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

MINUTES OF MARCH 1, 2010

I. **Call to Order- Chair John Ingle** called the meeting to order at 6:35 p.m. on Monday, March 1, 2010 at the Multnomah Building, Room 101, located at 501 S.E. Hawthorne Blvd., Portland, OR.

II. **Roll Call-** Present- Chair Ingle; Chris Foster; John Rettig; Patrick Brothers; Julie Cleveland; Michelle Gregory; Katharina Lorenz
Absent- William Kabeiseman; Greg Strebin

III. **Approval of Minutes of January 4, 2010.**
Motion by Commissioner Foster, with correction noted by the Chair to reflect Commissioner Gregory's attendance at January meeting. Motion seconded by Gregory.
Motion passed unanimously.

IV. **Opportunity to Comment on Non-Agenda Items.**
None

V. **Work Session: Zoning Code Updates Related to Variances and Adjustments - PC-10-002**

Don Kienholz, Planner, presented his staff report on proposed zoning code updates regarding variances, adjustments, and vision clearance regulations. Currently, there is ambiguity in the code language as to whether or not an adjustment or a variance to a yard or a setback is allowed on property that has a Significant Environmental Concern (SEC) or Willamette River Greenway (WRG) overlay. The current code language lists a number of things that are eligible for a variance, such as: minimum front lot line length, forest practice setbacks, yards and setbacks; then goes on to say "except the following: reduction of a yard/setback/buffer requirements within the SEC and WRG". The intent of the code was not to prohibit property owners from requesting a reduction for a structure to a property line, but to prohibit an adjustment to a variance to a protected resource setback or buffer. The distinction can sometimes be difficult for staff to convey to property owners. The adjustment and variance regulations contain provisions that are intended to clarify which standards are eligible for modification, on a case by case basis, and the approval criteria that apply.

Staff proposes two options for the Planning Commission to consider. Option 1 would modify the language of the code to clearly delineate that while adjustments and variances are allowed on properties with the SEC or WRG overlay, they cannot be used to reduce a buffer required to protect a resource.

The second option is proceed with the code clarification, and also consider including language that would allow for the processing of those adjustments or variances within the specific overlay zones if the result of the request is because of a buffer. Such requests would no longer need to be

processed through a separate permit application, since they would be processed in the overlay permit such as the SEC or WRG.

The third element of this work session is in our sign code. If we approve an adjustment or variance to a structure or building, there could potentially be a vision clearance area that would be impacted. This doesn't come up that often, but since we're proposing this housecleaning, we thought it might be something to consider.

Commissioner Gregory said, are you asking if we have any other thoughts about vision clearance obstructions apart from signs, or just with respect to the sign code itself?

Kienholz said if we approve a variance or adjustment that puts a structure into the vision clearance area, do we also want to look at the potential for an adjustment or variance to the vision clearance language?

Gregory said other things that could be vision clearance issues are vegetation and school bus stop shelters.

Commissioner Foster said I'm all for clarification. I think you explained it very well.

Commissioner Brothers said I agree. We want to simplify the process for the applicant, rather than require two applications. But there is more to that issue, because there are many things besides signage that can get in the way of lines of sight.

Foster said, but staff is talking about a specific situation where a setback is reduced to cause that problem, right?

Kienholz said we are just talking about instances where, whether or not approving an adjustment would put the structure into a vision clearance area and how that could impact the flow of that traffic. Is this something that you want to consider that should be looked at?

Commissioner Rettig said I saw mention in the text a question on fences and mailboxes?

Kienholz said yes, and those are things we don't typically regulate, except in the National Scenic Area (NSA). There could be instances where a bus shelter may require a permit that could potentially be in that vision clearance area.

Rettig said is there ever a case where someone exceeds some structural threshold for a mailbox and has to apply for a permit? I'm trying to think of the mechanism that would even trigger whether we wanted to address this.

Kienholz said typically, with signs, a business wants to get a sign for the property as a permanent marker or something similar, and we ensure that's not going to be in the vision clearance area. I can think of two circumstances recently that involved signage in the vision clearance, but I've never seen a structure or a building.

Foster said it seems to me that is unlikely. Chances seem slim to none of getting an actual building in the area.

The general consensus was not to worry about the vision clearance.

Rettig then asked the Chair whether a member of the audience, who was using an audio recording device, needed permission to do so.

The audience member said no, it's a public meeting.

Ingle said he didn't know and asked staff if they could clarify.

Sandy Duffy, County Counsel said I believe that is permissible.

VI. Work Session: CFU Zone Updates - PC-10-004

George Plummer, Planner, informed the Commissioners that he had copies of the Commercial Forest Use-1 (CFU-1) code, if anyone wanted to refer to it during this discussion.

Our proposed changes to the code include the following: reconciling "Allowed Uses" and "Review Uses" in the CFU zones to match the type of review process we do for each; make amendments to the Forest Setbacks and Safety Zone Table; amend the Forest Development Standards; add Lots of Exception as a review use in the CFU-3 code, and add a definition to the "access easement".

A few years ago, we amended our code to allow for a Type I review. We have a Form A for that review, and a Form B for a Type II review. Currently in our CFU code, if a property owner does an expansion, a replacement, or restoration of an existing dwelling, it's under the Review Uses. We review it as a Type I, which is a building permit type of review. We do it at the counter, we do it without notice, it's non-discretionary and should be allowed under Allowed Uses. There are standards to be met if you're going beyond 100 ft., such as there must be a cleared area that's large enough so the disturbance area isn't going to be too large, etc. If those standards are met, it can also be a Type I review. We are proposing to move those uses into the Allowed Use section of the code, and keep the ones that have discretion under the Review Uses.

Let me explain some changes to the staff report you received in your packets. We deleted references to Form A in the code, and changed some of the language on the second page. On page 3, under "Accessory Structures" we deleted that they had to meet the CFU Development Standards. The reason we decided not to include that is because there is a reference to having to meet the development standards under the heading of "Uses" in the CFU code. That section requires that all uses need to meet the development standards. On page 5 under "Accessory Buildings" we eliminated the word "new" accessory and we eliminated "farm buildings". Some of staff thought we should put farm buildings in, but the senior planner believes those are considered accessory buildings. We were proposing to add "legally established" to the "addition to an existing accessory structure", which would allow it to maintain non-conforming setbacks. We generally don't put legally established into our code, except for the dwellings, because we're required by

state law to have that. We assume that anything that's established is legally established; if not, we require them to go through a review to get a building permit. So if they wanted to add on to a structure, the first thing we would check is if it was legally established. That should be a given, it needs to be legally established in order to add on.

In regards to Allowed Uses and Review Uses, often at the counter, we make a distinction between 100 feet, and that which is greater than 100 feet. We wanted to hear from the Planning Commission whether or not that should be the dividing point of a Review Use and Allowed Use. If a replacement dwelling or accessory building is within 100 ft of an existing dwelling, and you're replacing it, there shouldn't be increased impacts to the surrounding forest. The impacts that exist are already there, you're just replacing the dwelling. When the code was amended last time, we added section 2061(d) which states, if you are more than 100 ft, but in a cleared area, it allows for a non-discretionary permit. It requires the 30' property line setback, the structure has to be located in an existing cleared area that's 1,000 sq.ft., and has tree spacing standards of the primary fire safety zone. Which means that the trees would have to have their crowns separated by 15 ft of space so fires won't go from one tree to another. To meet that standard, generally if the area is cleared, it would be fairly easy to prove that at our counter, and we would be able to issue the permit. If there are several trees, it would be questionable whether someone could prove that at the counter. That could get discretionary, and we would treat it as a Type II case.

The other standard for non-discretionary is, if the structure is sited within 300 ft. of the front line of a public road, the driveway is a maximum of 500 ft in length, and the local fire district is able to reach the structure using the driveway. So they can have it reviewed, even if it's over 100 ft., using those standards. It is difficult to explain all those standards to someone at the counter, or a real estate agent trying to sell the property. What they usually latch on to is, if you build your house within 100 feet of an existing house, you can do it just through the building permit process. If it's more than that, you have to do a Type II review.

There is some feeling that we shouldn't be amending the code so often, this was designed a few years ago and thought to be a good remedy for doing a Type 1 permit. However, a lot of staff supports making it more definitive; if you're beyond 100 ft, you go through the Type II review. We wanted to ask the Planning Commission what your thoughts are on that.

Foster said I would like to go back to your comment about replacement dwellings; making those like a building permit or over the counter. I've read some court cases regarding the standard of a habitable dwelling; how can you make that assessment at the counter?

Plummer said we look at County assessment records to see what kind of value they have on the property, and we ask for dated photographs of the features that are listed as necessary for a habitable dwelling.

Foster said there has been a lot of abuse in the past, people taking long since abandoned houses and trying to get a replacement dwelling.

Plummer said, even if a house is abandoned or hadn't been lived in for a number of years, as long as it has the features of a habitable dwelling, it would technically be a habitable dwelling. It must

have intact walls, a roof, heating, plumbing attached to a sanitary disposal system, bathing facilities, kitchen and electricity, and lawfully established. If it was built after 1958, they would have to demonstrate they had a building permit and final.

Foster asked, what about when it's a non-conforming use and it's been abandoned, even though it might still be habitable, is that a problem?

Plummer said the State wanted to eliminate counties from reviewing dwellings in forest zones as to whether or not they were non-conforming. When they passed the laws for forest and farm zones, all dwellings became non-conforming. They did not want people to have to go through a non-conforming use determination, so they included this description of a lawfully habitable dwelling. They also did not want people trying to replace a hunting cabin in the woods that didn't have any of the features, so they came up with a description of what a habitable dwelling must be. Lawfully established is either through a building permit or predating the requirements for that.

Gregory said I have some concerns about nixing the language about "lawfully established" just because it's assumed that you always check that. Maybe you could make me more comfortable by explaining how you establish lawfully established.

Plummer said that language will still appear for dwellings, we're not going to nix it for dwellings, but the senior planner decided that it wasn't necessary because if you put it in one place, you have to start putting it into a number of other places, was his reasoning.

Gregory asked if it's prominently figured somewhere in the beginning of information for the prospective applicant.

Plummer said I believe where it talks about uses…no, it doesn't mention lawfully established.

Foster said it's still a requirement, correct?

Plummer said it is still a requirement. Right now, when someone comes in for a building permit or calls about a property, we check the file to see whether the structures on the property have permits. It's routine to do that.

Gregory said my concern is someone would have a good chance of winning a challenge if the language wasn't there, but if it's part of your common practice, I'm more comfortable with it not being there.

Plummer asked how the Commission feels about the requirements of the 100 foot threshold versus the existing code that lists other things you can do if you're not under 100 feet? (He passed out copies of the code.) If you look under 2061(b)(1), page 4-12…

Ingle said, just to restate, what are the two options at this point?

Plummer said the predominance of staff would like to have a threshold of 100 feet being the hard line as to whether you go through a Type I or Type II review. If you are within 100 feet, the

impacts you're going to have are similar to the existing impacts. If you are beyond 100 feet, it would become more discretionary. Previously, the Planning Commission adopted this T-1 saying if you met these things, it was non-discretionary. We don't know of a single dwelling that has been approved under (b)(1) since you approved it. Possibly, that is because people have gone for the 100 feet cut-off. But these standards were approved as non-discretionary, and staff is finding they are hard to convey to the public because it's a bit confusing. They seem to only hear the 100 ft. and that's what they use as their guide.

Ingle said, if we go with the concept of the 100 foot threshold, what happens to the various requirements that are currently listed?

Plummer said I believe we would eliminate (b)(1), and anything beyond 100 feet would go to the discretionary review of B-2 and B-3.

Ingle said you earlier made a comment that surprised me, that we don't want to be in the habit of revising our code. But when you're simplifying it, I think it makes sense.

Rettig said we'll have a hearing on this, won't we?

Plummer said yes, we are scheduled for a hearing on May 3. I will put together the code language changes and get them into the staff report for that hearing.

Ingle and Foster both agreed they are all for clarity and simplification.

Gregory asked about the 100 foot rule; does it mean 100 feet from the existing structure in any direction, or are there practical limitations to it?

Plummer said it is in any direction, and the setbacks speak to what you need for setbacks if you're within 100 feet.

Gregory said I think simplifying makes sense, but if we strike language at your recommendation, I'm concerned that we would lose valuable performance standards that won't be caught in the Type II review.

Plummer said, right now, those standards wouldn't apply in a Type II review. If you don't meet 1, then you don't have to meet any of 1, and you would go to (b)(2), which requires a Type II. What we were doing, under 1 was figuring out a way to meet those requirements without having discretion.

Foster said for a point of clarification; "within 100 feet" means all portions of the replacement dwelling within 100 feet?

Plummer said no, my understanding is it's any portion of the existing house within 100 feet. We basically use that standard when you're within the SEC zone, as long as a portion of the house is within 200 feet, you meet the standard. The whole house doesn't have to be, and that's the standard we use.

Ingle said I believe we have consensus on approving the 100 foot cut-off for determining a Type I or Type II review.

Continuing on with the Forest Setbacks portion, we are adding accessory structures located more than 100 feet from a dwelling, and the addition to an existing accessory structure in which we're allowing the non-conforming setbacks, if less than 30 feet. If they meet the 30 ft. or are greater than 30 feet, they can go down to 30 feet. But if the building is already less than, we would allow them a continuation of the current non-conforming set back, but not further into it. And we are striking out "other accessory structures and other structures".

Foster said that seems to pretty routine practice, to allow people to continue along the same line. I don't have a problem with that. Ingle concurred.

Plummer said you might remember a couple of years ago, I brought before you definitions for various transportation features. When we defined "private road", we realized later that we eliminated the possibility for an easement to be part of the private road definition. We didn't really want it to be, because private road is something that's on a separate lot from the other properties. But "private road" still existed in our CFU code, and it said "including approved easements". We do have a number of situations where we have easements, and many of them aren't approved, but pre-existed the code. But we didn't have a mechanism to work with these, and it was a bit confusing because our definition did not include easements. We are proposing to strike "including easements" as part of private roads and add the word "access easement" as its own description of the type of access.

We are also proposing to change "accessing two or more dwellings", which would have required them to go up to a 20 foot all-weather surface width to build a dwelling. We would like to increase that to serving "three or more dwellings" because that is the number we have in our adopted Chapter 29 fire codes. That standard applies to all other zones except forest; when you get up to three dwelling units, the roadway must be expanded to 20 feet wide. So, if you had an easement with two dwellings and want to add another one at the end of it, it would have to be 20 feet wide until you get to the first one. Then you could go down to 12 feet wide with pull outs and a turn out in excess of 200 feet, for a length of 400 ft. The reason for that is, when you start getting up around three or four dwellings in the forest, and there's a fire, you have people leaving, and fire vehicles coming in the other direction, so it's useful to have wide enough roads to pass each other. We are trying to reconcile between our codes as much as possible to eliminate confusion. I called some of the fire service district personnel and ran this by them. I also called the Oregon Department of Forestry jurisdictions, we have three in our county, and none of the people who review fire standards had any objections to this.

Ingle said I don't think we have any opposition.

Foster said I'm fine with that, but you say the easements are a category that are similar, but not the same, as private roads, but we're regulating them the same, aren't we? I'm familiar with these easement roads, and they are private roads for the property that they're on, aren't they? So they're both a private road and an easement.

Plummer said it technically could be called private road by people, but our code defines private road as having its own lot. That's the kind of situation you get in with subdivisions, when you have a private road that's jointly owned by all parties. That's a common definition for private road.

Foster said an easement is not an ownership, someone still owns that.

Plummer said right, but it's not its own entity.

Foster asked how are they regulated differently?

Plummer said if someone proposes a private road, we have access way standards, whereas to propose an easement, you might not have to meet some of those. Actually, I'm not certain, I would have to look at that.

Foster said I'm thinking of a case where on an existing easement, the easement holder is asked to widen the road. Since you only hold an easement on somebody else's property, you're asking them to improve someone else's property, or to see that it's done?

Plummer said yes. We have that situation right now. Some property owners were issued a building permit in the Forest Zone with five dwellings along a 10 foot wide easement driveway. The easement itself is 25 feet wide, so they have the ability to do that. But they would have to take down some old trees, and the people who own the property don't want that to happen.

Foster said, can't they prevent it from happening?

Plummer said I don't think they can because they own access rights that they surveyed for access. Hopefully they could come to an agreement and move that somewhere else. We don't get many new easements, and this is why, there are a lot of problems with easements.

Foster felt the Commissioners had no opposition to either proposal.

The next section is; for some reason "Lots of Exception" was left out of CFU-3. If you have two dwellings on a property, and want to divide the property so each dwelling is on its own property, a Lot of Exception would allow them to do that. They would have to be lawfully established, habitable dwellings, and limit the size of the smaller parcel that's created to no larger than 5 acres. We took the wording from the other zones and propose to add it to Commercial Forest Use-3 properties.

The Commissioners had no objections.

Plummer said the last item is; we are proposing to add the definition "access easement" as an easement granted for the purpose of ingress or egress which crosses a property or properties owned by others, so we have a definition in the code.

Also, at the bottom of section 3, under (a) we have an issue that arises where an existing driveway currently utilized by a habitable dwelling may be extended to a replacement dwelling without compliance with the road driveway access easement standards. We also say, nothing in this exception removes the requirements under the county's Fire Apparatus means of Approach Standards. We wanted to ask if you thought it was reasonable to continue that practice. If someone is replacing a dwelling, build it out at a greater distance, and need to build a driveway, is it reasonable to allow them to extend that driveway and not have to meet the standards listed above?

Foster said there are Type II requirements; you wonder why they wouldn't also have to meet a requirement like this?

Plummer said they would still have to do the 12 foot wide driveway, because that's a fire code; and still have to do the turnouts.

Commissioner Cleveland said they have to get a service provider form from their fire district, so if it's all right with their fire district if they continue, why not?

Plummer said they would have to meet most of these standards, but the fire department could waive some of them, such as the grade standard.

Foster said I'm a little uncomfortable with leaving that to the discretion of whoever happens to be reviewing it from the fire department. There is something to be said for having that in writing rather than leaving it up to one person to decide; in terms of fairness and equal treatment. This leaves you open to someone feeling like the Fire Marshal has a grudge against them and is unnecessarily putting requirements on them, or visa versa.

How do the two differ? You say they might be relieved of some of the requirements…I know there is a great deal of overlapping in what our code says and the separate fire section.

Plummer said the fire chief can waive some of those standards; that's where it differs. The fire chief cannot waive our CFU standards, those are hard and fast standards, but they can waive, for instance, the grading standard on the fire form.

Foster said as a means of understanding this a little better, apparently you are coming back to the Planning Commission for some changes to Chapter 29, was that it? If we're making these changes, but there's something coming down the road that sort of overlaps, it would be nice to know about it.

Plummer said I'm not sure what changes are being proposed with that section. Chuck may know.

Chuck Beasley, Senior Planner, said one thing we are doing with Chapter 29 is getting the language into compliance with the state fire code; it's all been changed. There's a new standards table as well that people will need to comply with. And we'll be looking at reconciling the road standards in the CFU and Chapter 29, they're a little bit different. In Chapter 29, for example, there is a lot of discretion for certain aspects of road design that's given to the fire districts, and we

don't have a corollary kind of discretion in the CFU code. So we'll be working those out to make them a better fit. And we'll be making sure we're in sync on this before it gets to hearing.

Foster said maybe that's the time to review this part, about whether we should waive those standards? If we're going to be taking a look at reconciling the CFU, maybe we could postpone this part you're talking about right now.

Beasley said, I'd suggest we might be able to have a work session on the Chapter 29 amendments at the same time in May that you're considering this; they could both be in front of you at the same time.

Foster said, like I said, I'm a little worried about turning it over to one person; it's not good public policy. We need to minimize the perception of unfairness, and maybe having some written rules is a better way to go.

Ingle said I'm a little confused. The Chapter 29 discussion would be a worksession, right? So that would happen in May, but what we're working on right now would go to a public hearing in May, right?

Beasley said right, so you'd have them both in front of you at the same time.

Ingle said, yes we would, but obviously one's a worksession where the public can listen and not provide any input, whereas the other is a hearing.

Beasley said we can look at it and see how good of a fit it is. There may not be much concern between the two. You raise a good point, and we'll consider that as we schedule what comes next.

Gregory said I think it would be valuable to have a little more worksession time on this topic before we go to a public hearing, because I don't really feel like I have a good grasp of this last issue.

That was the general consensus among the Commissioners.

VII. Work Session: Amendments to the County Framework Plan and Map to Implement Urban and Rural Reserves in Multnomah County - PC-08-010

Beasley distributed a supplementary table for the Commissioners to use as a quick reference to help understand where the proposed plan policies and strategies fit with the Intergovernmental Agreement (IGA).

The Board and Metro both adopted Urban and Rural IGA's last Thursday. Clackamas County also had their hearing on Thursday and Washington County had their final hearing on Tuesday. This is a preliminary decision, which is a prerequisite to plan amendments, and we are now at the stage of implementing that. The rule requires that the counties and Metro amend their plans to adopt policies to implement reserves, show the reserves on their comp plan and zoning map, and submit a joint set of findings to LCDC for acknowledgment. This worksession marks the start of the last

local phase in the process, the legislative process. In a month there will be a public hearing on the plan amendments and map, and in early May we will have the initial Board hearing. By June, we should have it to LCDC, who will hear it in October.

In looking at the maps; the map on the left is the regional map and the dark blue areas are urban reserves. In Multnomah County we have the one area adjacent to Gresham that's between Lusted and close to Johnson Creek and west of 302, which Gresham would serve. We had proposed an area for urban reserve adjacent to the City of Troutdale, but that was deemed undesignated. The entire Sandy River Canyon is within rural reserve, and we used the tax lot boundary that approximates the SEC scenic waterways boundary from the Stark Street Bridge south. The scenic waterway does not extend north of Stark Street, but we have closed that with the reserves following the east edge of the canyon up to the scenic area boundary. This leaves out most of Springdale from the rural reserve, which should help us plan that area, yet still protect the canyon resources and areas to the East. Government Island is not designated, which has been that way throughout much of the process. On the West side; the middle portion from Portland to Scappoose had been undesignated, but the Board decided they wanted that to be rural reserve. That includes the Channel, Sauvie Island, and this band to the north of Portland. We were thinking that the two areas adjacent to North Bethany and this bridge between Area 93 and the city of Portland would be undesignated, but the Board decided on Thursday to designate those rural reserve; and Metro agreed.

Gregory said could you clarify again the Springdale area east of the Sandy, is that non-designated or is it rural?

Beasley said it is undesignated.

I have included in your packets several documents relevant to this issue. There is a text of the agreements and the Principles for Concept Planning (attachment B) we are proposing to incorporate as strategies in our plan. There is also a copy of the administrative rules, which is part of the plan policy document *Introduction to the Urban and Rural Growth Management Policies*, and Policy 6, which is Urban Land Area. Also included are Metro's proposed amendments to implement reserves.

Parts A and B of the "Agreement" section speak of the reciprocal agreements between Metro and the counties. Metro implements urban reserve, we implement rural reserves, but it takes both sides to make this program work. This is a 50 year plan. There had been much discussion about whether this should be a 40, 45 or 50-year plan. We had to demonstrate, as a region, that there was enough land in urban reserve sufficient to accommodate population and employment needs for the next 40 or 50 years. The areas of urban reserves that we were able to get consensus on added up to enough land to fit Metro's 50 year supply forecast range. Metro did a very long term population and employment forecast, and decided the highest probability of the real answer would be in the middle third of this range.

In Section A, Metro has the task of managing the concept planning process before land moves from urban reserve into the Urban Growth Boundary (UGB). This moves the planning process for facilities and governance to earlier in the urbanization process. That would happen before the

UGB gets moved. The IGA indicates that it will include elements that, for the most part, are already in Metro's Title 11 Concept Planning requirements. The key difference is, areas added to the UGB will be governed by, and planned by, cities. This is an important distinction. For the most part, counties are on board with that and the regional governments were interested in making this clarification.

Ingle said referring to Policy 6A, Urban and Rural Reserves (4), it says "County will participate together with an appropriate city in development of a concept plan for an area of Urban Reserve that is under consideration for addition to the UGB". But in Strategies(B), it says the "The County will participate with Metro in concept planning of urban reserves areas under consideration for inclusion within the UGB…". It appears that Policy 4 is not in agreement with Strategy B.

Beasley said we could amend Policy 4 to say "with Metro and an appropriate city" to make that consistent.

Gregory said all of the first policies seem to include a temporal reference; something is going to happen in 20 years or 50 years. But the concept planning is more vague, at least on this side of the IGA. Is there more specific reference as to when the concept planning process will begin on the Metro side of the IGA? At what point is it an appropriate use of public resources to start the concept planning?

Beasley said I haven't heard a clear answer on how the region would decide which areas to study first. Metro could, for example, come up with a screening process for all the UGB; they might take into account sub-regional need along with other factors associated with infrastructure, cost, aspiration - who's willing and ready to be brought in. Maybe they'll do it all with a more refined filter than what we've done for urban reserves, and try to set out a priority that way.

On the county side, it almost mirrors the Metro provisions. The parties agree to look at this decision in 20 years, or sooner, and reevaluate it. At that time, areas that are not currently designated either rural or urban reserve, could be designated one or the other if it's agreed by all parties to go through that process. For instance, we might be thinking about the Troutdale area in 20 years, or sooner, if we need to. There's quite a bit of undesignated in Clackamas County. I'm referring to undesignated near the UGB, because those are the areas that may have some future urbanization potential. Alternately, if we feel at that time we didn't set aside enough rural reserve, we could designate more of that.

Subsection C of the IGA is more of a process section that has provisions for how we would manage any potential changes to the map between now and final adoption. Since we are having public hearings about the comp plan map, we may get information that prompts a change. So we have tried to build enough time in the process and provide a process in the agreement to allow consideration of changes on the map based on new information.

The staff report and the proposed urban and rural reserves plan amendments seems to be a straightforward approach, we're trying to not make it too complicated. However, our existing policy document needs updating, especially the aspects that deal with urban. Multnomah County did quite a bit of urban planning in the 70's and 80's, but that has all changed. This part of the plan

has not yet had a lot of attention. Now we're back to the consideration of what lands should be urban and rural, whereas before, we had a pretty clear line. So considering our existing plan structure, I am proposing that we add a sub-policy to Policy 6. The plan in Policy 6 deals with the issue of what lands in the future should be urban, what should be rural; so the context is there. If you read the introductory part of the Urban and Rural policies, there is some logic to putting this as a sub-policy to Urban Land Policy 6.

The policies I have written reflect the IGA provisions. The strategies are not binding, they are recommendations; and they reflect, for the most part, principals that are attached to the IGA. However, Strategy (B)(h) is not in the principals. I am hoping that Metro will adopt something generally similar to the provisions we adopt. For instance, when there are urban reserves adjacent to rural reserves that are either farm land or a landscape feature, Metro's proposed plan does not include managing that interface appropriately to minimize impacts. That is one of the factors in the urban rule. While Metro has tools they use to manage and help generate elements of great communities, they don't really have this one, so it will be interesting to see where it goes in the process. Many of these edge areas butt up against features that can form urban edges. That was one of the evaluation aspects of urban areas we took into account when we were developing the suitability. For example, the Troutdale piece does not have an edge between that area and adjacent farmland, so some kind of management of that would be useful.

Ingle said I have a quick question; on the Urban and Rural Growth Management Policy, page 9-2, where it talks about urban, there is a definition that ends with "to accommodate all projected land use needs to the year 2000".

As I said, this part of the plan hasn't been updated in quite awhile.

Gregory said I have a comment about H; in trying to anticipate these edge issues, the last sentence tries to identify a key one, and it seems to me another key issue that will become more, if not equally, important as time goes on, is water use in those edge areas, and it might be worth mentioning as well.

Beasley said let me check that out. The idea is minimizing conflicts between urban and rural, and that may be worth looking at.

In closing, I asked about the Commissioners' availability to meet the second Monday in April. I am not sure we'll get a lot of testimony on April 5th about the map.

Ingle said, so the second meeting will be contingent upon the activity at the April 5 hearing?

Beasley said right. If we have a quorum for the second meeting, we could continue it until then, because we really cannot postpone or continue a hearing for a month.

VIII. Director's Comments.

Beasley noted there are two elements added, at your direction, to the finalized Work Program under *Projects Not Scheduled for Work in 2010*. Number 18 - Potential zoning code amendment to

address appropriate scope of business uses in rural areas, and Number 19 - Potential zoning code amendment regarding guest houses and second dwellings. We will develop these more when we get closer to that time, but I tried to capture the tenor of our conversation and ideas you thought might be worth looking at.

Also, we have a personnel change in Land Use and Transportation. We have been advised that we will lose an FTE position on the Planning side this year. However, we had an open Transportation Planner position and we successfully filled that position internally with Joanna Valencia, which we are very pleased about.

Meeting was adjourned at 8:00 p.m.

The next Planning Commission meeting will be April 5, 2010, with the potential for a second meeting on April 12, 2010.

Recording Secretary,

Kathy Fisher