

COMMUNITY ADVISORY COMMITTEE MEETING
ROOM 126 MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. PORTLAND, OR
April 22, 2015 6:00 PM

MEETING SUMMARY

I. Welcome, Introductions and Announcements

In attendance:

CAC

Aaron Blake
Catherine Dishion
George Sowder
Jerry Grossnickle
Kathy Taggart
Linden Burk
Paula Sauvageau
Sara Grigsby
Stephanie Nystrom
Tim Larson
Chris Foster

Project Team

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

Absent

Ray Davenport
Sara Grigsby
Karen Nashiwa
Andrew Holtz
John Ingle

There were two community citizens that attended, as well as Kim Peoples and Karen Schilling of the County Department of Community Services.

Eryn Kehe welcomed everyone and asked them to introduce themselves.

Rich Faith announced that Ray Davenport has resigned due to health issues.

He reminded the committee that under the approved protocols we are not required to fill vacant positions until there are two vacancies from the same area of the county, which would create an imbalance.

Eryn pointed out that there were a couple of helpful things that started to organically take place. One, when you want to speak, place your name plate up on its side; and the other is if someone makes a comment that you agree with hold up the green “go” sign or the other tools to indicate your position.

Eryn asked Rich if he had received any feedback from members about the summary of the April 1 meeting. Rich replied that he received no comments from the CAC members about the summary. Everyone expressed acceptance of the meeting summary by their silence or by holding up their green sign.

II. Revised Subcommittee Meeting Schedule

Rich reviewed the revised subcommittee meeting schedule which has eliminated any overlapping meetings. There is another date change for the Land Use subcommittee from what is shown. One member is unable to make afternoon meetings so the subcommittee discussed ways to juggle the schedule to accommodate her. Because evening meetings won't work for everyone, a compromise was reached to hold one of the remaining two meetings in the afternoon and the other in the evening. The result is to reschedule the May 20th meeting to May 13th from 3-5pm and the June 24th meeting to June 17 from 6-8pm. The CAC agreed the overall revised meeting schedule will work.

III. Report on Land Use Subcommittee Meeting

Matt Hastie referred to the Land Use Policy Recommendation memo included in today's subcommittee meeting packet, page 5. The memo is not part of the CAC meeting packet, but was emailed out to everyone.

A. Accessory Dwelling Units

Three East County CAC members held a community meeting in Springdale on April 15 to get feedback on whether accessory dwelling units should be allowed. Eighteen community members along with three county staff members attended. The consensus of the folks who attended the meeting was that there is no support amongst them to allow accessory dwelling units in that rural center. That essentially is the recommendation of the land use subcommittee. A policy or some language in the plan will have to be drafted that says that's the policy and for what reasons. There was a question about whether health hardship dwellings and seasonal help residences will still be permitted. Kevin Cook briefly went over the rules about those and stated that a "no go" policy on ADUs would not affect these other type of dwellings. The temperature check of the CAC members on this issue was that it's a go except one member who had a concern about home density.

B. Parcel Aggregation

The subcommittee talked about parcel aggregation which is the county's current policy in farm and forest zones that requires a property owner who comes in for a development permit/ proposal, to aggregate contiguous parcels under 19 acres in size under common ownership to a single lot of record. There was a question if that was a good idea and can the county relax that? The subcommittee felt it was a good idea to keep the rule in place and in fact strengthen it by requiring that the aggregated parcels be consolidated into a single parcel as a condition of approval for permits. In addition, they would require that the aggregation be recorded on property deeds or some other mechanism so that

people know that's happened and also want planning staff to work with the real estate community to help inform them of aggregated property. They drafted policy language that says that. The new policy maintains the county parcel aggregation requirements, to reduce parcelization, maintain larger lot sizes in farm and forest zones and helps minimize impacts of non-farm and forest uses on surrounding farm and forest production. The county should require aggregated parcels be consolidated into signal parcel as a condition of approval for land use and development permit in order to minimize confusion over the development potential of a property. There are two proposed strategies to implement the policy.

The subcommittee liked this language and proposed to move forward with it.

There were a few questions from the CAC.

1. Would any land use or development proposal for a permit trigger the aggregation requirement? Rich said it would be with any housing development that would trigger this. Kevin replied that it would be sorted out when the code is written but stated that the idea is that most actions would require some type of review which would trigger that requirement; however, there might be some exception like minor grading or something similar. The intent is to continue the aggregation rules and to document it.
2. There was a question if there was a way to stop the sale of property at the title company level and does the county have a way of informing title companies about this? Kevin said that there is no mechanism at the county level at this time.

C. Rural Centers

Matt talked about the rural centers and their policies. There are some existing code requirements that require commercial and industrial uses in rural centers to primarily serve the residents in that rural community. That requirement, in combination with building size limitations, can create an obstacle for reuse of existing buildings in those areas if they become vacant or someone wants to come in with a different use and they can't meet the criteria that 51% of the customer base will be from the rural center. Another obstacle is if they can only use a portion of the building because of the size limitation. The subcommittee recommendation is to revise the existing policy to allow exceptions to the size limitation, to the extent allowed by state law, for existing lawfully established buildings. The subcommittee also recommends revised policy language to establish rural design standards that are different from urban standards.

A member wanted confirmation that Orient rural center is the only one that requires the 51% local customer rule. This member supports the change. Kevin said that is correct but also applies to the Pleasant Home rural center.

D. Land Use Permitting Processes

The subcommittee came up with pretty general language; one policy, one strategy. Ensure that the counties development permitting procedures and requirements are consistent with state planning requirements while also being fair and equitable to county residence and minimizing the time and expense required to obtain needed permits. The new strategy proposed is to periodically review and refine permitting requirements as needed to simplify requirements and reduce related time and expense for applicants while continuing to ensure consistency with state and county mandates. The subcommittee generally said yes that it's worthwhile to include that kind of language with a couple of additional language about consulting with affected people and businesses as part of the review and refinement and using recurring complaints as a basis for improving permitting processes.

A CAC member asked: Can the county implement a digital permitting process online as it would make the process go faster? Kevin's replied that was a possibility and those are things that can be on the table; however, it would be an implementation measure and not a policy decision.

E. Tree Protection

In large part, particularly in forest zones, the Forest Practices Act addresses tree harvesting and clearing for other uses, but there are other situations where it would be a good idea to strengthen the County's requirements to protect trees, particularly trees that are removed as part of a development process or in areas that are subject to environmental overlays zones. The subcommittee identified a couple of policies and strategies. One policy calls for tree protection within rural residential and rural center zones to ensure protection of trees to the greatest extent possible as part of the development approval process, or through replanting. The second policy applies to the significant environmental concern overlay zones to protect the forest canopy from non-forest harvest clearings, require reforestation of cleared non-agricultural areas and minimize the amount of landscaping and yard area associated with a dwelling.

An associated strategy is to monitor implementation of approved developments to ensure tree protection or replanting requirements are met within a specified time period and that tree removal does not exceed levels approved as part of the development permit.

Another related policy issues that came up at the today's subcommittee meeting that will be addressed at their next meeting is expanding the significant environmental overlay zone for view protection. The issue here is that the backside (west slope) of the West Hills ridge should get the same level of view protection as the east slope now receives. That would be another possible way to get at this issue of overcutting trees for new dwellings or other types of development.

The committee had a question about people getting by with not replanting in the overlay zones by clearing it all off and planting a few grapes. Is there anything we can do about

that? Matt said that the general answer is probably not at the county level, that conversion from forest to a farm use in those zones is allowed by state law. Another committee member asked how does the SEC-v overlay affect commercial forest operations in CFU or EFU zones within a scenic environment? Kevin said it's considered outright permitted through the forestry act.

A suggestion was made to bring in someone from the Dept of Forestry to talk with the committee about what the Forest Practices Act requires and what authority the County has in regulating timber cutting.

F. Tracking Changes to Policies

Matt talked about changes in the documents and the format staff is using to track the changes. A committee member said he would like to see the changes being made through strikeouts, underlines and so forth word for word in the documents. Another member said he also wants to see what changes are being made but hopefully that can be done without paper overload. The staff agreed that they follow that format to show how a policy or strategy is being changed.

IV. Mineral Resource Policy

Eryn asked the committee to look at page 11 in their packet to review the final proposed policy on mineral resources. Rich commented that the underlines and strikeouts show the changes from what they saw at the April 1 meeting. The additional language is all in response to the comments given at that meeting. Rich asked if the committee was satisfied with the policy and strategies on mineral resources as presented to them this evening. He asked for an action on this policy and the committee voted unanimously in support.

V. Agri-tourism Policy

Rich referred to page 20 in the meeting packet to review the policy options. The original policy option language is B1, B2, B3, which was presented to the farm, forest & rural economy subcommittee at their April 1st meeting. The subcommittee was divided on these options and had no recommendation. The CAC discussed the policy options and based upon their comments Rich there are now recommended policies:

- A. Do not adopt the agri-tourism provisions of ORS Chapter 215 for the Sauvie Island/ Multnomah Channel and West Hills rural areas. In these areas, restrict agricultural promotional events, activities and related uses in the EFU zone to only what is allowed in conjunction with farm stands and wineries.
- B. Adopt agri-tourism provisions within the EFU zone in the East of Sandy River and West of Sandy River rural areas consistent with ORS Chapter 215 subject to approval standards addressing issues including but not limited to the following: number and duration of events, attendance levels and hours of operation, parking and traffic management, noise, signage, sanitation and solid waste related matters, security, and inspection of events.

- C. Agri-tourism activities and events should be subject to a tiered review process depending upon the number and/or size of activities and events held.

There were a number of comments and questions from committee members, many of them having to do with traffic safety issues associated with large gatherings of people. There was also some question about whether agri-tourism should also be prohibited in the East County because it also has many of the same problems as Sauvies Island and West Hills – narrow roads, lack of road shoulders, lots of bicyclers, etc. Some East County committee members expressed a preference for the policy not to adopt agri-tourism provisions just as what is proposed for Sauvies Island and the West Hills. Another East County member cautioned that if you deny farmers agri-tourism opportunities you will force them to take second jobs in the city in order to make ends meet.

A committee member stated that it would help in deciding which policy to go with if we could see code language on agri-tourism. Another asked if we can be more stringent about what is allowed under agri-tourism than what is allowed as part of a farm stand. Kevin Cook suggested that even though policies should not get down to the level of detail as code language, perhaps there could be a position paper that expresses the committee's preferences for what should be included in the code on agri-tourism. The position paper would not be part of the policy but would be included with information related to the policy.

Because it was getting late and it did not appear that a decision could yet be reached, it was decided that this subject will need to be continued to the next CAC meeting.

VI. Public Comment

A member of the public asked if the first policy on agri-tourism was as restrictive as we can be. Another suggestion was to reverse the order of the two sentences in this policy. Also, when talking about what is incidental to existing farm use, does that mean relative specifically to that site or to area around that site, and what if it's a new farm use or someone has done a forest conversion, what then is the existing farm use that you would judge this relative to. She also would like the staff to let the committee know what the County can limit with regards to agri-tourism, farm stands, mass gatherings etc. She also said it would be nice to have a zoning map provided that shows where the EFU zones in relation to rural centers. Matt reminded her that it was provided earlier in the Baseline Report and the zoning map can be found on the County's website. She also liked the idea of inviting someone from the Oregon Department of Forestry but rather than take up a lot of time at a CAC meeting that person could come in the afternoon of the June 24th CAC meeting date since there is no subcommittee meeting scheduled for that day. An hour or so could be spent to have a more in-depth discussion about forest practices for those who are interested and then this could be followed up that evening with a short discussion at the CAC meeting.

VII. Other Business

Parking Lot Item – Definition of winery – do they need to produce those amounts from grapes they grow? Can it be wine made from something other than grapes, such as raspberries? Must they be registered/approved winery?

VII. Adjourn

The meeting adjourned at approximately 8:30 pm.