

COMMUNITY ADVISORY COMMITTEE MEETING
ROOM 126 MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. PORTLAND, OR
FEBURARY 25, 2015 6:00 PM

MEETING SUMMARY

I. Welcome, Introductions and Announcements

In attendance:

CAC

Aaron Blake
Andrew Holtz
Catherine Dishion
George Sowder
Jerry Grossnickle
Kathy Taggart
Linden Burk
Paula Sauvageau
Ray Davenport
Sara Grigsby
Stephanie Nystrom
Tim Larson
Will Rasmussen
Chris Foster
John Ingle
Karen Nashiwa

Project Team

Rick Faith
Kevin Cook
Rithy Khut
Matt Hastie
Eryn Deeming Kehe
Allison Conkling

Absent

Marcy Houle
Martha Berndt

There were 3 community citizens that attended.

The committee and staff members introduced themselves.

II. Project Overview and CAC Role

- A. Comprehensive Plan Policy Considerations - Jed Tompkins, Assistant County Counsel, stated what his responsibilities are with respect to the Land Use Planning Program and this Comprehensive Plan update project. He stated that he is a resource for the committee but questions need to go to Rich Faith first and anything he can't answer he will pass on to Jed.

What are we looking for in policy statements? The bottom line is just about anything you want. There is a large range of policy language choices and the

final statement will eventually come out filtered on the other side. You can look at other comprehensive plans from other jurisdictions as well as the current County plan to get a feel for the way that other people have approached this. The policy statement review considerations that are included in the first meeting packet should help you filter your ideas and will hopefully help you to come up with a statement that meets your needs. The City of Portland has a nice variety of how they approached their topics. You can download their plan to get a feel of it. Washington County and Deschutes County plans are other good counties to look at because they have specific and broad statements.

Committee member asked what lessons were learned from Sauvie Island's plan. The important lesson that was learned is that everyone needs to get on the same page around the same time. There is not just one entity that is writing the policies. Jed asked that people don't do more than what they were enlisted to do. The Sauvie Island Plan is still ongoing and is in front of the planning commission. The land use code is the document that typically has the actual detailed standards and criteria used for this, that, and the other. There is value in establishing a policy statement that identifies your guiding principles and being as specific as possible without actually writing zoning code so we all understand what we are talking about. Be mindful of not being so narrow in the policy that it overly restricts the code writing process.

A committee member asked whether or not the committee is going to look at the current plans for language? Rich said that they are more than welcome to review all the existing plans. What we would like to do is bring forward a compellation of the most pertinent or relevant policy statements from those various plans for you to look at in the context of the discussions that we are having on this issues.

Sarah Grigsby stated that she got a call from a past committee member from the last plan telling her to look at the records from conversations that the last CAC had before it was approved. She asked if the records were available to look at from 20 years ago that helped form the current plan. The urban growth boundary was evaluated in 1989 or 1990 and Kevin Cook said that there are archives of the previous records available that can be dug up.

Jed also addressed rural reserves and what the long range future holds for those areas designated as rural reserves. The rural reserves rule limits what you can do from a code standpoint. We cannot amend the comp plan or zoning code to allow uses and land divisions that were not allowed at the time that the rural reserve was designated. There are exceptions but they are fact specific. There is one that is pertinent to this group that says you can make amendments to new uses and land divisions as long as certain goal exceptions are not required. Public parks, transportation facilities can be changed; non-conforming uses will still be allowed. You can change uses in the agricultural & forest zones if these uses were authorized by statute before the rural reserve was adopted.

Jerry Grossnickle asked where are we with the rural reserve area in the West Hills that is in litigation? Jed responded that has been back and forth with an order decision and it is at LCDC right now waiting for a decision.

- B. Sustainability and Climate Change Framework – Tim Lynch from the County Office of Sustainability said that sustainability is a big concept in the county and we are really looking at climate change and how to reduce green house gas emissions from buildings, transportation and land use decisions to prevent the worse affects of climate change. The county is anticipating hotter, dryer summers, as well as warmer, wetter winters with more precipitation which can contribute to more airborne diseases, worsen air quality, damage to infrastructure and wildfire issues. Climate change will fall hardest on people of poverty and color who have increased health risks due to the heat. The county is updating the 2009 Climate Action Plan, which has been a joint effort with the City of Portland. Tim stated that he is a resource for the committee members on the topic of sustainability and climate change. The proposed Plan can be reviewed on the Office of Sustainability's website.

Rich asked Tim about the new climate action plan and was wondering if the committee will be duplicating what's already in that plan? Tim said that the committee should look at how the decisions being made might affect the overall green house gas generation within the county. Rich asked if the comp plan update team should review the updated Climate Action Plan now under consideration for adoption to determine which action items relate to the comprehensive plan. Relevant action items could be provided to this committee for inclusion in the comprehensive plan.

Stephanie Nystrom asked if it addresses catastrophic events. Tim said his office works with emergency responders to look at the impact of climate change on emergency preparedness .

- C. Equity and Diversity Framework - Ben Duncan handed out information materials on Equity and Diversity that covered the guiding principles and considerations. These were adapted by the City of Portland. Equity and diversity are county values that are being looked at in all areas of the County's work. These pertain to how communities and government interact in partnership to develop solutions and visions that reflect your desire. Ben asked the committee to consider what is positive and/or negatively impacted by your decisions. Also, make sure you are feeling productive in work and feel that your input is valued.

III. CAC Protocols

Erin reviewed the red line version of the protocols. What has changed on page 2 from the previous draft is new language about a committee member being removed if that person misses three consecutive meetings. She went over what the process would be for replacing members. No replacement will occur if only one member steps down or even if two members step down but the two members are from different geographic

area. Only when two members from the same geographic area step down, will replacement of those members be required.

Other changes were made in response to comments from the committee at the first meeting. A protocol has been added about keeping track of issues that come up but aren't addressed in the agenda; replacing the word "mediator" with "mediation" on the third page. Erin reiterated that the recommendations from the committee, regardless if staff agrees with them or not, will be shared with the planning commission and board.

First recommendation of approving the protocols was put to a vote but Jerry had a question on the 2/3 majority vote rule under Making Recommendations. Erin reiterated that if the committee can't agree 100% (consensus) then a 2/3 majority vote is required for it to be a recommendation from the group. If 2/3 majority can't be reached then staff will record what was said and will do the best that they can to interpret and make the best recommendation to the board. The decision makers will be given all meeting summaries as a record of differing views that have expressed.

The CAC voted unanimously in favor of the protocols as revised.

IV. Subcommittees

Rich went over how the subcommittee assignments were determined. In order that no one would have to serve on more than one subcommittee, there are four members in each committee with equal representation from East Co. vs. West Co. The one exception is the transportation subcommittee with only three members since there are only fifteen CAC members able to serve on the subcommittees. Jerry Grossnickle contacted Rich saying that he would volunteer to serve on the transportation committee to represent the West Co. since that group was short one person.

The Farm, Forest and Rural Economy subcommittee will be meeting on Wednesday March 4 at 3:00-5:00 in the Mult. Bldg. Room 126. Hereafter, subcommittee meetings will be scheduled to coincide with the full CAC committee meetings. These are open meetings and everyone can attend but the goal is to let the people assigned to these committees be the ones running the discussions. Sarah was wondering how their input would be heard by the subcommittee. Matt stated that the subcommittees would bring their input back to the larger group and the large group can consider what the subcommittee is recommending. The subcommittees will form the topics. The background material that was given to the larger group will be the material that the subcommittees will get in greater detail. Everyone will have access to all the materials. The other committees will meet on a day and time that they determine. There was a draft schedule of topics in last week's meeting that outlines the theory of what staff would like to do. Some stated that it would be better to decide the meeting dates in advance so people can get them on their calendars now.

The staff will prepare subcommittees notes and disperses them to members.

V. Farm, Forest and Mineral Resources Issues

- A. Eyn explained that the poster boards in the room list issues that each CAC member will be voting on to identify which issues are of most importance. Voting occurs by placing dots next to those issues that are most important.
- B. It was pointed out that farm stands was missing from the list of items, so it was added.
- C. The list of issues was based on several things:
 - i. It was mentioned as a concern during the open houses held last Nov.
 - ii. It is a concern that the county staff would like to have addressed?
 - iii. It is a policy area where the county has some flexibility in terms of how it can implement a state requirement?
 - iv. It is a deficiency in county policy from state requirements.

Matt Hastie went over the information in the background report on farm, forest, rural economy and land use issues and what the major policy questions are surrounding these issues. The background report is in the meeting packet.

Agri-tourism –

Counties are allowed to adopt provisions for agri-tourism and other events. There are some very specific provisions that counties have some discretion on how to regulate the impact of those activities and need to allow as conditional vs. outright uses. There are requirements in the statute on structures serving these events. Where does traffic impacts and other things come in and how should these be regulated? Some of these questions can't be answered tonight but the subcommittee will address these and it will crossover to the main committee. Andrew Holz asked whether transportation impacts associated with agri-tourism belongs under transportation policies. Sarah wanted to know where she can find the state regulations addressing agri-tourism. Jerry added that the committee needs to see what discretion the law gives us, so SB 960 (legislation on agri-tourism) should be included in the packet for the CAC. Staff agreed to either include that in materials for the subcommittee meeting or will provide the link to that information.

Home Occupations –

A reoccurring theme from the open house comments was that the County should allow people to work out of their homes. State law allows home occupations as a conditional use in resource zones subject to standards. Counties can choose whether they want to allow them. The County currently has three types of home occupations that are subject to different review processes based on the intensity of the home occupation.

Farm and Forest Dwellings –

State law does not give counties much discretion on these. The state laws are very prescriptive and there is not a lot of flexibility. The County's forest dwelling provisions are currently more restrictive than the state's requirements so there is some flexibility there. Questions from committee members included: What does the state require versus what does the county require? What is a template? In response, Matt said that staff is trying to

simplify state statutes by providing “cliff note” version. For those that are interested in reading the statutes, staff can provide you with the reference.

Aaron Blake asked whether there was any thought being given to regulating marijuana grow operations. Kevin Cook replied that the county is waiting for the state to make the rules. It’s a wait and see item until the rules are written.

Accessory Dwellings –

These are units that are accessory to the primary unit. This is another topic that got a number of open house comments. The state is very prescriptive about what is allowed in rural areas so there may not be much latitude about allowing these. The committee will need to review what is allowable and determine whether the county should be more restrictive than state.

Parcel Aggregation –

This is unique to the county and there is flexibility on these issues. Paula Sauvageau had a question about disaggregation and Rich said that there is a provision for this in the East of Sandy area but there will be more details handed out later.

Permitting Processes –

This was a hot topic at open houses. Many felt the processes were difficult so this should be looked at as a policy issue.

Other Possible Land Use Policy Issues

Matt briefly identified three other issues in the background report that staff has identified that may rise to the level of a policy question.

Restrictions on the allowed service area for commercial uses in rural centers and whether or not this should be relaxed. This is also governed by statutes which is a factor.

Rural design review standards –

Do we need to have standards similar to urban areas for site improvements such as parking and landscaping?

Non-conforming issues –

Should the standards be more or less flexible? A member asked what non-conforming meant and the staff explained that it is an existing use of something that had been in place before new requirements were adopted. If the use, or the site development, no longer complies with zoning standards, it is considered to be non-conforming.

At this point staff asked the committee if there are any other issues not on the list that should be added. We want to include those things that may be on your minds as well so we can come up with a comprehensive issue list to be voted upon at the end. Additional issues that the committee identifies will be listed on the display boards under the

appropriate category to be voted on along with those already posted. If an issue doesn't fall under the topic of farm/forestry/rural economy or land use, then it will be put on the parking lot list for discussion at a later time under the applicable topic.

Jerry mentioned the impact that the pending decision on rural reserves now in litigation will have on wildlife corridors is a concern of his.

Aaron Blake brought up the impacts of farming and forestry practices on nearby residences. Things like manure spreading and bird blasting in agricultural areas and clear cutting in forest areas can have negative impacts on nearby rural residences. Maybe this should be looked at. Aaron also mentioned that forest clear cuts may have an impact on climate change.

Tim Larson wondered whether we should consider a tree protection ordinance to require a certain amount of tree coverage to be retained when land is developed. This is somewhat addressed in the West Hills with the SEC-Scenic View overlay but maybe should be applied more broadly.

Paula had a question about Douglas Fir being the only tree species that is allowed to be planted in the forest zones. Staff replied that is not the case, you can plant other species. The reference to Doug Fir is a productivity measure only, not a planting requirement. After some additional discussion, it was suggested that Paula email the staff with her other questions regarding this issue.

Sarah had a comment on climate change overlay. We should focus on rural economy in more ways than just the forestry piece. Sarah commented on the tiny house movement which is growing and she would like it to be folded into accessory building discussion. There should be restrictions on "tiny houses" and travel trailers as dwellings in the rural areas.

Will Rasmussen commented that the Transportation System Plan should apply the climate change lens when considering transportation policies about reducing vehicular travel where possible.

Chris Foster stated that we need to look at allowed uses in other rural zones, such as the MUA-20 and RR not just the EFU and CFU zones.

Aaron stated that accessory dwelling units have the potential to fill the need for affordable housing. On that point Linden Burk mentioned that equity should be considered around the question of country living. Living in the country should be accessible to lower income people, not just the wealthy.

Jerry said he would like to consider a citizens board to review land use decisions similar to what Portland does.

Results of dot votes from the committee:

Farm, Forest & Rural Econ. Issues for discussion (orange dots)

- Agri-tourism – 8
- Home occupations – 5
- Farm & forest dwellings – 5
- Farm stands and other similar – 5
- Impacts of farm & forestry operations – 4

Land Use Issues for Discussion (blue dots)

- Accessory dwelling units or second dwellings (tiny homes) – 8
- Parcel aggregation & disaggregation – 6
- Permitting processes – 4

Other Possible Land Use Issues (blue dots):

- Restrictions in rural centers (commercial & industrial)
- Rural design review standards – 1
- Non-conforming uses – 2
- Tree protection with development – 2
- Uses allowed in other zones – 1

Items put into the Parking Lot

- State requirements for agri-tourism (bring CAC more details).
- Provide info about state requirements before CAC makes a recommendation.
- Pending decision re: rural/urban reserves connection to important wildlife corridor.
- Scenic and natural area view protection.
- Douglas fir reforestation
- TSP to apply climate change lens
- Citizen review process like Portland's

VI. Public Comment

Candace Bonner – She's from Corbett and on the NW regional forest practices advisory board. She is the only small timber owner. The other representatives are large timber companies. The board is looking at updating forest practices rules. She invited people to come to their meetings. Many people have perfect sites for accessory dwellings but it would be disaster in the aggregate if everyone choice to have one and she is concerned about that.

Carol Chesarek– She asked staff to post the urban/rural reserves rule for people who want the details. She asked about digitizing the Forest Park neighborhood wildlife corridor study that Marcy Houle conducted back in the early 90's. She feels it would be

very good resource for folks to have. Also, climate change considerations should apply across all policy areas. She also urged staff to look at all public opinions that are expressed in this comp plan process, not just those of this committee. There is overarching public concern about retaining the rural character.

VII. Other Business

March CAC Meeting – After some discussion it was decided this meeting will be moved to April 1 because several staff members will not be available the last Wednesday in March because of spring break. Linden voiced her concern on constantly changing the meeting dates and the need to have the dates established well in advance so people can get them on their calendars. She asked that the committee be given a calendar of both CAC and subcommittee meeting dates through the balance of this year. The staff will provide the committee with those dates.

VIII. Adjourn

The meeting adjourned at approximately 8:35 p.m.