DEPARTMENT OF COMMUNITY SERVICES
LAND USE AND TRANSPORTATION PROGRAM
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF SEPTEMBER 12, 2011

I. Call to Order: Chair John Ingle called the meeting to order at 6:35 p.m. on Monday, September 12, 2011 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.

II. Roll Call: Present - Ingle, Chris Foster, Michelle Gregory, Paul DeBoni, Jim Kessinger, John Rettig
Absent - Bill Kabeiseman, Julie Snelling, Katharina Lorenz

III. Approval of Minutes: August 1, 2011.
Motion by Gregory; seconded by Foster.
Motion passed unanimously.

IV. Opportunity to Comment on Non-Agenda Items:
Ingle introduced the new Planning Commissioner, Paul DeBoni. Mr. DeBoni lives on Sauvie Island, and has a background in planning. Although he is currently retired, he still has a hand in some land development projects.

There were no comments from the public on non-agenda items.

V. Hearing: Zoning Code Improvement - Definitions, Storm water, and Fencing. PC-2011-1400
Chair Ingle read into the record the Legislative Hearing Process for the Planning Commission for a public hearing, and the process to present public testimony. There were no objections to the Planning Commission hearing the matter.

Lisa Estrin, Multnomah County Staff Planner, presented the staff report, noting it is comprised of a variety of housekeeping amendments that involve technical improvements to the zoning and development codes. The first proposal is to add a fencing standard exemption for security of utility facilities to Chapters 34 and 35. This exemption currently exists in Chapter 36.

The next would clarify language under Chapter 37 for Code Compliance and Applications to allow planners to make certain land use determinations, interpretations, and address assignments without the need for a voluntary compliance agreement. This would not include the approval of any type of land use development that has a current code compliance issue associated with the parcel.

Third pertains to access language, which is found in all of Multnomah County's general districts. A previous update had inadvertently modified the intent of the language for access under each of the general districts.

The fourth housekeeping item is storm water review clarification. Currently, this review is triggered in the Grading & Erosion Control (GEC) by ground disturbance, and we would like a review regardless of whether there is ground disturbance or not. We are proposing to take the

exiting code criteria for storm water management from the GEC code to implement a new storm water ordinance, and to adopt a definition for impervious surfaces. After a lengthy discussion at the last work session about what constitutes an impervious surface, Staff recommends adopting the definition currently used by the City of Gresham, as it seems to address the concerns from the work session. Additionally, the commission had asked staff to research how Portland and Gresham developed their designs for standard storm water management scenarios. Staff noted that both cities designed their storm water programs with expertise from engineers, which the county currently lacks. Of the three options the City of Portland offers, two of the designs require assistance from an engineer. They also have a simplified design for projects under 10,000 sq. ft., which was developed with the help of their water quality specialists and private consultants. The City of Gresham's design still requires calculations from a professional engineer.

The final item involves modifying the definition for camp and campground; removing the definition of recreational vehicle park from the county code; and clarifying language on the length of stay in a campground. The current length of stay is 30 days with no return time period specified. At the work session, the planning commission directed staff to gather information regarding time limits in other jurisdictions. Columbia County does not permit campgrounds in their rural residential zones, while their resource zones state 30 days in a six month period. In the rural community zones, campgrounds are determined through the conditional use process. Washington County restricts occupancy to 30 days in a six month period for all zones allowing campgrounds. Clackamas County sets time limits from non-resource zoned properties through the conditional use process, and enforces the 30 days in six month time period in the resource zones. Oregon State Parks allow 14 consecutive nights, with a minimum three night departure. Based on feedback from the planning commissioners in the last work session, staff is proposing a 60 day limit in a consecutive 12 month time period.

Staff is also proposing to take "time period" out of the definition for campground and campsite and put it into community service use restrictions. That language is on page 21 of the staff report. We are also proposing to correct the off-street parking code that references recreational vehicle parks, and change that over to campground, and to remove the definition of Recreational Vehicle Park.

Foster asked if, under 37.0560(A)(2) for code compliance applications regarding protecting public safety, a new septic system or driveway modification would be permitted. Estrin said only in emergency situations. Foster requested more detail on the City of Portland's simplified approach design for storm water. He was concerned about the low threshold of 500 sq. ft. that Multnomah County is proposing for a trigger. Estrin said Portland also has that minimum threshold, but if it involves less than 10,000 sq. ft. of new impervious area, the land is flat, and the onsite soils allow good drainage, the property owner can use the city's programs to see if they are eligible to use a predesigned system. In addition to the fact these systems were developed by outside consultants and the City's water quality experts, Portland also takes on some liability in the event of failure. Also, the city has a storm water system to serve as a back-up, which the rural areas of Multnomah County do not necessarily have, nor do we have the capacity in our road ditches to take in extra water.

Foster wondered if, in the future, Multnomah County could adopt an exemption or standard for flat properties within a certain size, in order to defray some potentially unnecessary costs to the property owner. DeBoni concurred with Foster's concern about some of the provisions that

would require a professional engineer's stamp when it involves smaller, somewhat innocuous projects.

Gregory asked if the flat land in Portland's simplified approach applies to the entire lot, or only the newly proposed impervious area. Estrin said a City of Portland employee indicated the lot had to be less than 10% slope. Rettig suggested that rather than consider the entire lot, perhaps it would make more sense to consider the area of development. Estrin said that other considerations would need to be addressed, such as the potential saturation of other areas of the property that could trigger a landslide or compromise a septic system.

Foster suggested making more specific distinctions with materials and their use, noting that the engineering term of co-efficient could perhaps set a standard. Estrin said that would still require an engineer's determination. Foster said that although with further research we may find a simplified approach won't work for Multnomah County, he would like to feel confident those avenues had been pursued before making a determination.

Estrin noted that since it appears the commission has concerns about the storm water portion of the proposed amendments, perhaps it would be beneficial to discuss further options and remedies. Gregory added that consideration should be taken for the proximity to neighboring properties to ensure the new construction would not impact those property owners.

Ingle asked if this was something that could be worked into the next planning commission meeting, but it was determined that it would likely be November or December before it could be brought back for consideration.

Ingle called for public testimony.

Vicki Mason, 26124 NW Reeder Rd, Portland OR 97231, is the manager of Reeder Beach RV Park, and would like to talk to the proposed definition of camp and campground. Reeder Beach is on Sauvie Island, and has been in business for almost 60 years; Earl Reeder started it in 1952 for the fisherman crossing his fields to access the Columbia River. It is not a campground. We are in an MUA 20 zone, not farm use. In 1990, a permit was granted for 14 additional RV sites. At that time, the County called it an RV park and required water, sewer and electric. We are a small business that provides a great service, and have worked hard with the County to ensure we are following all the rules, and the plan before the commission will have a negative impact on our community. We believe there should be no restriction limit on the length of stay allowed at our facility. Other RV parks in the Portland metro area do not have a time limitation. We have several groups of people that use our facilities for two to three months every year, such as snowbirds, fishing guides, people getting treatment at local hospitals that need a temporary place to stay, workers who are in the area temporarily for special projects. Ms. Mason presented a packet of letters from concerned RV'ers who feel they are being discriminated against based on their lifestyle, and asked that the commission consider the umbrella effect of their decision.

Foster asked if Ms. Mason was asking for no time limit. She suggested perhaps a 90 day limit, but with no restrictions as to when they can return. Gregory asked how many RV sites were on the property. Ms. Mason stated there were 14 sites used year round, and 14 seasonal sites, with the season running from March to October.

Joan Ryan, 26048 NW Reeder Rd, Portland OR 97231, is speaking from a personal viewpoint. She is retired and moved to Reeder Beach in 2001, after buying an older RV. Because of the age of her vehicle, she would encounter restrictions at other RV parks which would make it difficult for her to relocate every 60 days. Reeder Beach recently lost five long term tenants, lost to Multnomah County, due to being fed up with being hassled about whether or not they can stay. Ms. Ryan referenced a document from the web, General Issues Committee Commission on Senior Services, dated April 21, 2005 from DHS, where they recommended modifying the state regulations regarding how long a person could live in an RV park or mobile home park from 30 days to a no occupancy limit. That was implemented two years later.

Ms. Mason felt that Estrin's last staff report confused mobile homes & manufactured homes with recreational vehicles. She believes Multnomah County is trying to demote Reeder Beach RV Park to a campground, taking it out of this protective place and into a tenting mode. There are a number of people at Reeder Beach that live comfortably, take care of themselves, and survive on Social Security. We are a thriving community, Vicki and Larry Mason are incredible managers, and we create a low impact on the Earth. So what is wrong with letting Reeder Beach RV Park continue on as they are? Ms. Mason went to Columbia County's land use office and asked whether the Cove had to meet the ruling of moving on. She was told they follow the state, which says, under 197.493 "a state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle solely on the grounds that the occupancy is in such a vehicle, or if it's located in a manufactured dwelling park, mobile home park or recreational park". They are distinguishing between Mobile Home Park and RV Park, and if Reeder Beach is demoted to a campground, I presume they could say they had to disconnect all the water, sewer and electric. That's what they've made them do at 13 sites, at great expense. They've also made them plant about 1/4 mile frontage in popular trees, every 10 feet, which will require expensive maintenance. This was done so we can't be seen by boaters. And when does anyone have the right to tell a business they cannot be an RV park anymore because we want you to be a campground so we can have you under our umbrella in order to pull your strings?

Sally Pat Becker, 1121 SE 39th, Portland OR 97214, has been coming out to Sauvie Island for the last 20 years. I know some of you are very bored with all of this, because you aren't in the same situation as the people in the camp on Sauvie Island. Where are the people being affected going to go? Reeder's is a compact, friendly spot. The snowbirds want to come back, they're quiet, they're older. It has nothing to do with the definitions of what an RV is, it has to do with people. There are a lot of people that are horrified to think someone would do something like that to the Reeder family. They're not out to make a lot of money, they are old time Islanders. And making them plant trees along the river was just plain spite. Think about the old people that are going to have to find someplace else to lay their head; it's not that cheap in Portland. These people are happier where there's fresh air and nature. All of you probably don't have to worry about that, not even for retirement, but there are people that means a lot to.

Rettig asked if Ms. Becker thought any time limits were appropriate. Ms. Becker said not unless you have a problem with raids, or someone making meth; doing something inappropriate. I've never heard of a problem with them raiding the Reeder's, that would be more likely at the Cove where the crowd is younger and more of a party atmosphere. Maybe [if you could] establish an age limit.

Gregory said that because the Reeder's are going to be in a category with short time campgrounds, should a time limit be associated with those kinds of places? Ms. Becker said it depends on the usage of these places. There should be some judgment on what's good and what isn't, not just what comes out of the book that somebody wants to regulate. There's a human factor involved. It's easy to sit and talk about it, but it's harder if that's your home. Rettig asked, if there was a special category with no time limit restrictions, how you would prevent campgrounds from asking for that category. Ms. Becker said you're not listening; the age factor. Rettig said we can't discriminate by age, but asked her to give it some thought. Ms. Becker said she would write a letter.

Steve Eudaly, 97445 Kadora Ln, North Bend OR 97459, is a professional engineer and estimator who works for West Coast Contractors out of Coos Bay. He lived at 17015 NW St. Helens Rd for 35 years, and got all the permits for the Reeders' in the last 25 years. They are currently working with the county on a new permit for additional occupancy that the Reeder's are requesting. He wanted to inform the commission that in 1996, they lost 173 feet of property by the creek on the bank where the county is requiring the planting of trees. When the county gave permission to riprap the bank, one of the permit requirements was to plant popular trees, which was done a couple of times with no success because they don't seem to want to grow in rock. We will try one more time, but the chances are they won't live more than a year or two, because there's no soil, it's all sand. The other issue is the name change. The county wants to change it to a campground, which gets it out of the state's statute of an RV park.

Mr. Eudaly also addressed the proposed storm water issue, which he says is confusing. Although he's signed off on these permits for 15 years and read the proposal several times, he's still confused. It reads to him like the county is going to gain a lot of power over a person's property because they're going to be able to tell you what you can and cannot do. Just about any change you make to any part of your property will now necessitate one of these permits. I'm an engineer; I'm the guy you're going to call to get the sign off, however, there's a clause in the permit that says if the county doesn't agree, they can hire their own engineer to verify and charge the property owner. That's a little strange, because the State of Oregon gives the engineer the ultimate authority. If there's a major foul-up, the state has the engineering examiners, so the County is trying to usurp a little authority there too.

Also, the definition of impervious is so vague, and covers many things it shouldn't. Impervious means impervious, and it's an intensity of about a .8-.9 is like asphalt, roofing, etc., not gravel. You can take a bucket of water, pour it on your gravel driveway, and it won't stand there, will it? So that is real vague.

DeBoni asked if the State of Oregon certifies that a licensed engineer is capable and liable when they stamp off on a plan. Mr. Eudaly said that is correct, the State of Oregon says I can use that stamp on anything I deem myself qualified for, which puts the burden on me, which I don't use lightly. DeBoni thought that should be sufficient for the County, and there should be no reason to recheck that. Mr. Eudaly said yes, it should.

Mr. Eudaly does agree with Lisa that although some of the City of Portland's approaches, which were designed by an engineer, work well for them, they would probably not work for the County. DeBoni asked if Mr. Eudaly thought there were situations in the county that are simple enough that standards could be met without having an engineer design a system. Mr. Eudaly said

he knows there are, and feels that because the County planners deal with them on a regular basis, they would be capable of designing such systems.

Bob Leipper, PO Box 94 Troutdale OR 97060, disagrees that the storm water review is a housekeeping issue. It does not address simple corrections, but goes on for 17 pages of new code. He addressed some of the comments made last month on this issue. Commissioner Gregory had said that staff was trying to equate right-of-way standards to private driveways, but Mr. Leipper thinks they are trying to go beyond the right-of-way standards and make it even more regulatory. Also, Commissioners Foster and Rettig had referred to products, such as grass street pavers, that are engineered to be pervious, so I find it odd that the staff report refers to asphalt as being a pervious product, along with concrete. I can see concrete being both an impervious and pervious product, depending on the engineering, but if you get water under or through asphalt, it will deteriorate.

Staff had mentioned last month that they had personally seen oil sheen on a gravel driveway; well, halleluiah! Did anyone here ask if they turned that person in for having oil on the driveway? Nobody but an idiot puts oil on their driveway anymore. Another issue is how many driveways this would apply to in the County. There was no testimony I heard last month about that. In my opinion, it will apply to 98% of all county driveways. You have roads that do not have storm sewers, drainage ditches or anything else. Most of the city of Portland does have storm sewers, but most of the county roads drain off to private property, so you're making it more difficult for a person to get a permit for anything.

And I'm one of the few people who's gotten the low impact grading permit to excavate some arborvitae, which cost me $77. I had to wait a couple of days for Mr. Kienholz to quit playing his games at the County, but I finally got them dug out, and I don't think I've ever heard anyone discuss how well that low impact grading permit is working. If it's not working, it's an enforcement issue. The other thing about the low impact grading permit, recently the county approved a permit for a house in the National Scenic Area, probably around 2500 sq. ft., a drainfield, and a road improvement consisting of about a 600 ft. long road. According to the county, all of that was below the 10,000 sq. ft. limit. That is what is allowed under the low impact grading permit, up to 10,000 sq. ft. The trigger is not 500 sq. ft., the trigger is if you use any machinery to do any digging whatsoever in the county. If you were using a vibrating spoon to dig, you would have to get that low impact grading permit. Anything over 10,000 sq. ft. requires a full grading permit. My understanding of the full impact grading permit is sometimes it would require an engineer, sometimes it would not. A hillside development permit would definitely require an engineer. So there was a step in the grading process, but you have no step in this storm water drainage process; it's either all or nothing beyond the 500 sq. ft.

Also, my understanding is, if a person is going to seal coat their existing concrete driveway, that is covered also. And if you put more gravel on existing gravel driveways, you'll have to get an engineer. That is pretty ridiculous because seal coating an existing asphalt driveway or concrete driveway is not going to affect storm water whatsoever. Whatever was draining off before is going to drain off the same way afterwards, so to have to go to an engineer to do that is kind of ridiculous.

It was also stated last month that county planners "try to direct the public to engineers that don't charge as much". That should be really offensive. I'm a retired architect, but if I was an engineer in practice right now, and I heard somebody say that, I would be writing to John Kroger and say,

you know, I think this is an ethical violation. You should not be directing any work to any engineer, any time, at any point, for anything; all you have to do is provide someone with a phone book. So, this is a poor proposal, I don't think it was well thought out. This needs a lot of work, and I think you should send it back to square one and start again. Thank you.

Ingle asked if the commissioners had further questions for staff. To begin with, Estrin reminded the planning commission that the changes to Multnomah County's camp/campground/RV Park use is not about the Reeder's and the Reeder Beach RV Park. It's about a change the state made that added the words RV Park to mobile homes and manufactured homes parks inside of a city. The ORS that prohibits limiting the occupancy of a RV is under a provision strictly for cities, and is not applied to the county's jurisdiction. Page 19 of the staff report notes that after the county added the camp/campground and RV Park uses to the code, the state removed the 180 day time limit regulation for living in an RV. However, they did not remove the county's code regarding time limits in a campground. So although a person can live in an RV year round, that doesn't mean they can live in the same spot year round. The issue changing State law was reviewed by a hearings officer in the Reeder Beach verification of a non-conforming use case, and was found not to apply to the County's jurisdiction. Also, the County is not changing the Reeder Beach's name. Rather, we are trying to remove the confusion that has arisen since the state added RV parks to the regulations involving manufactured or mobile home parks under city regulations. We are bringing this change so people who want to build a camp or campground, which is what the Reeder's are permitted as, will understand they are a campground, and they have a time limit to adhere to. We are seeking to clarify the time limit and establish set criteria to make it clear and not left to interpretation.

DeBoni asked if Reeder Beach Park has a Community Service designation. Estrin said no, they are a non-conforming use, so this change would not apply unless they came through the Community Service process. They are currently bound by the rules that applied to them when they added the 14 spaces in 1990. At that time, they were deemed a preexisting use and went through design review. All of the current 28 spaces are bound by the 30 day limit, 14 of which can be used year round. Foster pointed out that the context of this is rural zoning and the densities we have, and the back-drop is community service use; it is not an urban area. Estrin also noted that Multnomah County's purpose is to protect the rural areas for farming and forest, while still allowing a certain level of development.

Gregory asked how many properties in unincorporated Multnomah County this change would affect. Estrin stated that, right now, the Reeder's, but noted that the County is restricted to one permanent dwelling on a property, so as they are currently defined under state law, we cannot allow mobile or manufactured home parks, or recreational vehicle parks, in a rural setting. They are camp and campgrounds, and RV Park is a type of campground under our current code. This is why we want to remove the term and definition of RV parks to alleviate confusion. But to reiterate, Reeder Beach is presently permitted as a campground.

Foster said that for the benefit of those not present at the last meeting, the planning commission had quite a discussion about the 30-60-90 day limit. The conclusion was that 30 days was a little restrictive, and 90 days bordered on permanency, so the commission opted for the 60 days in a 12 month period as being reasonable for camping. After listening to the testimony tonight, he was comfortable with that decision and made a motion to adopt the package of revisions as is, with the exception of the storm water. DeBoni seconded. Before proceeding further, Gregory

asked staff to explain again the non-conforming status of Reeders as it relates to this situation, as it was not quite clear.

Estrin said the Reeder Beach RV Park is a non-conforming use, and based upon its established lawfulness at the time, there are specific rules that apply that govern this use. If there is a request for expansion, they have a choice to apply as a non-conforming use, or for a community service conditional use permit to convert all the camp spaces to a conforming use, which would invalidate the rules they are currently bound by. Based upon any new application they might submit, new or modified spaces could potentially have the new 60 day rule applied. DeBoni thought that perhaps they would be better served to continue with the non-conforming use they currently have. Estrin emphasized that the Reeder Beach situation is a very complicated one. Code compliance has allowed them to maintain certain people for certain periods of time while working towards compliance.

Kessinger proposed moving the length of time to 90 days to accommodate short term workers, as it still appears to be a fairly short period. Although he missed last month's discussion, given tonight's testimony, it seems that 90 days might be a reasonable time. Gregory said that the concern at last month's discussion was that 90 days would apply to all campgrounds, and could encourage monopolization and abuse of the sites in the more traditional usage. Foster added that this topic has more to do with campgrounds in a rural setting, not temporary housing. The commissioners had also considered the time limitations in other jurisdictions and the NSA, which has a 60 day time limit. Ingle said he was comfortable with the time limits proposed. DeBoni concurred that the 60 day time limit would be appropriate for a campground use, but would not feel comfortable applying that criteria to determine the validity of a non-conforming use, which Foster and Ingle agreed with.

Ingle called for the vote on Commissioner Foster's motion to adopt PC-2011-1400 as stated above. Motion passed unanimously.

VI. Work Session: County Counsel Briefing - Regulation of Public Commission Members: Records, Meetings and Ethics

Jed Tomkins, Assistant Multnomah County Attorney asked that, due to time constraints, this work session and the Land Use Legislative Update work session be carried over to the next planning commission meeting.

VII. Work Session: County Counsel Inquiry -- Need for Revision of Planning Commission Rules?

Chuck Beasley, Multnomah County Senior Planner, said that Assistant County Counsel Jed Tomkins was instrumental in helping put this together and will be a part of the discussion. Beasley said this is part of a planning commission task to try to bring the rules and procedural ordinances into consistency with each other. There are four attachments included to use as examples. Attachment A is from Chapter 33 of authorities, which exist in each of the zoning code chapters, except 11.15. Attachment B is the overall planning authority chapter that is a companion to Chapters 11.15 and Land Division Ordinance 11.45. Attachment C is what we understand to be the existing rules for the planning commission. Attachment D is a copy of the Board rules for conduct of hearing as an example of rules which might help in understanding what would be appropriate rules vs. ordinances. The rules are procedures that the commission can adopt on their own and don't have to be in the code, whereas other elements actually need to be in the code.

Tomkins said this item is about the potential future adoption of parliamentary rules; either the creation of such rules, or if the rules we found are still valid. The memo provided addresses benefits of rules, as well as an attempt to distinguish between areas typically covered by either statute or local ordinance, and those that would be covered in the rules. Some benefits of having rules of procedure for your meetings, operations and communications with each other are ultimately geared toward the orderly disposition of matters. Rules can clarify how members of the commission interact, ensure consistency in the conduct of your work, and transparency to the public lending legitimacy and credibility to the work you do. The same transparency also informs the public of what they can expect from this commission. As for distinctions between rules, and ordinances and statutes, ordinances and statutes typically govern the broader aspects of the commission such as formation; number of members; the filling of vacancies; quorum and voting. Parliamentary rules might address how you will elect officers, such as the chair and vice-chair, maybe a secretary if the commission so elected and the filling of those vacancies; how you'll make motions and accept testimony; how you maintain order and decorum; closing or continuing hearings. It appears that in its state of regulatory affairs, the commission seems to be carrying out its work in an orderly fashion, so the question is, is there a need for any assistance from us in altering anything.

Ingle felt because some of the language is no longer applicable, there are some inconsistencies. Also, he thought at one time there was either language or an understanding about an East/West divide in order to have an equal geographical representation. Beasley thought that would be appropriate for an ordinance vs. a rule. Tomkins said there is a limitation in the code that members of the commission shall be residents of various geographic areas. Karen Schilling, Multnomah County Land Use Planning Director, said that she believes there is that East/West distinction elsewhere in the code. Foster believes it's a rule and not an ordinance, and thinks there should be a certain amount of flexibility for circumstances.

Another discussion both Foster and Ingle would like to have is the rule on absences. Ingle states that currently it is three consecutive regular meetings, but thinks it would be helpful to have total number of absences in a calendar year. Beasley read 33.115(C) which states that "absence of any member from three consecutive regular meetings shall be considered a resignation…." It appeared there needed to be more discussion on this matter. Regarding 33.105(A), Rettig suggested staggering term expiration dates so the commission doesn't lose several members in the same year. Foster thought there might be thought about increasing the limit for number of farmers representing the various geographic areas on the commission.

Tomkins asked if the commissioners were operating under the historic rules. The commissioners were not aware of any. Tomkins mentioned that some of the items of discussion appear to be in the attachment of ordinances before the commission. He asked if they thought there was a need for his assistance in drafting some rules and ordinances. DeBoni believed there were some things that should probably be in writing for consistency purposes, such as process, decorum, testimony, etc. Not necessarily codified, but for everyone's benefit, and as a training guide for new people who come on board.

DeBoni said that the previous county legal counsel Larry Kressel and he wrote the rules. At the time, in the mid-70's, arbitrary and capricious was the standard that decisions were measured against, nothing was codified. In the later 70's, when court cases started cropping up, the commissioners, who were composed of lay citizens, were presented with quasi-judicial matters.

They then had to act like judges and attorneys in their decision making process and how they handled the cases. As a result, he and Larry tried to create a set of rules to reflect the necessary legalistic terms, and formulate findings of fact that legal counsel could support in a court action. That was the context of the rules at that time. Now that the commission does not hear many quasi-judicial cases, it becomes a different matter dealing with legislative issues, so perhaps this should be revisited.

Beasley noted that it was necessary to vacate the board room, but said that he and Tomkins would discuss this evening's comments and return to the commission for further direction.

VIII. Work Session: County Counsel Briefing - Land Use Legislative Update
Carried over to October 3, 2011 meeting.

IX. Director's Comments:
None at this time, due to time constraints.

Meeting adjourned at 9:15 p.m.

The next Planning Commission meeting will be October 3, 2011.

Recording Secretary,

Kathy Fisher