

COMMUNITY ADVISORY COMMITTEE MEETING
ROOM 126 MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. PORTLAND, OR
April 1, 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
Sara Grigsby
Stephanie Nystrom
Tim Larson
Chris Foster
John Ingle
Karen Nashiwa

Absent
Ray Davenport
Will Rasmussen

Project Team

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

There were two community citizens that attended, as well as Kim Peoples, Multnomah County Department of Community Services Director and Karen Schilling, Land Use and Transportation Planning Director.

Committee members, staff and visitors introduced themselves.

Eryn Kehe mentioned that a complete copy of the protocols that were approved at the last meeting are provided in the packets.

There have been several subcommittee meetings since the last CAC meeting and tonight we'll get a report about the structure of those committees and the topics they have discussed.

Eryn brought in new tools, STOP, GO, and YEILD signs for voting. Go (green) is a yes vote; Yield (yellow) means I probably could support but have a concerns or questions;

Stop (red) is I don't like it. These will be brought to each meeting to use during the discussions.

Eryn let the committee know that tonight we will be going over the subcommittee schedule and reports on the meetings held so far. Also, there are evaluation forms to fill out and hand in at the end of the meeting to let us know how we can improve these meetings and make them better in the future.

Rich Faith brought up the meeting summaries and whether or not there should be discussions and approval of those. We aren't getting detailed in the summaries but just keeping to the essence of the meetings. A committee member suggested that if any committee member had a concern with what was in the summary that person should email staff and if staff hears from several members about the same subject then a correction should be made and forwarded on to the members. Another person stated that meeting summaries should not attribute comments to an individual.

There was discussion about bringing policy language to the CAC meeting for its review and approval without advanced notice. Several people pointed out that this is not what was agreed upon when the protocols were debated. The protocols say that staff will circulate materials the CAC needs for making a recommendation a full week in advance of the meeting. Policy matters discussed earlier today by the subcommittees should not be put in front of the CAC tonight for action. The CAC should be given advanced opportunity to review what the subcommittee is recommending before acting on it. Everyone agreed that this is what the protocol says and that the one week advanced notice rule should be followed.

II. CAC and Subcommittee Updated Meeting Schedule

Rich mentioned that the master calendar was produced for the balance of the year and is in the packet and that both CAC and subcommittee meetings are shown. In preparing the calendar staff tried to meet committee members' preference to hold subcommittee meetings on the same day as the CAC meeting. This results in several dates when there are multiple subcommittee meetings scheduled. For convenience to the subcommittee members, those meetings are shown at the same time slot of 3:00-5:00 in the afternoon of the CAC meeting. Some members have expressed concern about holding concurrent subcommittee meetings because it prevents someone from attending a meeting that they might want to sit in on because of the overlapping meetings. Jerry Grossnickle pointed out that it is particularly problematic for him because he sits on two subcommittees and we have shown meeting times when both of those subcommittees meet. Rich opened the floor for decision on it. Matt offered 3 options: to do what we are currently doing, have the subcommittee meetings be on the same day but one is earlier than the other, and finally having the subcommittee meetings on different days.

A committee member voiced his concern about the current schedule and liked having the meetings on different days. Another member said that it would be a conflict for him with other things he has going on. Another member felt that with the number of meetings now scheduled the subcommittees don't really have enough time to get things done;

more subcommittee meetings may be needed. The majority of the CAC voted to go with a revised schedule to avoid overlaps. The staff will look at everyone's original day availabilities and will come back with a new schedule so that overlapping meetings are eliminated. Staff will review everyone's initial paperwork with the dates they provided and will adjust the meetings accordingly to best suit everyone's meeting preferences.

III. Farm and Forest Policy Issues

A. Mineral Resources

Rich pointed out that policy language on mineral resources was provided in a background report that was included in the CAC's February 25 meeting packet. The farm, forest and rural economy subcommittee discussed these at their first meeting and generally liked them, but wanted some additional language on compliance issues and how the county should go about monitoring operations. In discussing that language at its meeting earlier today, they would like the language further modified to say the county will take the lead by reaching out and coordinating with other agencies that may have some enforcement authority over these operations. Rich read some rough language that he came up with to that effect. At today's meeting the subcommittee also asked for further changes to require the county to do a biennial review of what information the other agencies have or can provide the county about permit violations during that two year period. The biennial review would give the county a complete picture of whether or not the operation has been conducted in compliance with its permits and conditions of approval. Rich offered some language about that as part of strategy F and perhaps a new strategy G.

Rich said he would be open to the committee to vote on this policy language tonight. A member brought up that according to the protocols we cannot do that. That led to discussion about bringing policy language to the CAC meeting for its review and approval without advanced notice. Several people pointed out that this is not what was agreed upon when the protocols were debated. The protocols say that staff will circulate materials the CAC needs for making a recommendation a full week in advance of the meeting. Policy matters discussed earlier today by the subcommittees should not be put in front of the CAC tonight for action. The CAC should be given advanced opportunity to review what the subcommittee is recommending before acting on it. Everyone agreed that this is what the protocol says and that the one week advanced notice rule should be followed.

Back to discussion about compliance coordination with other agencies and enforcement of standards, Kevin Cook said that if the county has a more stringent rule than DEQ then yes we can enforce it; however, we may not have ability to do anything but communicate with the other agencies. We can monitor only our own conditions and not base a decision on other agency rules. We can make some of this a general condition but how it's enforced is more of a matter of who's responsible for enforcing that particular requirement. The staff will have to investigate and get back to the committee on this.

Strategy E should be changed to say "including implementing" in place of "with particular attention given to implementation".

Concerning strategy D, the question was asked what does “adjacent uses” mean? Rich said it means adjacent properties. Kevin mentioned that the original meaning of “adjacent” in land uses is “the property next door”. After more discussion the decision was made to replace “adjacent uses” with “uses within the overlay zone”.

Strategy G is new language about new or renewed mining permits that came out of today’s subcommittee meeting. The subcommittee wanted some way is require these operations to go through a review process and what they came up with is that the “new or renewed mining operations shall be reviewed every 2 years during the life of the operation”. It forces them to go through an evaluation.

The reason for G to be added was because these resources are protected and that the only mechanism that now drives any protection is the complaints system. You could make the conditional use permit a more rigorously applied system which would require regular maintenance. The permits that have been pulled are what drive the regulations and operation conditions. The permits that have been pulled is what allow these various regulatory agencies to affect the mining operations. If the county makes conditional use permits more rigorous and monitoring more regular, it would be one way of making the complaint system better.

Staff will work on the refining the language for F and G and bring it back to the CAC to vote on. Eryn requested that committee members email language issues in advance so staff can come prepared with changes at the next meeting.

B. Farm Stands

Rich reported that farm stands have gotten a lot of attention during the Sauvie’s Island/Multnomah Channel rural area plan update process. The subcommittee decided it wants to wait and see what policy comes out of that plan and to use that policy as a starting point. There are no recommended policies on farm stands at this time.

C. Agri-Tourism

Agri-tourism had a number of different viewpoints from the subcommittee; some felt they wanted to wait and see what comes out of Sauvie Island plan which now proposes not to adopt agri-tourism provisions, while others wanted to draft something that provides a range of options dealing with agri-tourism. Rich picked up on that and prepared different options that could serve as a range from not adopting them to allowing agri-tourism activities subject to standards that address potential impacts. The specific language is on page 3 under policy options for farm forest and mineral resources in this meeting packet.

Where the subcommittee ended is that they are equally divided. Two members preferred options B1, not adopting agri-tourism, while two members liked both B2 and B3. The first (B2) is to adopt agri-tourism with a tiered review process depending on the size of the activity because state law allows you 1-18 agri-tourism events annually; B3 talks about adopting these but with some specific things that need to be addressed in the permitting process. The split was between B1 and a combination of B2 & B3. The

subcommittee decided to send this policy issue onto the CAC without a recommendation.

A CAC member stated that agri-tourism is a problem on Sauvie Island and they aren't adhering to the 25% rule. Another stated she falls in the B1 camp but that with the bullet points listed in B3 could be applied to farm stands that have promotional events. Kevin said that in most cases we don't have the ability to distinguish among different areas of the county, but because agri-tourism provisions are optional under state law the county can say you can do it to this extent in this area but not at all in this other area. The standards are optional provisions.

Matt Hastie reiterated that right now the county has five policy documents related to land use. It has the county frame work plan and the four rural area plans. What we are trying to do is combine all into one plan. However, there may be some areas, topics or activities where we might have different policies for different rural areas. This is where state laws allow variations.

A CAC member expressed his choice in combining B1 & B3. Another felt that it's important to point out that they are talking about agri-tourism and not farm stands as it pertains to this policy. He doesn't not want to limit people's abilities in Corbett to have an economic event such as agri-tourism as long as there is oversight and a way for the county to impose restrictions. Furthermore, if you don't allow for it in the code, people will do it regardless in violation of code. He feels a combination of B2 or B3 for Corbett would be better. Someone else didn't want to set policy on lack of compliance. He feels that maybe we should look at the complaint history to give someone a conditional use.

Rich pointed out that statutes on agri-tourism are in the farm/forest subcommittee's second meeting packet which was sent to everybody. Staff will prepare different policy language for the west and east county areas that reflects what has been discussed here.

D. Home Occupations

Home occupation regulations were extensively revisited in 2012/2013 by the county and as a result major amendments to the home occupation section were adopted in 2013. Since its only been a couple years ago the subcommittee felt that there doesn't need to be a lot of time spent on this topic and they have no recommendations on any new policies for home occupations. Rich clarified that home occupations means that you are allowed to operate a business out of your home.

E. Farm and Forest Dwellings

The subcommittee spent most of the meeting discussing farm and forest dwellings options. Rich referred the committee to page 3 of the Policy Options document in the meeting packet to see the range of language that talks about allowed dwellings. The basic question to be asked is whether the county should adopt policies that meet the minimum requirements of state law or should the county exceed state minimums? The three policy choices -- A1, A2 and A3 -- gives a range of options on EFU lands. A3 is where the subcommittee landed which is to hold the line and not open up EFU lands to

more parcelization and more dwellings than what we currently allow through our lot of record and aggregation requirements. The subcommittee liked aspects of each of the rural area plan policies shown under option A3 and would like to see a policy that captures the best of these choices.

The CAC agreed with the subcommittee's position and would like to look at all the policies of A3 and for staff to come back with something that encapsulates all of what's there. They are basically considering a new variation of A3.

IV. Land Use Policy Issues

Matt Hastie reported on the policy issues discussed at the land use subcommittee meeting held earlier. These issues are contained in the summary report included in the CAC meeting packet.

A. Accessory Dwelling Units

The county has very little flexibility with regards to accessory dwelling units in almost all of the rural areas. The only exception is the Springdale rural center zone where there is flexibility. Springdale is the only place where it is possible to allow accessory dwellings to be built. The subcommittee didn't say yes or no and there were concerns on the impact of septic fields. Stephanie Nystrom suggested that the subcommittee get feedback from the people in that area on this topic before a decision is made. A committee member asked if a map showing the boundary of Springdale could be provided to see how many houses there are in this area, which isn't very big. Staff said they could provide a map.

B. Parcel aggregation

Currently when someone comes in for a development permit and they own a contiguous parcels that total 19 acres or less in area, they are required to aggregate those into one lot of record. That will affect how many dwellings they can have on that particular property. This is a unique requirement to Multnomah County. This is required in the current comp plan and development code. Should we retain these requirements?

The subcommittee said they want to retain the current aggregation requirements and improve them by requiring these things to be recorded so it doesn't become a problem in the future. The CFU-5 zone in the West Hills is the only resource zone that does not require aggregation. The CFU-5 zoned area was originally going to be RR. The county asked for an exception to Goal 4 in order to zone it RR, but the state denied the exception, so the county decided that a good compromise with resource zoning was not to require aggregation of parcels.

C. Use Restrictions in Rural Areas

In rural centers there are restrictions on sizes of industrial and commercial uses. Also, they are required to primarily serve the local rural area. This is controlled by requiring that 51% of the businesses customers need to be from the local area. Should the county

relax or maintain this requirement on business coming from the local area? Should the county look at changing the size restrictions?

The subcommittee agreed that the county should look at changing the requirement restricting business primarily coming from the local area. Businesses should be able to serve the larger surrounding area to make it more viable. The subcommittee did not recommend bumping up the size limitations for new commercial or industrial uses but they feel that they must look at that for existing buildings because there are some vacant buildings in these areas that are larger than what's currently allowed. If you don't adjust for them now then you won't get the opportunity to do it in the future. The subcommittee feels that the policy should be updated to allow for exceptions for industrial use of existing buildings that are larger than the maximum 15,000 sf. There was discussion about architectural design standards that are needed. One member commented that we also need some policy language on parking. Another stated that vacant buildings are a problem in Corbett. The subcommittee will come up language for policies to address these points.

D. Tree protection

The county already has existing environmental overlay requirements that restrict tree cutting for protection of riparian areas and wildlife habitat. The harvesting of timber is allowed and essentially encouraged in the commercial forest use zone. The area where there are not any tree protection provisions are in rural residential areas without environmental overlays. The subcommittee felt there should be some policies for protection of trees in these areas. It was pointed out that ODFW requires reforestation after timber harvesting in the commercial forest zone, but does not care about reforestation on rural residential properties. It makes sense to require replacement of harvested timber, but not to prohibit logging of forested properties.

E. Permit Process

Many people have complained that the permitting process is overly complex and onerous. There was not very much discussion about this issue at the subcommittee meeting. However, the subcommittee would like to put in general policy language that says that the county should endeavor to make sure that their permitting requirements are not overly complex and that it will periodically look at them to see if they can be streamlined while still conforming to state law.

One CAC member wondered if it was possible to make it easier or quicker to get a land use permit if no one objects to the proposed development after notice is sent out. Another pointed out how expensive it is now to simply provide all the required plans and studies for a preliminary development proposal. Maybe there could be a policy about reducing costs associated with preliminary project submittal. Something about minimizes the cost.

F. Identify next steps to address remaining policy issues

Matt stated that he thought the subcommittee has provided good direction on these topics and he plans to draft some policy language to bring back to them for their next meeting. The subcommittee will also look at policies that already exist and that would be good to keep.

V. Public Comment

Carol Chesarek – She complimented everyone on their work. She asked staff if they have any estimate on how many meetings will run into 2016 and when they will have the new schedule for the subcommittee meetings? Rich stated that currently there is only one CAC meeting scheduled for 2016 and Eryn replied that the new subcommittee meeting schedule will be provided in the next CAC meeting packet. Carol voiced her concern that the subcommittees do not bring things into the CAC meetings without giving the CAC advance opportunity to review it.

VI. Other Business

Eryn reminded everyone that the next land use subcommittee and CAC meetings will be on April 22.

Parking lot Items – Where does waste disposal go in the plan? Will the committee discuss policy for non conforming uses?

VII. Adjourn

The meeting adjourned at approximately 8:30 pm.