possible moments to "practice what is being preached" regarding access and respect for diversity, so that local communities are maximally empowered and prepared to fulfill their role as the ultimate delivery mechanism for human services.

Insofar as possible, the implementation should be periodically reviewed by the framers of the Care Team report, to better assure that the results are those originally sought.

Representation from "integration" pilots already underway should be specifically encouraged by the legislation. These people are most familiar with the issues associated with the full spectrum of problems we must solve together - issues which range from statutory conflicts, salary equity, job descriptions, and combined budget adjustments to sharing office and parking space.

4. **Specifically, the Multnomah County CCYSC feels unable to support passage of HB2005,** as originally proposed. We recommend that the reorganization of CSD be suspended until the state Commission on Children and Families, CSD, county Boards, and local Children and Families Commissions have *adopted plans* for localizing these functions. We are concerned that federal funding could be jeopardized by any lack of statewide coordination. We are also concerned that simultaneous implementation of integrated *county* services and/or the Oregon Health Plan and/or other major changes might create unmanageable confusion. Although the goals may be worthy, we must know that the price for achieving them will not be paid in the interim by children and families in need.

5. **Clarify some minimal funding level to be maintained throughout the transition.** At the risk of understating the obvious, the funding level which accompanies such a massive change will dramatically affect its outcome, especially in the first years. While we understand that government finances are currently unstable statewide (as a result of Measure 5), this "forced marriage" of state, county and school district social services is doomed to failure unless and until the "dowry" is clarified. If we are to remain true to our pledge that children are Oregon's most important asset, then the transition must be driven by long term social and financial objectives, not immediate funding shortfalls. Again, the short term impact of the transition on citizens being served by the current system must be carefully considered and addressed to assure that critical gaps in support do not occur.

Transferring responsibilities to communities with severely reduced funding will amount to "dumping", and would bring both the motive and the philosophy of the legislation into widespread question.

If the new integrated, community-based model is to succeed, its implementation must be characterized by orderly transition, not "death and transfiguration." *The basic needs of children and families cannot be met with good intentions and sound philosophy alone.*

Over the past four years, our local commission has come to understand the challenge of meeting goals mandated by state and federal government while addressing other, more local needs. We understand that we, too, will have to undergo substantial change if we are to actively participate in policy making around a much deeper and broader range of services. We stand ready to engage in that process.

Regardless of the actions ultimately taken by your committee, the legislature, current or future state commissions or teams, or local government, we pledge to continue doing our best to effectively respond to the needs of local children and families. Their future and that of us all may depend on it.

Thank you, again, for your leadership in this critical matter.

Sincerely,



Pauline Anderson
Chair

OVERVIEW OF PROPERTY EXEMPTIONS

April 8, 1993

The purpose of this paper is to identify the current exemptions; to identify the impact they have on otherwise taxable property and to give a brief overview of some proposed exemptions that are currently before the legislature.

Currently, there are quite a few property exemptions:

- **Charitable Organizations (ORS 307.130)**
- **Fraternal Organizations (ORS 307.134-136)**
- **Religious Organizations (ORS 307.140)**
- **Cemeteries, Burial Grounds (ORS 307.150)**
- **Public Libraries (ORS 307.160)**
- **Radiation Fall-out Shelters (ORS 307.169)**
- **War Veterans & Widows (ORS 307.250)**
- **Non Profit Homes for the Elderly (ORS 307.370-.385)**
- **Student Housing (ORS 307.460)**
- **Farm Labor Camp/Day Care¹ (ORS 307.495-.510)**
- **Multiple Unit Housing Core Areas (ORS 307.600-.690)**
- **Historic Properties (ORS 358.475-.545)**
- **Property held for Public Parks or Recreation Use (ORS 307.115)**
- **Exempt Organization Leasing from a Taxable Owner (ORS 307.112)**
- **Exempt Organization Leasing from another Exempt Organization (ORS 307.166)**
- **Day Care Centers, Student Housing and Religious Schools (ORS 307.145)**
- **Industrial Apprenticeship or Training Trust² (ORS 307.580)**
- **City of Portland Low Income Housing (ORS 307.540-.547)**
- **Enterprise Zone (ORS 284.115-.285)**
- **New housing in Distressed Urban Areas (ORS 458.005-065))**

¹ There is only one property of this type in Mult. Co.

² There are only 6 of these types of properties in Mult. Co.

In addition there are exemptions for government properties:

- Federal Government
- State Government
- County Government
- City Government
- School Districts
- Water Districts
- Irrigation Districts
- Drainage Districts
- Ports & Tri-Met
- Housing Authority
- Municipal Corporations

Finally, there is an exemption for Commercial Facilities under Construction (ORS 307.330).

This paper will focus on the exemptions that are **highlighted in bold face** (as there seems to be little controversy or discussion concerning government property exemptions, or those exemptions that impact relatively few properties).

The chart identifies the total value of the property that is exempt and the amount of revenue lost due to exemptions.

Also provided, is a review of proposed exemptions (bills drafted for this current legislative session) and, where possible, identify the amount of value that would be taken off the roll.

Information in the following tables displays the value of the property currently exempt (excluding government property, and minor exemption programs), and the impact on revenue.

Exempt Properties

# ACCOUNTS	TYPE	EXEMPT VALUE (R/0)	LOST REVENUE
2940	owned	\$1,570,207,000	\$36,114,761
371	leased	\$131,019,000	\$3,013,437
6314	vets	\$48,959,000	\$1,126,057
9625		\$1,750,185,000	\$40,254,255

639	ORS 307.130	CHARITABLE \$486,906,490	\$11,198,849
75	ORS 307.134-.136	FRATERNAL \$20,821,900	\$478,904
1330	ORS 307.140	RELIGIOUS \$619,323,000	\$14,244,429
6	ORS 307.600-.690	MULTI UNIT HSG, CORE AREA \$43,737,500	\$1,005,926
141	ORS 307.540-547	CITY OF PORTLAND, LOW INCOME \$15,525,000	\$357,075

NOTE: City of Portland is projecting 325 accounts with an exempt value of \$28M for 93/94
This means \$590,000 in lost revenue

3	ORS 284.115-.285	ENTERPRISE ZONE \$45,242,200	\$1,040,570
23	ORS 458.005-.065	NEW HOUSING IN DISTRESS AREA \$1,180,500	\$27,151

NOTE: Number of accounts projected for 93/94 is approx. 100

541	ORS 358.475-.545	HISTORIC \$178,218,400 (exempt value)	\$4,099,023
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NOTE: Historic property is frozen; the Real Market Value is \$336,616,800
We levy taxes on only \$158,398,400

Note: this chart does not account for exempt values on personal property (there is no filing requirement, thus data are not available)

PROPOSED LEGISLATION³

Bill #	SUMMARY
SB 79	Enterprise Zone Changes--house cleaning, date changes; allows benefits to qualifying firms made ineligible because of prior date changes Impact: 1 known eligible firm in Mult. Co. (\$395,000 RMV; \$7348 Exempt Value [92/93])
SB 466	Property tax exemption for visitor or tourist center (Sponsored by Bandon Ch. of Commerce); Mult. Co. impact minimal.
SB 678	Allows exemption from property tax to qualified dwellings owned by nonprofit corporation and leased to eligible tenants having option to purchase. Applies to tax years beginning on or after July 1, 1994; 5 yr. limit.
SB 795	OOPR for low income seniors; exempts portion of property for senior if income is \$10,000 or less. Includes floating property and mobile homes. Senior must be 62 yrs.
SB 814	Property tax work off program for low income seniors. Permissive legislation, whereby the governing body of any taxing unit may establish a work-off program. Establishes procedures that work program must have. Checks (for work) would be made payable to the taxpayer and to the county tax collector , jointly.
HB 2017	PCR K forgives back taxes on Dominion Cap.
HB 2076	Increases exemption from 10 years to 20 years (see multiple unit housing core area); At this time only a small % of the number of units are rented to low to

³ I have summarized those bills for which I have copies and/or those that are active and may have a significant impact on Multnomah County

moderate income individuals; the majority of the units are rented at market. Exemption often includes commercial/retail space. Currently the improvements are 100% exempt for 10 years.

- HB 2124 Establishes a Historic Assessment Review Committee, exempting only the value of the improvements (rehab./restoration) approved in the preservation plan, limiting the program to 10 years and requiring notification to new owners of historic property at the time of sale.
- HB 2584 Proposed major increase for veterans. Proposed increases to \$41,330 and \$55,110 (from 7-10K). Multnomah currently has 6000+ qualified applicants. If this bill were passed as is, it would be \$4.3 loss in revenue. With such a significant exemption, we would anticipate more applicants.
- HB 2643 OOPR for mobile home owner over 60 income restriction to \$30K; Mobile home value restriction to ≤\$50K. Creates inequitable situation between mobile home owners and other home owners.
- HB 2884 Low income housing special taxation; authorizes special valuation for certain low-income housing. Sponsored by Oregon Home Builders Association; difficult to administer.
- HB 2889 6 year exemption for low or median income family member from certain tax exempt organizations. Exempts certain amount of assessed value of housing during first two years of exemption and decreasing amounts in third through 6th year. Indexes exemption amounts to adjust for inflation. Grants remainder of exemption to housing purchased by low or median income family before July 1, 1994. Difficult to administer.
- HB 2922 Exemption for leased day care or farm labor camps. No significant impact in Mult. Co.

- HB 2988 Allows certain disabled persons with limited income to defer payment of property taxes. Disabled is defined as "major life activities." Who certifies? Very difficult to administer.
- HB 3026 Exemption for bingo, lotto and other licensed social games run by charitable institution; use of revenue generated by such games not clear. Sponsor not identified with bill.
- HB 3031 Property tax exemption for egg processing equipment; expands exemption to items now classified as real property which are not now considered exempt under personal property statutes. Would create taxation inequities between egg processors and other farm operations. Minimal to no impact on Mult. Co.
- HB 3095 Property tax exemption for processing equipment for farm crops.
- HB 3288 Property tax exemption for Native American tribe land that is being transferred.
- HB 3447 Property tax exemption for parsonages. Currently these are taxable. Do not have estimate of cost, yet.
- HB 3613 Exemption for charitable business activity run by volunteers. Example: charitable business that sells items on consignment for private businesses or individuals.

Meeting Date: APR 13 1993 APR 20 1993

Agenda No.: B-3 B-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: BRIEFING

BCC Informal 4/13/93 BCC Formal _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Hank Miggins TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION R. Scott Pemble

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 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):

BRIEFING ON LAND CONSERVATION AND DEVELOPMENT COMMISSION (LCDC)
REPORT ON THE COUNTY'S PERIODIC REVIEW ORDER FOR LAND OUTSIDE THE
METROPOLITAN URBAN GROWTH BOUNDARY AND OUTSIDE THE COLUMBIA RIVER
GORGE NATIONAL SCENIC AREA.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Madys McCoy*
Or

DEPARTMENT MANAGER ✓

BOARD OF
COUNTY COMMISSIONERS
1993 APR - 8 AM 8: 37
MULTNOMAH COUNTY
OREGON

(All accompanying documents must have required signatures)

April 2, 1993

The Honorable Gladys McCoy
Multnomah County Board of Commissioners
County Courthouse
1021 S.W. Fourth
Portland, Oregon 97204

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

Dear Chair McCoy:

Enclosed is our report to the Land Conservation and Development Commission (LCDC) on the county's periodic review order for land outside the Metro Urban Growth Boundary and outside the Columbia River Gorge National Scenic Area. This department's recommendation is that the county has met all periodic review requirements except for mineral and aggregate resources, fish and wildlife habitat and scenic views under Goal 5.

The department recommends that the Commission set October 29, 1993, as the final submittal date for all amendments required under Goal 5. We are suggesting interim dates for the county to complete specific steps of the Goal 5 process.

The department also recommends that issues raised by 1000 Friends of Oregon regarding the Supreme Court's *Curry County* decision be postponed pending LCDC resolution of rural development issues.

The county and objectors have until April 12, 1993, to file written exceptions to this report. The Commission will consider the report at its April 23, 1993, meeting in Salem (Land Board Room, State Lands Building, 775 Summer Street).

If you have any questions about the report, or need additional information about the LCDC meeting, please contact Jim Sitzman at 731-4065 or 378-4919.

Sincerely,



Richard P. Benner
Director

RPB:DW/deb
<prt>

Enclosure

cc: R. Scott Pemble, Planning Director
Commenters and Objectors
DLCD Files (JS, SO, DW, DRW, Ptd, Libr(2))

RECEIVED
APR - 5 1993

Multnomah County
Zoning Division

Barbara Roberts
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

PERIODIC REVIEW

Multnomah County

FINAL ORDER RECEIVED:
May 14, 1990 and
February 17, 1993

DATE OF REPORT:
April 2, 1993

I. ACTION OF THE DIRECTOR

Referral of Multnomah County's final periodic review submittal to the Land Conservation and Development Commission.

Recommended Action:

1. Sustain portions of the Multnomah County Periodic Review Order for lands outside the Metro UGB and outside the Columbia River Gorge National Scenic Area and find that these parts of the order adequately address the applicable periodic review factors.
2. Require Multnomah County to amend portions of its acknowledged comprehensive plan and land use regulations in order to respond to the findings of this report under the periodic review factors and to remain in compliance with the goals and coordinated with state agency plans and programs; and
3. Postpone the review for portions of the county's order pending LCDC action resolving rural development issues (i.e., Supreme Court's *Curry County* decision).

FIELD REPRESENTATIVE:
Jim Sitzman
Phone: 731-4065 or 378-4919

REVIEWERS:
Doug White
Phone: 373-0083

Steve Oulman (aggregate resources)
Phone: 378-5144

COUNTY CONTACTS:
Gary Clifford/Bob Hall
Phone: 248-3043

RECEIVED
APR - 5 1993

Multnomah County
Zoning Division

II. BACKGROUND

Multnomah County's comprehensive plan was acknowledged by the Land Conservation and Development Commission on October 30, 1980. The department issued Multnomah County's periodic review notice on August 28, 1987.

On February 22, 1989, the department received a proposed periodic review order and proposed amendments to the plan for land outside the Metro Urban Growth Boundary and outside the Columbia River Gorge National Scenic Area. The department's review of this material was mailed to the county on June 9 and June 27, 1990.

At the time of the county's next periodic review, the unincorporated areas inside the METRO Urban Growth Boundary will be dealt with either by the Cities of Portland, Gresham, Fairview, Wood Village and Troutdale under contract or agreement with the county or, in the absence of a framework for timely annexation, by the county (Order, p. 3). The date established for completing periodic review for the unincorporated areas inside the Metro UGB must be no sooner than four years and no later than 10 years from the date this current periodic review is approved by the Commission (ORS 197.633(2)).

As authorized under former ORS 197.640(9), Multnomah County postponed periodic review for land within the Columbia River Gorge National Scenic Area until the county's land use ordinances are approved pursuant to the Gorge Act, 16 USC §544(a)-(p).

Multnomah County adopted their final periodic review order on February 20, 1990. However, the Goal 5 analysis for two aggregate sites was continued. On April 17 and 24, 1990, the county completed the approval of the final periodic review order for the two sites.

The department received the county's final periodic review order on May 14, 1990. The department notified interested parties about receipt of this order, and received the following objections:

- The Forest Park Neighborhood Association, Friends of Forest Park, Friends of Balch Creek, and two landowners in the Balch Creek area.
- Raymond Smith, represented by Paul Hribernick.
- 1000 Friends of Oregon.

Further review of the county's periodic review order was postponed to permit the county additional time to consider the issues raised by the objectors and work with the department to address certain issues. The county adopted the following ordinances subsequent to their submittal of the final order:

1. Ord. No. 691, July 9, 1991, regulates grading and land disturbing activities inside the Balch Creek drainage basin.
2. Ord. Nos. 743, 744 and 745, December 8, 1992, revisions to the Forest Lands Plan Policies, Maps and implementing ordinance bringing the county into compliance with the current Goal 4 and administrative rule (OAR 660, Division 6) provisions, including those amendments adopted by the Commission on December 3, 1992.

3. Ord. No. 748, January 7, 1993, amending the comprehensive plan and land use regulations to implement the Columbia River Gorge National Scenic Area plan.

As allowed by Oregon Laws 1991, Chapter 612, Section 8, the county chose to complete periodic review under the "old process." On May 15, 1992, the Commission adopted Order 92-PR/SCHED-824 affirming the county's choice.

On December 29, 1992, Multnomah County adopted a revised final periodic review order concerning a Goal 5 ESEE analysis and decision for a 283 acre aggregate resource site (Final Order, PR 7-92). The department notified interested parties of this action and received two objections:

- Angell Bros., represented by Frank Parisi.
- Oregon Concrete & Aggregate Producers Association, Inc. (OCAPA).

III. FINDINGS

Multnomah County held hearings and adopted a final periodic review order addressing the four periodic review factors under OAR 660-19-055 for land outside the Metro UGB and the Columbia River Gorge National Scenic Area.

The findings in this report are divided into two sections.

1. **Section A, "Unresolved Issues Under Goal 5," discusses the Goal 5 issues that require resolution by Multnomah County and responds to the filed objections.**
2. **Section B, "Balance of the Staff Report," contains the balance of the staff report and identifies those sections of the county's final order that satisfy the periodic review factors. Issues raised by 1000 Friends of Oregon regarding the Supreme Court's *Curry County* decision are also discussed in Section B of this report.**

A. UNRESOLVED ISSUES UNDER GOAL 5

1. MINERAL AND AGGREGATE RESOURCES

The Multnomah County comprehensive plan makes the following statements about aggregate resources:

"These resources are a basic component related to all types of construction and constitute an important element of the local economy. . . . In general, aggregate supplies are limited and the values are escalating with diminishing supply. The trend is expected to continue, as almost all available local resources have been developed. . . . As the resources diminish, more distant or less productive sites must be utilized. This increases the cost of the resource and causes the cost of housing and construction to escalate."
(Comprehensive Framework Plan, 1989 Supplemental Findings, pp. 21-22).

Comprehensive Plan Inventory

Multnomah County identified nine mineral and aggregate resource sites within its planning jurisdiction:

Site 1	ODOT	Potential Site (1-B)
Site 2	Krueger	Potential Site (1-B)
Site 3	Hidden Valley	Not Significant (1-A)
Site 4	Angell Bros.	Significant / Allow Conflicting Uses Fully (3-B)
Site 5	Multnomah County	Significant / Limit Conflicting Uses (3-C)
Site 6	Reeder Beach	Not Significant (1-A)
Site 7	Chappel Clay	Potential Site (1-B)
Site 8	Howard Canyon	Significant / Allow Conflicting Uses Fully (3-B)
Site 9	Updegrave	Not Significant (1-A)

For the sites determined to be significant, the county identified conflicting uses and analyzed the economic, social, environmental and energy (ESEE) consequences of the conflicts.

The county designated one site, Site 5 – Multnomah County, for protection from conflicting uses.

Objections

Angell Bros. objects to the county's decision for Site 4.

Raymond Smith objects to the county's decision for Site 8.

Both objectors cite the county's failure to adhere to the Goal 5 process and the Goal 5 rule, and criticize the county's ESEE analysis of the respective sites. Both objections contain detailed comments about the county's ESEE analyses.

Response

These objections are sustained. The county has failed to comply with Goal 5 for mineral and aggregate resources. See Conclusion – 1. Mineral and Aggregate Resources, below. Since the department's recommended action is to return the decisions for sites 4 and 8 to the county to correct broad goal compliance issues, the detailed allegations of error cited by the objectors are not addressed here. Angell Bros. and Raymond Smith raised their objections at the local level. These issues can be resolved in future county proceedings.

Program to Achieve the Goal

Plan policies recite the county's intent to protect mineral and aggregate resources from conflicting uses. The county relies on information provided by the Department of Geology and Mineral Industries (DOGAMI) and landowners to develop and maintain the inventory. Only those sites designated for protection are eligible for a permit to mine. Resource protection is envisioned through case-by-case consideration of conflicting uses.

The county implements its policy to protect mineral and aggregate resources in two ways. First, all requests for conditional use permits must show compatibility with natural resources. Noise sensitive uses must be set back from mining operations. Second, the county requires conditional use permits for surface mining activities. Mineral extraction and processing must take steps to ensure compatibility with surrounding land uses.

Objections

Raymond Smith, Angell Bros., and OCAPA object to the county's program to protect mineral and aggregate resources. They maintain that the county has no program to protect mineral and aggregate resources. They also maintain that to the extent that the land use regulations are designed to limit conflicts to aggregate resources, the regulations do not relate to site-specific ESEE analyses, are inconsistent with the ESEE analyses for other natural resources, and are not clear and objective. Objectors Smith and Angell Bros. submitted detailed comments about the county's conditional use permit criteria for surface mining.

Response

These objections are sustained. See Conclusion – 1. Mineral and Aggregate Resources, below. Because the county did not properly complete the Goal 5 process for individual sites, development of a program to achieve the Goal is premature. Since the department recommends that the county broadly reevaluate its Goal 5 decisions, the specific comments submitted by the objectors are not addressed here. The specific issues raised by objectors Smith and Angell Bros. were raised at the local level. These issues can be resolved in future county proceedings.

Conclusion – 1. Mineral and Aggregate Resources

The county's treatment of mineral and aggregate resources does not comply with Goal 5. The county needs to reevaluate the comprehensive plan inventory decisions, and revise its program to achieve the Goal to be consistent with Goal 5.

Comprehensive Plan Inventory. OAR 660-16-000 requires that comprehensive plan inventories be based on location, quality and quantity information. A determination of significance for individual sites must take into account the resource's *relative* quality and quantity (OAR 660-16-000(3)). Multnomah County policies do not require consideration of quality or relative quantity when determining the significance of a resource. The county needs to address OAR 660-16-000(3).

The county's decisions for sites 1, 3, 6, 7, and 9 comply with Goal 5. Sites 3 and 6 have been mined and reclaimed. Site 9 is a very small resource that was never developed. Sites 1 and 7 have been mined in the past. Specific information about remaining reserves was not available to the county.

The decisions for sites 2 and 5 require clarification by the county. The county concluded that not enough information was available about site 2 to determine its significance. It proceeded to conduct an ESEE analysis, but did not develop a program to achieve Goal 5.

For site 5, the county designated the site as significant and determined that conflicting uses should be limited. It did not identify the program to limit conflicts. The county needs to clarify its decisions for sites 2 and 5 and specify the Goal 5 designations.

For sites 4 and 8, the county made similar decisions to not protect the resource from conflicting uses. The following analysis of these two decisions identifies specific county errors in conducting the Goal 5 analyses. The issues cited in the respective discussions are not necessarily unique to the individual site, but are illustrative of important errors made in the county's analysis of each site.

Site 4, Angell Bros. The decision for this site comprises two parts. In 1990, the county declared the entire site a significant Goal 5 resource and designated 114 acres for protection by limiting conflicting uses. As a result of a negotiated agreement, the county postponed the Goal 5 analysis for the balance of the site. In 1992, using the results of additional study, planning staff completed the Goal 5 analysis and recommended protection of the remaining 283 acres of the site. The county subsequently adopted a decision to not protect the additional area from conflicting uses. Based on the analysis of issues below, the 1992 decision does not comply with Goal 5.

ISSUE #1 – Impact Area/Identification of Conflicting Uses. For site-specific resources, local governments are responsible for identifying the resource's location, including an impact area. The determination must include a map or description (OAR 660-16-000(2)). The impact area is that area in which conflicting uses could have a direct effect on the resource. Conflicting uses are uses which, if allowed, could adversely affect a Goal 5 resource site (OAR 660-16-005).

The county did not adequately identify the impact area around the Angell Bros. site. It referred to the impact area as "property adjoining the site," a "peninsula of land between Portland's Forest Park and the forests of Oregon's coast range," "downstream areas," houseboats on the Multnomah Channel and Sauvie Island. It prepared no map.

Failure to accurately describe the impact area is more than a technical error. Specific identification of the resource site and the impact area is essential to properly determine conflicting uses. Unless the resource (including the impact area) and conflicting uses are identified, the ESEE analysis cannot begin. See *Columbia Steel Castings v. City of Portland*, 314 Or 424, 431 (1992).

Within the impact area described, the county listed these "conflicting uses":

- future production and harvesting of timber;
- *de facto* open space, natural area, and wildlife habitat as defined by Goal 5;
- wildlife habitat (if the site is preserved in its present use);
- streams (if the site is preserved in its present use);
- conservation of soils (if the site is preserved in its present use);
- open space (if the site is preserved in its present use);
- dwellings;
- wetlands;
- scenic views from Sauvie Island (if the site is preserved in its present use).

The county correctly identified dwellings as a conflicting use. Houses are noise-sensitive uses which could adversely affect protection and use of the aggregate resource. However, the county did not identify the area in which dwellings would interfere with the resource.

The county erroneously considered open space, natural area, wildlife habitat, and scenic views as conflicting uses. While these features *could be* considered "uses allowed in broad zoning districts established by the jurisdiction" (OAR 660-16-005) they are, in fact, resources as defined in Goal 5. Treatment of these other resources must be in accordance with Goal 5.

Other Goal 5 resources may be considered as conflicts to be addressed in the ESEE analysis for an aggregate resource site. However, *de facto* resources are not Goal 5 resources until they have been fully assessed through the Goal 5 process.

To consider another resource as a conflict to a significant aggregate resource, one of two conditions must exist. One, the other resource must be included on a Goal 5 inventory as significant, with surface mining identified as a conflict within the impact area. Two, potential Goal 5 resources must be analyzed at the same time as the aggregate resource with a resource protection program adopted at the time the aggregate decision is made. Neither of these conditions is met for the conflicting resources identified by the county.

Until a potential resource is identified and protected, interim protection measures are not appropriate (OAR 660-16-000(5)(b)). Without a determination of significance or program to achieve the goal, the presence of the potential resource cannot rise to the level of a conflict to a significant aggregate resource in the ESEE analysis.

Finally, the county purports to preserve the aggregate site and an impact area in its present use, e.g., "Preserving and continuing the present use of the site as open space necessarily would preclude its use as a quarry," p. 7, Periodic Review Final Order 7-92. Use of such a scenario to create conflicts with the aggregate resource is unsupported by the record. The record shows that past activities have **not** preserved the site or its impact area as open space. Aside from the existing quarry, the area was recently clear cut and is being developed with acreage homesites.

ISSUE #2 - ESEE Analysis. OAR 660-16-005(2) requires jurisdictions to determine the economic, social, environmental and energy consequences of conflicts to a significant resource. Both the impacts on the resource site and on the conflicting uses must be considered. The analysis is adequate if it enables a jurisdiction to explain why decisions are made for specific sites.

The ESEE analysis adopted by Multnomah County makes no reference to impacts on the aggregate resource. The entire analysis is based on perceived adverse effects that surface mining may have on surrounding land uses and other natural resources. The county did not explain why it ignored information in the record showing adverse ESEE consequences if the aggregate resource is not protected. For example, the record shows that the estimated value of the mineral resource is \$42 million, plus an estimated \$1 million annual payroll created by the mining activity. Yet, the county only cited the consequence of losing an estimated \$6 million if the site was not

managed for timber production. It also failed to explain, despite the plan's recognition of aggregate scarcity, why its decision for this site would not perpetuate the escalation of housing and construction costs in Multnomah County.

ISSUE #3 – Treatment of Other Goal 5 Resources in the ESEE Analysis. The ESEE must address other goals, including Goal 5. Possible or "*de facto*" resources are not conflicts unless addressed through the Goal 5 process. See Issue #1, above. In the ESEE analysis, a local government cannot claim protection of values left external to the comprehensive plan in order to deny protection of a significant aggregate site. Conflicting resource values must be resolved through an ESEE analysis. See *Panner v. Deschutes County*, 14 Or LUBA 1, 9–10, notes 8 & 9 (1985). An ESEE analysis and program to achieve the goal must, at some point, exist for all resources claimed to conflict with surface mining. Based on the record, the following resources used by the county are not Goal 5 resources, or do not conflict with the Angell Bros. aggregate site.

Open Space – Open space cannot yet be considered a Goal 5 resource because location, quality, and quantity information has not been presented to the county showing that the site is land needed or desirable for open space.

Natural Area – No information has been presented to the county indicating the presence of a "natural area" as defined by Goal 5. The record shows that neither the aggregate site nor its impact area has been substantially retained in its natural character. The site and area in question is an operating rock quarry; has been clear cut, and is being developed as homesites.

Wildlife Habitat – Wildlife Habitat and Travel Corridor (West Hills) is identified as a 1-B resource in the county's plan. See discussion, 2. Fish and Wildlife Habitat, below. OAR 660-16-000(5)(b) states that interim protection programs are not appropriate for 1-B resources. Unless the county declares the resource as significant, identifies the impact area and conflicting uses, performs an ESEE analysis of the conflicts and implements a program to protect the resource, the wildlife "resource" cannot be given Goal 5 protection and used against protection of the significant aggregate resource.

Streams – Streams on the site cannot be considered Goal 5 resources because no location, quality or quantity information has been provided to the county showing that they are significant.

Rafton-Burlington Bottoms – This resource is listed in the comprehensive plan as a protected Goal 5 resource. The record shows that the Angell Bros. aggregate site is not within an impact area for this resource, nor is surface mining identified as a conflicting use (Final Order, Water Areas & Wetlands ESEEs). Therefore, protection of this resource cannot now be used against protecting the significant aggregate site.

Scenic – Scenic Views, West Hills are identified as a 1-B resource. See discussion, 3. Scenic Views and Sites, below. As with the wildlife habitat, until the county specifically identifies the resource as significant and adopts a resource protection program, it has no basis for assigning a conflict to protection of the aggregate resource.

ISSUE #4 – Treatment of Other Goal Requirements in the ESEE Analysis. The county is required to consider the requirements of other goals in the ESEE analysis (OAR 660-16-005(2)). The Goal 5 process is a planning process. The county incorrectly assumed that this periodic review action required finding that all future permit standards were met. It concluded that the quarry operator had not shown compliance with Goals 6 and 7 as if these goals were independent approval standards.

The county presumed that Angell Bros. bore the burden of proving its assertions about ESEE consequences. Local governments are responsible for preparing, adopting and revising comprehensive plans in compliance with the goals (ORS 197.175) OAR Chapter 660, Division 16 clearly requires local governments to develop inventories, identify conflicts, and develop programs to achieve the Goal. Landowner involvement in the Goal 5 process is deemed by the rule to be a necessary part of the Goal 5 process, not something to be overcome:

"As the Goal 5 process progresses. . . notice and involvement of affected parties will become more meaningful. Such notice and landowner involvement. . . is in the opinion of the Commission, imperative."
OAR 660-16-020(2)

In making its conclusion about Goal 6, the county found that Angell Bros.' assertions of compliance with Department of Environmental Quality (DEQ) regulations were unpersuasive. Contrary to an existing water quality permit for the quarry and DEQ's requirement that only clean water be discharged, the county independently found that protecting the aggregate resource for future mining would cause violations of state environmental standards. This is speculation on the part of the county, and a matter of DEQ jurisdiction.

In making its conclusion about Goal 7, the county found that Angell Bros. did not prove compliance with DOGAMI reclamation standards for slope stability. The county did not explain how this was a relevant issue to the Goal 5 analysis during periodic review. How a mine is developed and reclaimed is under the jurisdiction of DOGAMI. The county plan recognizes DOGAMI's role: "Extraction and reclamation is regulated by [DOGAMI] under ORS 517.750 to 517.990" (Comprehensive Framework Plan, 1989 Supplemental Findings, p. 19).

Goals 6 and 7 do not set performance standards by which to judge surface mining or any other development proposal. These goals, in particular, necessitate local governments' reliance on state agency programs and permits to resolve complex, technical issues. The information necessary to resolve the technical issues raised is not in the local record, nor can these issues be resolved solely by the county. The county has not provided sufficient reasons to support its conclusion that a significant aggregate site should not be protected under Goal 5 because either DEQ's or DOGAMI's regulatory program could fail.

Site 8, Howard Canyon. The county's decision for the Howard Canyon site is similar to the decision for the Angell Bros. site. Its analysis determined that conflicting uses should be allowed fully, and the resource could not be mined. Based on the analysis of issues presented below, the county's decision does not comply with Goal 5.

ISSUE #1 – "Need" for the Resource. In the economic prong of the ESEE analysis, the county maintained that protection of the Howard Canyon resource is unnecessary because other sites can provide rock to the Multnomah County market. It failed to reconcile the comprehensive plan's declaration that aggregate is a scarce resource in the county and is necessary for the local economy. Furthermore, its reliance on lack of "need" for the Howard Canyon resource is not supported by the record.

The county concluded that existing sites within a 25 mile radius of the Howard Canyon site were sufficient to meet the market needs of the county for the planning period. This conclusion is flawed. First, the county has not analyzed the region's market for aggregate material. Second, Goal 5 requires protection for future generations, not simply a planning time frame between periodic reviews. Finally, the sites referenced by the county are outside its jurisdiction; nothing in the record shows that these sites are protected for future use.

ISSUE #2 – Lack of Reasons to Support Decisions. OAR 660-16-005(2) provides that ESEE analyses are adequate if they provide reasons supporting decisions for individual sites. OAR 660-16-010 requires that reasons supporting resource decisions must be present in the comprehensive plan. The county's analysis is replete with unsupported conclusions. As explained above, the county determined that sites outside the county could provide aggregate material to the east Multnomah County area. No evidence in the record supports this conclusion. The county also concluded that developing the site would lessen surrounding property values, but provided no evidence to support this conclusion.

The county concluded that violations of DEQ noise standards are likely despite technical evidence to the contrary. It also concluded that mineral extraction at the site would create unresolvable conflicts with surrounding farm uses, forest uses, and big game habitat (see discussion of Issue #3, below). The record, and the reasons given by the county, do not support these conclusions.

ISSUE #3 – No Impact Test. OAR 660-16-010 requires local governments to "resolve" conflicts at specific sites. Resolution of conflicts involves balancing competing values. The Goal 5 process is a conflict resolution tool. Neither the Goal nor the rule predetermines outcomes in advance of the ESEE analysis.

Throughout the ESEE analysis, the county maintained that the ultimate decision to allow conflicting uses fully was preferable because operation of the quarry could not demonstrate "no impact" on surrounding land uses or natural resources. This approach violates Goal 5. OAR 660-16-010 requires that decisions be based on the ESEE analysis, not that the ESEE analysis be used to justify a predetermined outcome.

ISSUE #4 – Potential Transportation Effects. OAR 660-16-005(2) requires that the applicability and requirements of other goals be considered in the ESEE analysis. In its analysis, the county used the language of Goal 12 ("To provide and encourage a safe, convenient and economic transportation system") to conclude that protection of the aggregate resource was not warranted. Goal 12 requires development of transportation plans to serve land uses. The Goal 12 is not an independent standard used to deny protection of a significant aggregate resource. The county has not

shown how the use of area roads is a conflict to protecting the aggregate resource. If a conflict does exist, Goal 5 requires resolution of the conflict.

Because the county failed to define the impact area surrounding the aggregate resource site, it has no basis to analyze traffic conflicts resulting from the resource's use. In its analysis, the county maintained that truck traffic was a safety hazard, but did not explain why auto traffic on the same roads was not a hazard. It also treated gravel trucks as a unique class requiring specific regulation without evidence showing that gravel trucks were the sole cause of alleged problems. The county code provides that developers can commit to finance improvements to local roads. The county failed to explain why improvements would not mitigate the alleged conflicts.

Program to Achieve the Goal. OAR 660-16-030 requires local governments to establish procedures to coordinate planning and permitting activities with DOGAMI. The plan does not identify how the county meets this requirement.

OAR 660-16-010 requires that plan and zone designations be consistent with decisions for individual sites. County strategies F.5. and F.6. call for protection of natural resources and regulation of "noise sensitive" uses. These strategies do not relate to findings from site-specific ESEE analyses. Thus, the zoning regulations must be amended to reflect the level of protection determined by the ESEE analyses.

Because the county failed to properly identify resource site, identify conflicting uses and analyze the ESEE consequences, it is premature in developing a program to achieve goal pursuant to OAR 660-16-010. See *League of Women Voters v. Klamath County*, 16 Or LUBA 909 (1988).

The county has provided no basis to show how its setback and compatibility requirements resolve conflicts or protect significant mineral and aggregate resource sites. The code does not define what constitutes a conflict to mineral and aggregate resources. The program, therefore, is not clear and objective as required by OAR 660-16-010(3). There is no relation between the regulations imposed and the findings of the ESEE analysis. The effect of the county's regulations is to place the preponderance of mitigation responsibility on the surface mining activity.

Conditional use approval criteria purport to protect significant natural resources. Criteria applicable to all conditional uses and to mineral extraction activities require demonstration of no adverse effect on natural resources. These criteria are not clear and objective, and are not related to the ESEE analysis. The criteria also creates the case by case resolution of resource conflicts before completion of the Goal 5 process. This approach violates Goal 5. See *Ramsey v. City of Portland*, 115 Or App 20 (1992).

The county's regulations for surface mining contain miscellaneous procedural or substantive errors in violation of Goal 5. Examples include:

- a. MCC 11.15.7325(C)(6)(a) requires fish and wildlife habitat be "protected to the maximum extent possible." This requirement is not related to the findings of an ESEE analysis and is not clear and objective.
- b. MCC 11.15.7325(F) requires that applicants for mineral extraction permits obtain conditional or preliminary approval for all phases of the operation from all agencies

having jurisdiction over the activity. This requirement is at odds with state agency coordination requirements and is an onerous burden on applicants. State agencies generally do not give conditional or preliminary approvals. Development of a reclamation plan for DOGAMI review would be virtually impossible under the county's process. An applicant to DOGAMI must know where mining can take place before demonstrating how a surface mine will be reclaimed.

- c. MCC 11.15.7330 establishes a 10-year limit on mineral extraction conditional use permits. The county has not demonstrated the need for this restriction in its ESEE analyses.

The county must reevaluate its Goal 5 decisions for sites 2, 4, 5, and 8. Its decisions for sites 4 and 8 clearly do not comply with Goal 5. In reevaluating its decisions for these sites, the county must ensure that the decisions are consistent with determinations made for other Goal 5 resources and similar conflicting uses. Based on revised decisions for individual sites, the county must amend its program to achieve Goal 5 to be consistent with ESEE analyses.

2. FISH AND WILDLIFE HABITAT

Multnomah County's inventory of wildlife habitat consists of eight big game habitat areas, five waterfowl areas, a Bald Eagle roosting site, an Osprey nesting area, and a wildlife habitat and corridor (West Hills). Each of these sites are discussed under Section B of this report. The wildlife habitat and corridor (West Hills) is discussed below.

Multnomah County designated the "Wildlife Habitat and Travel Corridor (West Hills)" as a 1-B site (delay completion of Goal 5 due to insufficient information). The county adopted the following description of this potential Goal 5 resource:

"Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. . . . If this is the situation, the location of the "corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park." (Final Order, Fish & Wildlife ESEE's).

According to the final order:

- a. The initial research (Phase 1) of the West Hills Study was to be completed April 1990;
- b. The field survey work and application of the research and field evaluation results to specific land use recommendations (Phase 2) was to be completed by early 1991; and
- c. The ESEE analysis of conflicting uses and development of a program to achieve Goal 5 was to be completed by the end of 1991.

The county has not yet completed the above-described work.

Phase 1 was published on April 4, 1990. The report is a review of literature on what is presently known on landscape linkages and habitat fragmentation.

Phase 2 was published in March of 1992. The study: (1) identifies existing levels of habitat; (2) provides limited base line information on existing wildlife; (3) predicts probable impacts of ongoing development over time; and (4) recommends ways to reduce the risk of species loss and biotic diversity (West Hills Study, p. iii).

Information presented in the Phase 2 Study is unclear regarding the boundaries of the study area and the identified "impact area" required under Goal 5. The Phase 2 Study identifies the "study area" as the entire Tualatin Ridge, which is the land lying between the county line on the north and west, the south end of Forest Park in Portland on the south, and Highway 30 to the east (West Hills Study, p. 2). This would include the ridge line along Skyline Blvd., forested areas in the City of Portland, and the Balch Creek watershed. However, the "main recommendation" for the study is focused on a much smaller geographic area (i.e., "area lying between Newberry and Cornelius Pass Roads and extending eastward from the ridgeline to Highway 30", West Hills Study, pp. iii and iv). The "impact area" for any significant wildlife habitat area needs to be clearly identified by the county in the plan inventory and ESEE analysis.

Objection

The Forest Park Neighborhood Association, Friends of Forest Park, Friends of Balch Creek, and two landowners in Balch Creek area object to the county's Goal 5 treatment of the wildlife habitat in the Balch Creek watershed. These groups also object that the county failed to map West Hills streams under Goal 5.

Response

The objection is sustained regarding the Goal 5 process not being completed for certain lands within the Balch Creek drainage basin. The Balch Creek drainage basin is included in the West Hills "study area." Field data from the Balch Creek drainage basin appears to have been collected and analyzed (see West Hills Study, Figure 3). Information on wildlife habitat in the Balch Creek area is also available from other sources (e.g., City of Portland's "Balch Creek Watershed Protection Plan," December 19, 1990). The county has information about the resource but has not completed the Goal 5 process for wildlife habitat within the Balch Creek Drainage basin.

The objection is also sustained regarding the county's failure to map or identify streams in the West Hills. The county has not adopted zoning maps or an inventory showing those "Class I streams, as defined by the Oregon Forest Practices Rules" that are subject to the Significant Environmental Concern (SEC) provisions. A reference in the ordinance to the FPA definition is not an adequate inventory of the "location" of Goal 5 resource and of those properties subject to the SEC provisions.

Conclusion - 2. Fish and Wildlife Habitat

As stated above, the ESEE analysis and Goal 5 program for the Wildlife Habitat and Travel Corridor (West Hills) was to be completed by 1991. The county has not completed this work as required by the comprehensive plan. Information to complete Goal 5 is also available for the Balch Creek drainage basin.

The county must complete the evaluation of the inventory information and determine whether the resource is significant or not significant. If determined to be significant, the county must identify conflicting uses, evaluate the economic, social, environmental and energy consequences of conflicting uses and develop a program to achieve Goal 5.

The county has not adopted an inventory or map of those streams that are subject to the Significant Environmental Concern (SEC) provisions. The reference to the FPA definition of Class I streams in MCC 11.15.6404(C) is not an adequate "inventory" of the Goal 5 resource (OAR 660-16-000(2)).

The county must adopt, as part of the comprehensive plan, a map or description of those streams identified as significant Goal 5 resources that are subject to the SEC provisions. MCC 11.15.6404(C) of the SEC Zone must also be revised to reference this inventory of significant streams rather than the FPA definition.

3. SCENIC VIEWS AND SITES

Scenic resources in Multnomah County are identified as the Columbia River Gorge National Scenic Area and the Sandy River Gorge. Scenic resources are also generally found in rural areas of the county, including Sauvie Island and the Northwest Hills.

The county designated "Scenic Views West Hills" as a "1-B" (delay Goal 5) resource and indicated that resource identification and a protection program would be completed by early 1991. The county has not completed this work.

Conclusion - 3. Scenic Views and Sites

As stated above, the county was to complete the Goal 5 process for "Scenic Views West Hills" within the time frame established in the plan.

The county must determine the extent of the visual resources and what conflicts exist that would affect retention the scenic qualities of the West Hills. Based on this determination, the county must evaluate the ESEE consequences of conflicting uses and develop a program to achieve Goal 5.

OVERALL CONCLUSION AND RECOMMENDATION - UNRESOLVED ISSUES

For the reasons stated above, Multnomah County's comprehensive plan and land use regulations for mineral and aggregate resources, fish and wildlife habitat and scenic views and site do not comply with Goal 5 and OAR 660, Division 16. A variety of Goal 5 issues are unresolved for the West Hills area, including, but not limited to, wildlife, mineral and aggregate and scenic resources.

To comply with Periodic Review Factor Two and Goal 5, Multnomah County must:

1. **Within the West Hills Area, as determined by the county:**
 - a. **Not later than May 30, 1993, identify the location, quality and quantity of possible Goal 5 resources in the West Hills area. Specifically determine whether the wildlife habitat and scenic resources are significant in accordance with OAR 660-16-000.**
 - b. **Not later than June 30, 1993, determine the impact area and conflicting uses for the Angell Bros. aggregate site and any resources determined to be significant as a result of 1.a., above.**
 - 1) **Designate the impact area(s) with a legal description and a map, showing with certainty land included in the impact area for all significant resources.**
 - 2) **Identify conflicts with each significant resource and provide reasons why the identified uses or natural resources conflict with the significant resource.**
 - c. **Not later than September 15, 1993, analyze the ESEE consequences of conflicts within the impact areas identified in 1.b., above, for the Angell Bros. aggregate resource and significant resources identified in 1.a., above.**
 - d. **Not later than October 22, 1993, designate the level of protection for the Angell Bros. aggregate resource and significant resources identified in 1.a., above. Develop an appropriate program, or programs, to protect the resource, or resources, to resolve consequences identified in 1.c., above.**
2. **Reevaluate the Goal 5 analysis for the Howard Canyon site consistent with OAR 660, Division 16: 1) describe and map the impact area surrounding the site; 2) identify conflicting uses to the resource site and give reasons how the uses conflict with the resource; 3) analyze the ESEE consequences of identified conflicts based on factual information presented to the county; 4) designate the level of resource protection to be given the resource, and state the reasons that support the decision; and 5) develop and implement a program consistent with the decision reached following analysis of ESEE consequences.**
3. **Amend the comprehensive plan for mineral and aggregate resource sites 2 and 5 to clarify the decision for each site. If insufficient information exists about the resource, include the site on the 1-B inventory and identify when the Goal 5 process will be completed for the site. If the resource is determined to be significant, identify the impact area and conflicting uses, analyze the ESEE consequences of conflicting uses, and develop and implement a program to achieve the Goal.**
4. **Revise the program to achieve Goal 5 for mineral and aggregate resources to be consistent with ESEE analyses for individual sites. Amend, as necessary, in accordance with Goal 5 and the Goal 5 rule the following provisions:**
 - a. **Comprehensive plan provisions to ensure planning and permit coordination with DOGAMI in accordance with OAR 660-16-030.**

- b. **The provisions to protect aggregate resources from conflicting uses including, but not limited to, MCC 11.15.2016(F), .2096(K), .2138(F), .2218(F), .2360(H), .2480(I), .2692(K), .2834(J), .2844(J), .2854(J), .2864(J), .2874(J), .2884(J), .2894(J);**
 - c. **MCC 11.15.7325(C) requiring protection of fish and wildlife habitat without supporting justification in a site-specific ESEE analysis;**
 - d. **MCC 11.15.7325(F) requiring applicant for mining permits to obtain state agency permits before county issuance of conditional use permits;**
 - e. **MCC 11.15.7330 establishing a 10-year limit on mineral extraction conditional use permits.**
5. **Amend the comprehensive plan to map or identify the significant streams that are subject to the SEC provisions. Amend MCC 11.15.6404(C) to reference this plan inventory of significant streams rather than the FPA definition.**
 6. **Report the progress of work on items 1 through 5, above, to the Land Conservation and Development Commission at its July meeting.**

The department believes that the tasks can be completed within the time frames established above and recommends that the Commission establish October 29, 1993, as the date for submittal of tasks 1 through 5, above.

The department also recommends that the Commission instruct the department to provide technical assistance to Multnomah County planning staff to complete the above-referenced tasks.