

COMMUNITY ADVISORY COMMITTEE MEETING
ROOM 126 MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. PORTLAND, OR
MAY 27, 2015 6:00 PM

MEETING SUMMARY

I. Welcome, Introductions and Announcements

In attendance:

CAC members

Aaron Blake
Andrew Holtz
Catherine Dishion
George Sowder
Jerry Grossnickle
Kathy Taggart
Karen Nashiwa
Linden Burk
Marcy Houle
Martha Berndt
Paula Sauvageau
Sara Grigsby
Stephanie Nystrom
Will Rasmussen
Chris Foster

Project Team

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

Absent

Tim Larson
Chris Foster

There were 2 community citizens in attendance.

II. Oregon Department of Forestry Presentation on Forest Practices Act

Thomas Whittington
Stewardship Forester Molalla Unit – N. Cascade Unit
14995 S. Hwy 211
Molalla, OR 97038
503.829.2216 Ext. 244 office
503.201.5139 cell
Thomas.Whittington@oregon.gov

A committee member ask Thomas if the Forest Practices Act (FPA) pre-empts land use laws in rural areas as it relates to commercial tree harvesting. Thomas said that for parts of the county outside the urban growth boundary it would be difficult adopting regulations about tree cutting and harvesting because of the rules of the FPA apply. Certain areas such as the Gorge scenic area have some other rules which have different overlays which are stricter when it comes to tree cutting activities. The regulations are complaint driven.

Does the state have a policy on 1-5 acre lots? Thomas says that those are tricky because of the land use trend is not really about being in forest. We don't enforce the Act on properties that are rural residential in character. The priority is large commercial forest tracts. Reforesting needs to be done within 24 months unless there is a land use change after the trees are harvested. In four years the trees must be "free to grow" which means they are above the brush. The replanting spacing requirement is 200 trees per acre. Replanting does not have to be any particular species of tree. Only that it be a commercial species, which is a broad list. If a house is built on a commercial forest lot, only the part encompassing the house is considered a change of use; the remainder of the property is still considered forest land. Setbacks for harvesting along streams vary depending on the size of the stream. Outside the urban growth boundary, the County cannot require wider stream buffers for commercial forest cutting than what the FPA requires. Fines for violating the FPA vary. They are based on a formula. Complaints about tree cutting that violates the FPA become public record. The rules of the FPA apply to any commercial forest area unless there is a land use change that takes it out of forest use.

The contact forester for western Multnomah County is:
Nathan Agalzoff (out of the Forest Grove office)
801 Gales Creek Rd.
Forest Grove, OR 97116
Nathan.V.agalzoff@oregon.gov

III. Land Use Policies

Matt Hastie reviewed what the land use subcommittee has recommended on various policy topics and why; he suggested that the CAC vote on each one. He explained that bold text is where a new policy was made, bold text with an underline is where a revision to an existing policy was made, and italicized text is a revision made on top of the previous iterations of that policy.

A. Accessory Dwelling Units

The subcommittee recommends there not be a policy allowing ADUs and the CAC voted unanimously in agreement.

B. Aggregation

After discussion of some minor text changes, the CAC voted unanimously in favor of the policy language with these revisions:

Additional Policy Changes by CAC

Strike “The County should” in the second sentence of this policy so that the sentence starts with “Require aggregated parcels be consolidated ...”.

Additional Strategy Changes by CAC

Revise the second strategy to say “Work with realtors and title companies to inform....”

C. Rural Centers

The CAC unanimously approved the policy but with one change.

Additional Policy Change by CAC

Add the words “...serve the rural community and surrounding area” to end of the last sentence of the first policy to better complete the sentence.

D. Permitting Processes

There was considerable discussion about changes to the policy. A member wanted to add staff to the “reoccurring issues...” and another member mentioned that his neighbors say county staff go overboard with checking on violations and he wants to know if they would be more relaxed. Another member asked about a formal review of complaints in the process. Staff’s response was that there will be an overarching code compliance policy coming forward and the CAC will have an opportunity to discuss the language of that policy. Much of the discussion about this policy focused on where the words “as needed” should be placed in the strategy statement. After much debate and several votes the CAC finally approved the policy but with changes to the strategy as listed below.

Additional Policy Changes by CAC

None

Additional Strategy Changes

The wording was changed to “Periodically review and refine permitting requirements, as needed, in consultation with affected community members and staff to simplify requirements....”

E. Tree Protection

One member was concerned about property owners who cut down trees and replant a few grapes as justification for it, but they are not really operating a farm. Another member was concerned about a neighbor being able to cut down trees and not replanting because the policy is too flexible. There was some discussion about these policies, but in the end the CAC voted unanimously to approve the recommendations of the land use subcommittee without change.

IV. Agri-Tourism Policy

Rich Faith presented the background on this policy topic and stated that the recommended policies reflect the CAC's direction from the last meeting. He pointed out just for clarification that by statute mass gatherings is an allowed use in EFU zones and these are allowed for a number of things; they don't necessarily have to be agriculturally related. Sauvie Island plan is not adopting agri-tourism and this is reflected in recommended policy 1. Policy 2 speaks to the east side where agri-tourism would be allowed. Policy 3 speaks to the process and the statutes. Based on comments from the last CAC meeting, project staff have provided information on what other counties have done with regards to agri-tourism and what Multnomah County's code might look like.

In response to a question about needing a policy on farm stands, Rich informed the CAC that there will be a policy on farm stands coming from the Farm & Forest subcommittee which is based on, and very similar to, what is being proposed in the Sauvie Island plan.

The comment was made that wineries present a problem because it's such a low threshold in order to qualify as a winery.

CAC members from the East County area reported that a meeting was held in Corbett on May 21 to gather feedback about allowing agri-tourism events. The policies being proposed on agri-tourism are consistent with the sentiments of the Corbett area community.

There were several suggestions for modifying the agri-tourism policies as now proposed.

- In the first sentence of policy 2, change "consistent with ORS chapter 215" to say: "more restrictive than ORS chapter 215".
- Add "individually and collectively" to the end of the first bullet in policy 2.
- Include bullets for additional issues such as Permit review and renewal process, compliance history, and notification process.
- Include a strategy statement that the County will confer with the CAC members in writing the code.

The CAC decided not to vote on approving the policy yet and asked staff to bring back the revised agri-tourism policy to the next meeting for a final vote.

V. Transportation and Public Facilities Issue Identification

Matt announced that even though there was not enough time left in the meeting to discuss the transportation and public facility issues that have been identified and that the committee needs to prioritize, we are going ahead with the dot voting exercise. This will be the same type of voting exercise that was done on farm, forest, rural economy and land use policy topics at the second CAC meeting. Matt also reported that none of the CAC members had commented back to staff with other topics to add to the list, so only those topics summarized in the background report will be voted on. Eryn explained the voting procedure. Each CAC member was given two blue dots for voting on

transportation related issues and one red dot for voting on public facility related issues. The result of the voting exercise was as follows.

Transportation

Address traffic/safety issues without building/widening roads – 13
Bicycle Infrastructure - 6
Better road maintenance – 5
Improve traffic flow on west side roads - 4

Public Facilities

Sewage disposal for rural developments - 8
Rest stop/park in Springdale or Corbett - 4

VI. Public Comment

Someone asked if there are any other public facilities topics that will be talked about. Rich said that there are a number of existing policies that talk about police and fire protection, schools and other types of public facilities and services. These will be covered under the umbrella of existing public facility policies with basic revisions as necessary to update them.

VII. Meeting Wrap up

There were several parking lot items that came up over the course of the meeting.

- Residential uses in Rural Center zones -- Are these taking over properties that could be better used for commercial and industrial type uses?
- Code Compliance – Should there be a policy that address's reoccurring compliance issues?
- Farm Stand – Regulations similar to agri-tourism for promotional activities conducted as part of a farm stand.
- Wineries -- Should there be a policy on wineries? What flexibility does the County have in regulating them?
- MUA-20 Zone -- Need to look at the uses and other provisions of this zone. Rich point out that policies pertaining to the MUA-20 zone will be included with existing policies on farmlands and rural economy.

VIII. Adjourn

The meeting adjourned at approximately 8:40 pm.

Multnomah County Comprehensive Plan Update
Community Advisory Committee
Community Meeting 5-21-15

Meeting was held at the Columbia Grange, Corbett. Meeting was called to order by Catherine Dishion at 6:40 p.m.

Committee Members present: Linden Burke Aaron Blake, Catherine Dishion

Members of the Multnomah County Planning Staff present: Rich Faith, Rithy Khut, ~~Don Kienholz~~ Kevin Cook

Members of the Community present: Karen Croston, R. Dennis Wiancko, Ryan Alderaen, Jennifer O-Donnell, Maureen Michelson, Phil Pizanelli, John Christensen, Janette Kaden, Kathy Freund. There were 11 attendees present but not all signed in.

The County Personnel, Committee Members and the community members introduced themselves.

The County personnel, Linden Burke, Aaron Blake and Catherine Dishion discussed the States mandate on Farm Stands, Mass Gatherings, and Agri-Tourism.

Farm Stands: (already on the County Books)

- direct sales and direct marketing of farm crops
- farm stands are structures designed and used **for the sale of farm crops or livestock grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand.**
- Specifically does not include temporary or permanent structures-
 - designed for occupancy as a residence or for activity other than the sale of farm crops or livestock
 - for banquets, public gatherings and public entertainment
- types of allowable uses (may be subject to County review)
 - u-pick
 - u-cut Christmas tree sales
 - community Supported Agriculture
 - limited to crops grown/harvested on site
 - small scale- gatherings (birthdays, picnics)
 - corn mazes
 - school tours
 - pumpkin patch rides
 - hayrides
 - farm animal exhibits

- farm product food contests and food preparation demonstrations
 - farm to fork dinners (outdoors)
- Annual sales of incidental items and fees from promotional activities limited to 25% of total annual farm stand retail sales.

Outdoor Mass Gatherings:

State statute defines Outdoor Mass Gatherings to mean an anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period.

- Mass Gatherings are subject to review by the Planning Commission
- Demonstrate compatibility with existing land uses
- Not materially alter stability of land use pattern of the area
- No permanent structures are allowed

Other gatherings are an assembly of 3,000 or fewer persons not anticipated to continue for more than 120 hours within any three month period.

- Not Subject to review (not a land use decision)
- Agri-tourism and other commercial events or activities may not be permitted as mass gatherings.
- Counties are allowed to make modifications to this definition

Agri-Tourism:

Agri-tourism and other commercial events and activities related to and supportive of agriculture

- Established by senate Bill 960 in 2011
- Counties can choose to adopt these regulations in whole or in part
- **Must be incidental and subordinate to existing farm use**
- Different approvals for the different levels or intensities of events, increasing as the intensity of events increases
 - a single event license
 - land use permits
 - For a single event
 - Up to 6 events
 - Up to 18 events
- Required impact findings that the use will not:
 - force a significant change in accepted farm and forest practices on surrounding lands
 - significantly increase the cost of accepted farm and forest practices on surrounding lands
- State law does not specifically define the term “Agri-Tourism” or specific activities and events that could be considered Agri-tourism.
- Customary Definition is: Any commercial enterprise at a working farm or ranch conducted for the enjoyment of visitors that generates supplemental income for the owner.
- The regulations apply to Agri-tourism and other commercial events and activities related to and supportive of agriculture.

- Statute is not clear about the types of events and activities that might be allowed but possibilities could include:
 - education
 - entertainment
 - hospitality
 - outdoor recreation
- More specific activities might be:
 - cooking classes using farm products
 - school tours
 - farm/garden/nursery tours and stays
 - festivals/harvest days
 - pony rides/petting zoo, corn maze/pumpkin patch and catapult contest
 - musical events
 - farm-to-table dinners
- State law requires that the activities and events must be related to and supportive of agriculture and be incidental and subordinate to existing farm use
 - state law provides for
 - 1 event expedited license
 - 1 event land use permit
 - up to 6 events land use permit
 - up to 18 events land use permit
- All are subject to conditions set by the local jurisdiction, such as:
 - parking
 - noise
 - sanitation
 - signage
 - etc.

No limitation on annual sales to farm income

Wineries:

Regulations relating to Wineries was approved in 2011 and 2013.

Wineries legislation is now in effect.

- Small Winery
 - Less than 50,000 gallons on at least 15 acres
 - More than 50,000 gallons on at least 40 acres
- Large Winery
 - At least 150,000 gallons on 80 acres or more

Winery legislation was not discussed in further detail at the Community Meeting.

One attendee who farms was in favor of allowing Agri-Tourism. She would like to have a cooking class perhaps with 50-100 people.

Another attendee was concerned with noise, traffic.

The consensus of attendees was that they want to support farmers and think that Agri-Tourism would be okay. But they also want the farmers who put on events to be good neighbors. They recommend that the County tighten regulations and guidelines significantly as enacted by the State for Agri-Tourism.

Some suggestions for guideline adjustments:

- County consider pulling permit if too many complaints
- With the one year license, it was suggested that the County review said license at six month to make sure license holder is in compliance with guidelines.
- Neighbors should be notified prior to issuance of license for events. Extend neighbors to be notified from existing 750 feet of boundary line to further to include more neighbors who will be affected.
- Once County receives a license application, they should make sure the farm is a true farm.
- Allow fewer events per farm than allowed by the State

Attendees did not appear to be in favor of Mass Gatherings.

Respectfully Submitted:

Catherine Dishion