

MULTNOMAH COUNTY COMPREHENSIVE PLAN UPDATE
FARM/FOREST AND RURAL ECONOMY SUBCOMMITTEE MEETING
ROOM 126 MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD, PORTLAND OR
MARCH 4, 2015 3:00-5:00 PM

MEETING SUMMARY

I. Greetings, Announcements and Introductions

In attendance:

CAC

Aaron Blake
George Sowder
Paula Sauvageau

Project Team

Rick Faith
Kevin Cook
Rithy Khut
Matt Hastie

Absent

Linden Burk

Public attending meeting:

Ray Davenport, Rachel McLaughlin, Carol Chesarek, Chris Foster

The committee, staff members, and visitors introduced themselves

Rich Faith started off the meeting by stating that there are two overarching questions this subcommittee needs to answer as it begins to work on policy language recommendations:

1. Should the land use regulations that Multnomah County has or will have be set at the minimum level that state law prescribes or should they go beyond minimum levels. If they go beyond prescribed minimums, what is the justification? A related question is should existing regulations be pulled back where the County has the flexibility to do so?
2. Ideally what we would like to achieve with this comp plan update is to create a plan that establishes policies for the county as a whole, as opposed to having different policies among the separate rural areas. Should the county land use regulations apply equally to all the rural areas and if not, why should they treat one rural area differently than another?

George Sowder asked, what is the value of the rural area plans if they are going to become unnecessary? Why update something like the Sauvie island plan? Are these plans going away? Rich replied that there are now four rural area plans in place and we want to update and replace these while looking at a new county comprehensive plan. The goal is to adopt a county-wide comprehensive plan that replaces the rural area plans yet recognizes unique features in those rural plans, retains them and carries them over to the new comprehensive plan. We would end up with one plan, one document, recognizing that there may be distinct differences between the rural areas and that they will be recognized in the comprehensive plan. George didn't feel that the comprehensive plan needed to be changed. Matt said that it's important to walk through the existing plans to see what works and what doesn't, what is outdated and what isn't. Kevin said that we envision that these rural areas will have some differences and to call them out and keep what is special and unique. Chris Foster mentioned that he has been through the four rural area plans processes and can help the committee understand why certain things were added.

Another question is whether we consolidate the five CFU zones? Rich said possibly yes, but that depends to what degree there might be differences among the various rural areas and whether those differences can be captured within a single CFU zone or will multiple zones have to be written.

II. Mineral Resource Policies

- A. Background report and recommended policies – Staff has evaluated all the existing policies and determined that most no longer apply. On page 3 of the report are staff's policy and strategy recommendations derived from existing ones that are still applicable. Does the subcommittee agree with these policy recommendations?
- B. Questions from subcommittee members: In terms of balancing the need to expand a mining operation with environmental protection, how do you determine the needs exists, such as with the Angell Brothers operation? How will you the details contained in the reconciliation report be addressed?

There is a state process for this type of resource extraction. The criteria that would be used would have to go through a conditional use process in order for them to expand beyond their current boundary that has been approved. There is a conditional permit notice sent to surrounding property owners for comments before the permit is issued. The county has promised to monitor the Angell Bros mining plan but has not been doing it. How do you enforce the plans when you have minimum resources? Code Compliance can impose fines for noncompliance; however, the county's code compliance program primarily seeks voluntary compliance.

Chris Foster stated that the county has been negligent about follow up. The mining plan for Howard Canyon has changed over the years. It meets Oregon Department of Geology and Mineral Industries (DOGAMI) standards but not

necessarily the conditions of its conditional use permit. The county has no authority in how Angell Bros does business. Other agencies like DOGAMI and OSHA handle that.

The subcommittee asked staff to add a strategy about setting up a monitoring program for existing mining operations to determine compliance with their conditional use permit conditions of approval. Another requested change was to make strategy E more consistent with Policy 28 in the West Hills RAP pertaining to Angell Bros. The strategy should be specific rather than general about measures to reduce potential impacts of mining operations on surrounding uses. There should be a connection to the measures identified in the past reconciliation reports.

Staff agreed to come up with some language to capture this discussion about setting up a monitoring program to manage compliance conditions of approval, and specific reference to implementation measures in the reconciliation reports.

III. Farm Stand Policies

- A. Farm stands are allowed along with farm promotional activities up to a certain level consistent with state law. Activities beyond that level are only authorized under the agri-tourism provisions of state law. The county can regulate certain aspects of these activities and regulate the impacts of those activities. The county now allows farm stands and certain promotional activities. Should we be looking at refining the set of promotional activities that are allowed to be associated with the farm stand which would have to be consistent with state law, and should there be any additional review requirements for these activities at farm stands? Should the policy related to farm stands be different in specific areas of the county or should it be consistent across all rural areas of the county? Pages 6 & 7 of the summary report show the policies for the East of the Sandy River plan as well as the Sauvie Island/Multnomah Channel proposed plan.
- B. Discussion: What is a farm stand? You can sell agricultural products from the premises in an EFU zone and you don't need a permit to do it. This is extended to the U-Pick operations as well. Farm stand, as it's called out in the code, is a review use so it requires county review to ensure that the proposal would comply with state/county laws. Incidental items can also be sold in farm stands and some promotional activities can be held but these cannot make up more than 25% of the total sales, so it's very prescriptive and there is lots of controversy in defining terms.

To what extent should we add standards about farm stands and look at their impacts on the farm and area around the farm? Existing policies which are on page 6 & 7 will give you a sense of a couple policy approaches in the various areas. Policy 1.3 from the SIMC plan recognizes different types of farm stands and distinctions when they include promotional activities. However, if you are going to allow promotional activities then there needs to be much greater scrutiny

on that. Proposed changes to the SIMC draft plan would limit how much area the farm stand can occupy. Whatever is coming out of the Sauvie Island plan might be very desirable to consider and could serve as the model for the rest of the county.

Someone expressed concern about East of the Sandy's small farms and the viability of them compared to the larger farms, as people look toward wanting more locally sourced food. What are the farm sizes on Sauvie Island, which may be a lot different than East County? What rules will the code be addressing and how are the farms stands going to be regulated? Will it take into consideration the co-ops?

Rich stated that farm stands are allowed in the EFU zones but wasn't sure if the co-ops fit in this. Is the area taken up by the farm stand and parking considered resource land or considered part of the land that is open? How do we separate policy from code? If the Sauvie Island plan is adopted it won't become code immediately. In writing the code, it's the staff's job to see what is happening around the state and see what the best practices are and checking with people around the county. A good example of this is dark sky regulations. It's a policy that has existed for a while and we are just now writing a dark sky ordinance. Someone asked why make a decision about what's in the Sauvie Island plan when that plan isn't completed yet.

All agreed to set this policy question aside until the Sauvie's Island plan is completed. The final outcome of that plan's policy on farm stands should serve as the model for the county comprehensive plan as a whole.

IV. Agri-Tourism –

- A. For EFU lands, state law allows farm stands to conduct promotional activities in addition to retail sales of farm products. Promotional activities, or agri-tourism, are events that a farm holds as an offshoot of its farm stand to promote its farming operation in terms of the crops grown. It also provides supplemental income over and above that associated with growing a crop or raising livestock. Farm stands holding promotion events have to follow the built in restriction of the 25% rule, which is that no more than 25% of the farm stand's proceeds comes from incidental retail items or promotional activities. In 2011 state law added provisions to allow agri-tourism uses beyond the 25% limitation rule. Agri-tourism activities authorized by state law are discretionary. Counties don't have to allow them. Should the county adopt provisions for agri-tourism in our EFU zones as allowed by state law? Should it be more restrictive than what the state allows or allow up to the maximum of what state law allows? There are limited policies on this topic in the rural plans right now.
- B. Regardless of what level of agri-tourism is allowed, it has to be reviewed. If a policy to allow it is adopted, it could say something as simple as allow agri-tourism but with limitations. A committee member asked if someone on Sauvie

Island had an event like a concert with food carts selling food that might be related to the farm, would this be allowed as part of a farm stand or does this belong under agri-tourism?

Kevin Cook said that you may want to avoid getting too specific in the policy because you could be locking yourself into a one way of doing something. But if the overwhelming consensus says we don't want to see, for example, amplified music then you can say that. The code will most likely have detailed information that is specific to each area. Another person mentioned that Washington County just adopted agri-tourism provisions so that would be a good place to look as an example.

After much discussion with no real decision on specific policy language, staff wanted to know whether it is the direction of the subcommittee to support agri-tourism but with limitations; and with different considerations for the rural area? The group would like to see some draft policy options for consideration. Staff agreed to come back with several policy statements that capture the sentiment of the group. Staff will do their best to provide policy options on this topic.

V. Home Occupation Policies

- A. The State allows for home occupations and the county can choose whether to allow these uses and how to regulate the impacts. Multnomah County currently allows home occupations in some areas and has a tiered review approach. Counties can also allow certain activities to occur that have a commercial component that are not classified or defined as home occupations if they basically don't have any impact beyond what just living in the house has. Right now the county is slightly more restrictive on home occupations than what the state prescribes. The question is whether we should continue to pursue that approach which is tied to a tiered approach. What types of impacts should be regulated?
- B. Chris Foster mentioned that the fundamental concept of a home occupation that brings customers to the house is that it serves the rural community and we have a unique situation because of the proximity to the urban area. This makes it a different dynamic. So when the state adopted this regulation decades ago they were thinking that someone who lives in the rural county wants to provide a service to another rural resident or rural business rather than for people living in the cities who would be willing to drive long distances for that service. Think about situations like this when making the decisions on home occupation policy.

It was also pointed out and discussed that the home occupation regulations in the code were evaluated and updated just a few years ago. In light of that does the committee want to revisit this issue and make changes? All three subcommittee members did not see a need to change the home occupation regulations given how recently these were updated.

VI. Farm and Forest Dwelling Policies

- A. The state is very prescriptive in what it allows. There are certain conditions under which a dwelling can be placed in the commercial forest zone. These are referred to as large tract dwelling, template dwelling, or heritage dwelling. The terms speak to the underlying conditions that must be met in order for a dwelling to be allowed. In the EFU zone the notion of template dwelling and even large tract dwelling isn't there but the heritage dwelling is, and you can also have farm dwellings in conjunction with farm use itself. There are a lot of pieces that affect allowing dwellings on farm and forest lands. Should the county adjust policies to allow the maximum amount of farm and forest dwellings consistent with state law?
- B. What is a heritage dwelling? It's a dwelling permitted on a piece of property that has existed since a specific time – basically it's a grandfathered property. The property must have remained in the same ownership over time -- even if it was put into a trust ownership it would not be eligible as a heritage tract. The plan policies as now written are very restrictive about heritage tracts. When talking about dwellings, we heard at the open houses that some people would like the county to allow accessory dwellings, which is a secondary dwelling on the same parcel as an existing primary dwelling. However, under state law, accessory dwelling units are not allowed in the EFU & CFU zones.

Accessory dwelling units (ADU) will be addressed under land use.

VII. Meeting Wrap-up

- A. Recap of Policy Issues
1. Mineral resources - the subcommittee was okay with the policy and strategies that staff had drafted but would like to see additional language about monitoring for compliance with conditions of approval. They also would like language that ties in the West Hills reconciliation report and the implementation measures that came out of that.
 2. Farm stands - it was agreed that we will set this aside and wait to see what comes out of the Sauvie Island plan.
 3. Agri-tourism – the subcommittee agreed that it would like to see what comes out of Sauvie Island plan but that staff should come back with several alternative policies that are appropriate to the rural areas.
 4. Home occupations – no change from current policy is recommended because this issue was revisited and decided in 2013.
 5. Farm and forest dwellings – Nothing has been decided yet. We will continue discussion of this topic at the next meeting.

Next subcommittee meeting will be 3-5pm April 1 in this same room, if it's available.

VIII. Adjourn

The meeting adjourned at approximately 5:05 pm.