

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

MINUTES OF JUNE 6, 2011

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, June 6, 2011 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. **Roll Call:** Present - Chair Ingle, Vice-Chair Chris Foster, Michelle Gregory, Bill Kabeiseman, Jim Kessinger, Katharina Lorenz, John Rettig, Julie Snelling.
Absent - None
- III. **Approval of Minutes: April 4 & May 5, 2011.**
Motion by Rettig, seconded by Foster.
Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items:**
None.
- V. **Continued Hearing: Amendments to EFU Zone Regarding Consistency with the Religious Land Use and Institutionalized Persons Act (RLUIPA) - PC-2011-1395 and Implementation of HB 3099 (2007) - PC-10-006**

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. The commissioners disclosed no actual or potential financial or other interests which would lead to a member's bias or partiality. There were no objections to the Planning Commission hearing the matter.

Multnomah County Senior Planner, Chuck Beasley, gave a brief synopsis of events for the commission and audience members. He reminded the commissioners that Multnomah County is required by state law to implement zoning codes that comply with recent LCDC rulings, which is explained in the hearing memorandum dated April 29, 2011. Staff consulted with Multnomah County's legal counsel about the issues that counsel for the Open Door Baptist Church, Dorothy Cofield, brought up in prior meetings.

Jed Tomkins, Assistant Multnomah County Attorney, was present to address any legal questions the commissioners might have. Tomkins had submitted a memo dated April 29, 2011, as a means to clarify the issues Ms. Cofield presented. Mr. Tomkins concluded that the proposed amendments to the EFU zone district accurately implement new statutory and rule requirements and recommends that the planning commission support the proposed amendments as presented by staff.

Beasley said that LCDC also concurred that Multnomah County's proposed amendments were consistent with HB 3099 and RLUIPA's rule amendments. He suggested that perhaps there were other avenues the Open Door Baptist Church could pursue in seeking their expansion, such as a goal exception.

Dorothy Cofield, 9755 SW Barnes Road, Ste 450, Portland OR 97225, legal counsel for the Open Door Baptist Church, reiterated that they believe these amendments would present an undue hardship on the church by the inclusive definition of existing facilities, and requested that the commission not recommend to the Board of County Commissioners to adopt the amendments as proposed.

Gregory and Kabeiseman inquired whether staff could recommend to the board that LCDC reexamine their rule amendments.

Beasley and Tomkins noted that the rules are intended for all the stated uses in the EFU and cannot be modeled around a single land owner's needs, or potential situations that may arise. They are meant to be broad in their scope.

After further discussion establishing the commissioners' limitations and expectations of their role in this decision, Ingle called for a vote. Foster moved to accept the proposed amendments as written. Lorenz seconded. The motion passed unanimously.

VI. Continued Hearing: Amend Chapter 29 Access and Fire Flow Standards - PC-10-007

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. The commissioners disclosed no actual or potential financial or other interests which would lead to a member's bias or partiality. There were no objections to the Planning Commission hearing the matter.

Lisa Estrin, Multnomah County Staff Planner, presented the staff report and noted that there was one minor revision from the May 2, 2011 hearing. Under 33.7785 on page 9(A)(3) of the report, the referenced code section was changed from MCC 29.012 to MCC 29.003, as it was determined it more accurately addressed the issue.

Foster asked for clarification on MCC 33.2261(B)(3)(b) regarding access to a perennial water source. He felt the wording was a little confusing. Estrin gave a little more detail to make it clearer to the commissioners.

There was discussion whether the proposed amendments offered enough detail for the property owner. Estrin said that in addition to directing people to the appropriate Oregon Fire Code, local fire service providers will be involved with the implementation of the fire protection regulations in their jurisdictions. The purpose of the proposed amendments is to more closely follow the Oregon Fire Code and eliminate duplicative language.

Ingle called for a vote. Rettig moved to adopt the amendments as written. Kabeiseman seconded. Motion passed unanimously.

VII. Continued Hearing: Amend Temporary Hardship Dwelling Regulations - PC-2011-1397

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. The commissioners disclosed no actual or potential financial or other interests which would lead to a member's bias or partiality. There were no objections to the Planning Commission hearing the matter.

Estrin presented the revised staff report. There were several changes made to the May 2, 2011 staff report, which Estrin highlighted in her discussion.

Lorenz noted a formatting error in the report. Under MCC 33.0515(B)(1)(c), the second sentence has two commas after the word "husband". In addition, she thought the definition of "Park-Model Recreational Vehicle" needs the word "and" after *to be towed on a regular basis...* Kessinger questioned whether the definition of Health Hardship should include a reference to physical impairments as well, such as loss of limbs. After some discussion, it was agreed to add the words "physical impairment", so the statement would read "*A specific person's need for daily supervision due to cognitive impairment and/or a specific person's need for assistance with daily care as a result of age, physical impairment, and/or poor health.*" This also should be changed under MCC 38.0015 Definitions.

Ingle called for a motion. Rettig moved to accept the proposed amendments, with the above mentioned changes. Snelling seconded. Motion passed unanimously.

VIII. Director's Comments:

Beasley informed the commission that Commissioner Julie Cleveland resigned, and that staff will start the process of filling her position. The hope is to fill this position with someone from Sauvie Island, and that they be seated by August or September. Also in August, staff will present a new set of zoning code amendments for the commission to hear, so there will be work sessions coming up.

Meeting adjourned at 8:20 p.m.

The next Planning Commission meeting will be August 1, 2011.

Recording Secretary,

Kathy Fisher