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**Multnomah County Comprehensive Plan Update  
Community Advisory Committee Meeting #7**

**July 22, 2015 6:00 – 8:30 p.m.  
Room 126, Multnomah Building  
501 SE Hawthorne Blvd. Portland, Oregon**

**Agenda**

- I. Welcome /Introductions/Announcements (Eryn) – 10 minutes  
*Public comment will be allowed on each policy topic before CAC action.*
- II. Code Compliance Policy (Rithy Khut) – 20 minutes  
  
*Desired Outcome: Discussion, comment and approval of new policy and strategies related to code compliance recommended by the Land Use subcommittee.*
- III. Nonconforming Use Policies (Rich Faith) – 20 minutes  
  
*Desired Outcome: Discussion, comment and approval of new policies related to nonconforming uses recommended by the Land Use subcommittee.*
- IV. Forest Dwellings/Clustered Development in CFU Zones (Rich/Rithy) -- 30 min.  
  
*Desired Outcome: Discussion, comment and approval of policies on forest dwellings and clustering development in the CFU zones recommended by the Farm, Forest & Rural Economy Subcommittee.*
- V. Wineries Policy (Kevin Cook) – 20 minutes  
  
*Desired outcome: Discussion, comment and approval of policies related to wineries recommended by the Farm, Forest & Rural Economy Subcommittee.*
- VI. Existing Farm and Forest Lands Policies (Rich) – 20 minutes

*Desired outcome: Discussion, comment and approval of existing farm land and forest land policies recommended for retention or deletion by the Farm, Forest & Rural Economy Subcommittee.*

VII. Goal 5 and 7 Policy Issue Identification and Prioritization (Eryn/Team) – 20 min

*Desired outcome: Information and feedback on major policy issues pertaining to environmental quality, including air, land, water, water, and wildlife and natural hazard issues, such as flood hazard and landslides.*

IX. Public Comment (Eryn) -- 5 minutes

IX. Meeting Wrap Up (Eryn) – 5 minutes

- A. Recap of any follow-up items
- B. Confirm Next Meeting Date and Time

X. Adjourn

COMMUNITY ADVISORY COMMITTEE MEETING  
ROOM 126 MULTNOMAH BUILDING  
501 SE HAWTHORNE BLVD. PORTLAND, OR  
JUNE 24, 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  
Linden Burk  
Marcy Cottrell Houle  
Martha Berndt  
Paula Sauvageau  
Sara Grigsby  
Stephanie Nystrom  
Will Rasmussen  
John Ingle

#### Project Team

Rich Faith  
Kevin Cook  
Rithy Khut  
Matt Hastie  
Eryn Deeming Kehe  
Allison Conkling  
Joanna Valencia  
Jessica Berry

#### Absent

Tim Larson, Chris Foster & Karen Nashiwa

There was one community citizen in attendance.

Eryn welcomed the members and thanked those who completed the survey on several of tonight's agenda topics that was sent out in advance of this meeting to give staff an indication of their thinking on those topics. That information is helpful in the meeting preparation and knowing where extra discussion might be needed.

Regarding the May 27 CAC meeting summary, John Ingle pointed out that it was him and not Chris Foster who was absent at that meeting. Chris is shown as both in attendance and absent.

### **II. Agri-Tourism Policy**

Rich Faith directed the members to his memorandum in the packet, pages 10 & 11. He summarized the background and reminded them that they have spent a lot of time on

this policy. The CAC directed staff to make a few more revisions to the policy at its last meeting. The changes are reflected by underlining where text was changed and strikes outs where text is deleted. The main point on #2 is where the committee wanted additional things that should be considered when an agri-tourism use application is being reviewed. The additional items are notification requirements, complaint history, permit review and renewal processes. These are some of the factors surrounding agri-tourism events that will be addressed in the code when it is new language is written. The new strategy will require a variation of this committee, such as a new subcommittee, to review and comment on agri-tourism related code language when it is drafted.

Rich asked if the committee was satisfied with the changes. A committee member wanted a slight wording change to the first policy to clarify that agri-tourism activities are only allowed if the property owner has a farm stand or winery. After further explanation about how the code is administered with respect to farm stands and wineries, the CAC determined that the requested change was unnecessary.

**Action Taken** – The CAC approved the agri-tourism policy as written.

### **III. Land Use Policies**

#### **A. Home occupations**

Rich stated that the Farm, Forest and Rural Economy subcommittee was informed about the fact that the County recently did a major overhaul of the home occupation provisions of the code. They didn't feel there really was any reason to craft new policy. However, the staff thought there should be a general one that maintains the status quo. The one policy on home occupations is a neutral policy. It doesn't call for anything new or beyond what is currently in place but does reinforce it. Rich asked the committee if there were any issues with the policy as written.

A CAC member expressed confusion with the term "home occupation" and thought a better term to use is "home business". But because home occupation is the customary planning term and state law uses it as well when talking about allowed uses in EFU and other zones, nothing was changed. Another CAC member suggested some additional language at the end of the policy about considering and minimizing impacts on "environmental and natural resources". The CAC did not think this change was necessary, so the idea was rejected.

**Action Taken** – The CAC approved the policy on home occupations as written.

#### **B. Farm Dwellings**

Rich reported that the subcommittee was comfortable with policies that support current county standards that exceed state minimum requirements. They wanted to reinforce that position and the three policies on farm dwellings do that. The reference to lot aggregation in the first policy means that if you have multiple parcels adjacent to each other under a single ownership, that you need to aggregate or combine such that you have a single 19 acre or greater lot. This applies only when you are seeking a land use permit to do some kind of development.

A committee member asked whether the County could prohibit new non-agriculture uses in the EFU zone. Rich replied that state law outlines non-agriculture uses that are permitted and the County can not prohibit these.

**Action Taken** – The committee approved the policy on farm dwellings as written.

#### C. Farm Stands

Rich reported that the subcommittee was aware there has been a lot of debate on farm stands during the Sauvie Island plan process. With that understanding the subcommittee felt that we should defer to what comes out of that process as the model for the comprehensive plan policy. The subcommittee is recommending the same farm stand policy from the proposed Sauvie Island/Multnomah Channel plan with just a couple of minor wording tweaks.

Major points about the policy made by committee members were the following:

- Sauvie Island has a lot of experience with farm stands so I trust what they have come up with has been thoroughly examined. Others concurred.
- The policy was written with Sauvie Island in mind; does it fit well for East County?
- Several references in the policy to Sauvie Island need to be removed in order for it to be applicable countywide.
- Many concerns with the negative impacts associated with how farm stands have been operating on Sauvie Island and whether the policy will adequately rein them in.
- At some point it needs to be determined how these policies going into the comprehensive plan crossover to the National Scenic Area and have an applicability there. (Parking Lot issue.)

Public Comment – The policy restricts a farm operation owning multiple properties on Sauvie Island to only one farm stand; should the policy also limit the number of farm stands a farming operation can have in the county or in a specific plan area? The policy only speaks to Type II farm stands (those with promotional events); it doesn't restrict the number of Type I farm stands a farmer can have. This is something that the committee needs to consider.

**Action Taken** – The committee approved the policy on farm stands with the understanding that those references to Sauvie Island would be removed to make it applicable countywide.

#### IV. Existing Land Use Policies from the Comprehensive Plan

Matt Hastie explained that these are existing land use policies from the current comprehensive plan or rural plans and are what the land use subcommittee would like to include in the updated comprehensive plan. Matt provided an overview of these existing policies and explained the format for showing revisions that have been made. The

policies have several changes by the subcommittee which they reorganized and streamlined. Matt pointed out wording changes in some of the policies that were added after the subcommittee meeting to be consistent with terms that are found in other related studies or documents.

Some major points about the policy made by committee members were the following:

- The added language “important natural landscape features” must mean something or is tied to something. Should it be defined or pointed out in the plan? After further explanation it was decided it was not necessary to do this.
- A member questioned the uses listed under Rural Residential Land Area on page 28. The member didn’t like the verbiage “cottage industries”, “limited forest product processing”, or “limited rural service commercial and tourist commercial”. Because this is introductory language to the Rural Residential land use category staff did have a problem with deleting these examples of uses that could be allowed in the rural residential zone.
- Policies B & C on page 29 should also mention impacts to forest land, not just farm land. Add language to these policies where appropriate.
- On page 31 policy A-1, add at the end of the sentence “that limits adverse impacts on farm and forest practice, and on wildlife and natural and environmental resources”. Add this same language at the end of policy B on page 34.
- At this point Rich pointed out that there were a number of requested minor changes that had been submitted earlier that day in an email from a West Hills representative. Staff did not have any problem with these requested changes since they were non substantive. The CAC directed Rich to make those additional changes if they are indeed minor and make no substantive changes.

Eryn asked the members to email any suggested changes to Rich prior to the meeting in order that so much time isn’t taken up going over these and the staff can be prepared to respond to them.

- Concerning policy D on page 34, a member wanted to know if we could add a policy that prohibits placement of public facilities in rural areas that only intended to serve urban development inside the urban growth boundary. A member of the public clarified that this was a concern on the west side because urban development in Washington County is putting utilities to these developments in Multnomah County rural areas. Staff was not sure we could have such a policy so this request was added to the list of parking lot items.
- A CAC members wanted to see a policy that obligates the County to take a formal position on proposals from outside agencies or companies that might have adverse impacts. An example that is close to home is a proposal by the Army Corps of Engineers to deposit dredged materials in the Columbia River offshore of Sauvie Island. These materials are being dredged from the contaminated stretches of the Willamette River that have been declared a Super Fund cleanup site. This request was also placed on the parking lot list.

**Action Taken** – The committee approved the existing land use policies with various changes as discussed.

**V. Existing Farm Land Policies from the Comprehensive Plan**

Rich said that the Farm, Forest and Rural Economy subcommittee did house cleaning on some of the existing policy language pertaining to the Agricultural Land Area classification (EFU zone) from the comprehensive plan and rural area plans. The subcommittee recommends that these existing policies that have value and are worth carrying over to the new comprehensive plan. The CAC had no comments.

**Action Taken** – The committee approved the existing language as presented without any further revisions.

**VI. Report on Transportation and Public Facilities Subcommittee Policy Issues**

Joanna Valencia provided a power point presentation explaining what the transportation system plan (TSP) is, the transportation system analysis that will be done as part of the TSP, how the TSP will be integrated with the County Comprehensive Plan, and how the TSP will be used. The policy development process will be similar to what the committee has been doing with other policy topics. The first meeting of the transportation and public facilities subcommittee reviewed major policy issues and the background information related to those. The subcommittee provided direction for policy development that will be shared with the CAC at future meetings on this subject.

**VII. Public Comment**

No comments

**VIII. Meeting Wrap up**

- Rich announced that the Air, Land, Water, Wildlife and Hazards subcommittee will meet in July for the first time and there is a vacancy on that committee due to Ray Davenport's resignation from the CAC. Catherine Dishion volunteered to fill the vacancy since the Land Use subcommittee she has been serving on has completed its work and she has some freed up time now.
- A member brought up the parking lot list and said that at some point these items need to be revisited and finalized. The person was not sure when that should happen. Matt said that staff will be getting back to the committee with options on each parking lot issue.
- Eryn announced that she will continue to distribute surveys on upcoming policies to the CAC in advance of the meeting when these policies are going to be discussed. This gives staff an understanding of which policies will probably need more time and attention than others. Everyone agreed that these policy surveys are useful.
- Eryn handed out a quarterly evaluation form on how the meetings have been going for the members. It's a way for staff to gauge member satisfaction and whether we

need to do anything differently. Each CAC member was asked to fill out the form and leave on the table before leaving.

- The next meeting will be July 22nd.

**IX. Adjourn**

**The meeting adjourned at approximately 8:30 pm.**



**Parking Lot Items from CAC & Subcommittee meetings**  
**(through June 24, 2015 CAC meeting)**

#	MEETING	TOPIC	STATUS
1	2/25/15 CAC	State requirements for agri-tourism (bring CAC more details)	Done. Provided at March 4 F/F/FE subcommittee mtg and April 22 CAC meeting
2	2/25/15 CAC	Provide relevant information about state requirements before CAC makes a recommendation.	Is being done.
3	2/25/15 CAC	Pending decision re:rural/urban reserves connection to important wildlife corridor.	Need update from County Attorney's office when final decision is rendered.
4	2/25/15 CAC	Scenic and natural area view protection.	Partially done. Various policies have addressed this; additional policies to be reviewed by Air, Land, Water, Wildlife and Hazards Subcommittee and CAC.
5	2/25/15 CAC	Douglas fir reforestation	Done. Addressed by ODF representative at May 27 CAC meeting.
6	2/25/15 CAC	TSP to apply climate change lens	Ongoing.
7	2/25/15 CAC	Citizen review process like Portland's	Already approved permitting process policies; did not specifically address this item.
8	4/1/15 CAC	Where does waste disposal go in the plan?	Should be addressed under public facilities policies; draft policies pending.
9	4/1/15 CAC	Will the committee discuss policy for nonconforming uses?	Done. Policies to be discussed at 7/22/15 CAC mtg
10	4/22/15 Land Use	Allow gravel parking lots instead of asphalt in some circumstances	Done. Approved Rural Center Design Standards policy calls out flexibility in parking requirements.
11	4/22/15 CAC	Definition of winery – do they need to produce prescribed amounts from grapes? Can it be wine made from berries or fruits?	Under research

12	4/22/15 CAC	Must a winery be registered or officially recognized to qualify for promotional activities and events?	Under research
13	5/13/15 Land Use	Should dwelling sizes be limited in the SEC Overlays?	Refer to the Air/Land/Water/Wildlife subcommittee
14	5/27/15 F/F/RE	Defining rural values. Different communities may want to define or describe rural values differently.	The comprehensive plan narrative can do that. Not yet sure how it will be handled.
15	5/27/15 CAC	Siting residential uses in Rural Center zones for compatibility with commercial uses.	Done. Discussed at 6/17/15 Farm/Forest meeting and determined not to be an issue.
16	5/27/15 CAC	Code compliance policy that addresses reoccurring violations.	Done. New policy addresses this.
17	5/27/15 CAC	Will there be policies regarding winery agri-tourism events?	Done. Policies to be discussed at 7/22/15 CAC mtg.
18	6/24/15 CAC	How will comp plan policies impact the CRGNSA. Is there any crossover applicable to the NSA?	Not yet addressed.
19	6/24/15 CAC	Can we prohibit public utility infrastructure in the rural county that is solely intend to serve urban developments.	Not yet addressed.
20	6/24/15 CAC	Is "limited forest product processing" as an allowed an issue in Mult Co? (i.e. Is a bark removal facility a limited forest product processing use?	Not yet addressed.
21	6/24/15 CAC	Would like a policy requiring the County to take a position on proposals by outside agencies or companies that could have adverse impacts on County residents. (Dumping dredge materials in Columbia River; coal trains; oil trains, etc.)	Not yet addressed.

# Memorandum



July 14, 2015

**To:** Community Advisory Committee  
**Cc:** Project Team  
**From:** Rithy Khut, Assistant Land Use Planner  
**Re:** Code Compliance Policy

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## POLICY DEVELOPMENT HISTORY

This memo presents policies pertaining to the County's Code Compliance Program that are being recommended by the Land Use subcommittee. The subcommittee discussed this policy topic at its June 17, 2015 meeting. In general, the subcommittee was supportive of adding policy language and strategies that directed the Code Compliance Program to ensure flexibility towards enforcement, to work with person(s) to achieve compliance, and as a last resort to issue fines that were appropriate to the violation.

Jed Tomkins, Assistant County Attorney, has reviewed the policy language being recommended by the subcommittee and is proposing some revisions to that language. Both the subcommittee version and Jed's version of the policy are given below, with Jed's version shown in **shaded highlights**.

## RECOMMENDED CODE COMPLIANCE POLICY

### POLICY

Enforce compliance in a manner that is fair and consistent with the County Zoning Code in all cases of verifiable code violations.

JT: **Enforce compliance with the County Comprehensive Plan and Zoning Code in a fair and consistent manner.**

### STRATEGIES

1. Coordinate and work with appropriate local, state and federal agencies to ensure compliance with the County's Zoning Code and policies.

JT: **Coordinate and work with appropriate local, state and federal agencies to ensure compliance with the County's Comprehensive Plan and Zoning Code.**

2. To ensure compliance, the County should be flexible enough to allow the level of enforcement that best fits the type and circumstances of the code violation(s).

JT: To ensure compliance, the County Zone Code shall provide the County with enough flexibility to utilize a method and degree of enforcement that best fits the type and circumstances of a given violation of the County Comprehensive Plan or Zoning Code.

3. Seek voluntary code compliance by providing code violators with information about the County's Zoning Code and an opportunity to comply with the County's Zoning Code within reasonable timeframes with little or no penalty. Reasonable timeframes which code violators are given to come into compliance should be closely monitored and enforced to ensure that violators are not unnecessarily delaying compliance.

JT: Seek voluntary compliance by providing the person(s) responsible for an actual or alleged violation with information about the County's Zoning Code and by providing such person(s) an opportunity to comply with the County's Comprehensive Plan and Zoning Code within reasonable timeframes with little or no penalty. Such timeframes should be closely monitored and enforced to avoid unnecessary delays to achieving compliance.

4. Fines should be set at a level that will prevent willful violators from becoming unjustly enriched and will serve as an incentive for voluntary code compliance. Knowing or willful violations will result in fines that are substantial and objective.

JT: No changes are recommended.

# Memorandum

## Comprehensive Plan Update

July 15, 2015

**To:** Community Advisory Committee  
**Cc:** Project Team  
**From:** Rich Faith, Senior Land Use Planner  
**Re:** Nonconforming Use Policy

### POLICY DEVELOPMENT HISTORY

This memo presents policies pertaining to nonconforming uses that are being recommended by the Land Use Subcommittee. The subcommittee discussed this policy topic at its June 17, 2015 meeting. In general, the subcommittee did not feel that the county's current code provisions for nonconforming uses needs to be strengthened or revised in any major way. The recommended policies basically confirm and support the status quo.

Jed Tomkins, Assistant County Attorney, has reviewed the policy language being recommended by the subcommittee and is proposing some revisions to that language. Both the subcommittee version and Jed's version of the policy are given below, with Jed's version shown in **shaded highlights**.

### WHAT IS A NONCONFORMING USE?

The County Zoning Code defines nonconforming use as:

A legally established use, structure or physical improvement in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the use regulations of the zoning district in which it is located. A use approved under criteria that have been modified or are no longer in effect is considered nonconforming.

It's important to point out that nonconforming use refers to a use, a structure or other physical improvement. In some cases, the activity or use being conducted on the property is permitted, and therefore conforming, but the structure or other improvement to the site might not comply with current zoning regulations and standards, and is thus a nonconforming development. An example of a nonconforming use would be commercial business in a rural residential zone where the business is not a permitted use. Examples of nonconforming developments would be an unpaved parking lot when current standards require hard surface or a structure that doesn't meet current building setback standards. There are many cases of nonconforming developments in the rural county by virtue of the site development not meeting current zoning standards.

## RECOMMENDED NONCONFORMING USE POLICY

### POLICIES

1. Legal nonconforming uses, structures, or physical improvements will be allowed to continue until they are terminated.

JT: The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued, altered, restored or replaced in accordance with Oregon Revised Statutes 215.130 and 215.135.

2. Zoning regulations shall provide for the continuance of nonconforming uses. ~~They shall also allow restoration or replacement of non-conforming uses in accordance with Oregon Revised Statutes 215.130(6), and their alteration, expansion or replacement when such alteration, expansion or replacement would not create a greater adverse impact on the neighborhood, or are necessary for the use to comply with State or County health or safety requirements. (MCCP , Policy 1)~~

JT: Delete policy #2 because it is captured in his version of policy #1.

3. An addition, expansion, alteration or replacement of a nonconforming use will be allowed when the addition, expansion, alteration or replacement would not create a greater adverse impact on the neighborhood, including but not limited to, noise, dust, lighting, traffic, odor, water use and sewage disposal.

JT: An alteration or replacement of a nonconforming use shall not create a greater adverse impact on the neighborhood, including but not limited to, noise, dust, lighting, traffic, odor, water use and sewage disposal impacts.

# Memorandum

## Comprehensive Plan Update

July 15, 2015

**To:** Community Advisory Committee  
**Cc:** Project Team  
**From:** Rich Faith, Senior Land Use Planner  
**Re:** Forest Dwellings Policy

### FOREST DWELLINGS POLICY

This memo presents policies pertaining to forest dwellings that are being recommended by the Farm/Forest and Rural Economy Subcommittee. The subcommittee discussed this policy topic at its May 27 and June 24, 2015 meetings.

The subcommittee reviewed policy options on forest dwellings ranging from applying standards that do not exceed minimum state requirements to continuing current standards that exceed state requirements. The subcommittee recommends the policies below that support current county standards exceeding state minimum requirements pertaining to dwellings in the CFU zone.

### POLICIES

1. Allow non-forest uses, such as residences, on Commercial Forest Use Lands as permitted by Oregon Administrative Rules, subject to lot aggregation requirements and other development standards that exceed minimum state requirements to better ensure public safety, public health and welfare, and protection of natural and environmental resources. Limit new non-forest uses and expansion of existing non-forest uses. This will result in a forest protection program for the County that is more restrictive than what state statutes and rules require.
2. Allow new dwellings on lands designated for commercial forest use only when it can be demonstrated that they will have no significant impact upon forestry practices, open space, public facilities, wildlife habitat, and rural community character. (*ESR*)
3. Recognize differences among Commercial Forest Use zoning around the county by allowing non-forestry related uses, such as residences, on Commercial Forest Use Lands according to any or all of the following conditions:
  - a. dwellings on 160 acre tracts or 200 acre non-contiguous tracts;
  - b. dwellings on existing lots of record owned continuously by the current owner or antecedents of the current owner since 1985 which are capable of producing less than 5,000 cubic feet per year of commercial timber;

- c. dwellings on existing lots of record which contain at least eleven existing lots and five existing dwellings within a 160 acre square template centered on the lot of record containing the proposed dwelling;
- d. dwellings authorized under ORS 195.300 through 195.336 (Measure 49 claims);
- 4. All approved dwellings in Commercial Forest Use zones must meet additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources. (WH)
- 5. Except where disaggregation is currently allowed in the East of Sandy River rural area, prohibit parcelization, which detracts from forestry practices and from protection of open space and rural community character.

#### CLUSTERING DEVELOPMENT IN THE COMMERCIAL FOREST USE ZONE

A background report that discussed the siting of dwellings and accessory structures on forestland was provided to the Farm, Forest and Rural Economy subcommittee for its June 24, 2015 meeting. The report included proposed language on the clustering of dwellings to accessory buildings and other existing dwellings in the CFU zones. The subcommittee discussed that language and offered modifications and additions. The subcommittee is recommending the following two policies pertaining to siting of dwellings, accessory buildings and other structures that result in clustering development.

#### **POLICIES**

- 1. Adopt provisions within the CFU zones that require clustering of dwellings near existing public roads, and clustering of dwellings, structures and adjacent development to minimize conflicts with wildlife, natural and environmental resources, and forest and agricultural practices. Allow for exceptions based on topographical and other unique constraints of the property.
- 2. Require clustering of dwellings and accessory structures in CFU zones to establish a clear relationship between the primary use and accessory use and to minimize the amount of tree removal and clearing between buildings.



# Memorandum

## Comprehensive Plan Update

July 15, 2015

**To:** Community Advisory Committee  
**From:** Kevin Cook, Land Use Planner  
**Re:** Proposed Winery Policy

### OVERVIEW

Policies 1.3 and 1.8 of the draft SIMC/RAP contain a number of prescriptive elements that are intended to balance the underlying purpose of EFU land (to preserve and maintain agricultural lands for farm use... - MCC 34.2600) with the provisions for farm stands (an allowed, non-farm use in EFU zones). The Farm, Forest and Rural Economy Subcommittee developed a similar policy addressing winery agri-tourism events and activities.

Oregon Revised Statutes contain four different paths to qualify as a winery in the EFU zone and the implementing rules are more complex than those for farm stands. The policy developed by the subcommittee is similar to the farm stands policies developed through the SIMC plan update. However, because the implementing rules are more complex and differ depending on the qualifying statute, the policy contains a number of 'to the extent allowed by law' qualifiers.

Similar to the SIMC farm stand policies, the prescriptive elements are interim measures applicable to wineries until zoning code language is written and adopted. It is important to note that those policies that read like standards are atypical and not the normal practice. The subcommittee chose to recommend a winery policy in order to be consistent with the approach being applied to farm stands and agri-tourism.

### PROPOSED POLICY

#### POLICY

Fee-based promotional activities at wineries shall be limited to those that promote the contemporaneous sale of wine at the winery and whose primary purpose is significantly and directly related to the winery operation.

(a) Unless authorized at wineries by statute, administrative rule or an appellate land use decision, fee based weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, and other activities for which the primary focus is on the underlying cause for the gathering or activity rather than the farm operation, are prohibited.

(b) Create standards that limit the area and extent of wineries and associated agri-tourism activities to the extent allowed by law in order to retain a maximum supply of land in production for farm crops or livestock, to ensure public health and safety, to minimize impacts on nearby farming operations, residents, roads, traffic circulation, wildlife and other

natural resources and to maintain the rural character of Multnomah County's agricultural areas.

c) To the extent allowed by law, develop additional standards for wineries that address potential offsite impacts such as hours of operation, the number and duration of events, noise, lighting, signs, parking and circulation, and the size, design and placement of structures associated with the winery.

d) Until implementing code is adopted, the following shall apply:

(1) Proposed wineries that would occupy more than one acre or include agri-tourism events or activities shall be sited in order to limit the overall amount of acreage proposed for the winery structures and events.

(2) The amount of land identified for agri-tourism activities at wineries shall be the minimum necessary to retain productive farm land on the property.

(3) An applicant may seek approval to accommodate temporary parking on additional acreage during peak season on areas that have already been harvested or used for pasture during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following year.

(4) An applicant owning or leasing multiple properties in farm use in Multnomah County shall be limited to only one winery in Multnomah County.

(5) Multnomah County may require consideration of alternative site plans that use less agricultural land or interfere less with agricultural operations on adjacent lands.

(6) Signage shall comply with county sign ordinance standards to maintain and complement the rural character of Multnomah County's agricultural areas.

## Existing Policy Language for FARM and FOREST LANDS

**BACKGROUND:** *The current County Comprehensive Plan and Rural Area Plans contain many policies and strategies pertaining to farm and forest lands that may still be applicable and worth consideration for retaining in whole or in part -- some without changes and some with text changes to update the language for clarity or for countywide applicability. These current policies and strategies could be carried over into the new comprehensive plan so long as they do not conflict with any new policy that emerges from this comprehensive plan update process. Wherever a conflict occurs, the existing policy language would either have to be eliminated or revised to be consistent with the new policy.*

*The source of existing language is given within the parentheses following the statement.*

### Explanation of Different Types of Text

Standard text – means existing language from the County Comprehensive Plan or a Rural Area Plan.

~~Strikeouts~~ – means existing text that is being deleted.

Underlined – means new text that is being added.

*(Italics)* – means the source of an existing policy or strategy abbreviated as follows:

*(MCCP)* Multnomah County Comprehensive Plan

*(ESR)* East of Sandy River Rural Area Plan

*(WSR)* West of Sandy River Rural Area Plan

*(WH)* West Hills

*(SIMC)* Proposed New Sauvie Island/Multnomah Channel Rural Area Plan

**The Farm, Forest and Rural Economy subcommittee recommends the following existing policy language on farm and forest lands be included in the new comprehensive plan.**

### Existing Policy Language Related to Farm Lands

~~POLICY 10:~~ MULTIPLE USE AGRICULTURAL LAND AREA *(from the County Comprehensive Plan)*

#### INTRODUCTION

The purpose of the Multiple Use Agriculture Land Area Classification is to conserve those lands agricultural in character which have been heavily impacted by non-farm uses and are not predominantly Agricultural Land as defined in Statewide Planning Goal 3. This conservation is necessary to protect adjacent exclusive farm use areas and, in some cases, the fragile nature of the lands themselves. These lands are conserved for diversified agricultural uses and other uses, such as ~~outdoor recreation~~, open space, residential development, and forestry, when

these uses are shown to be compatible with the natural resource base, character of the area, and other applicable plan policies.

The intent of this classification is to recognize the diminished nature of these areas for commercial ~~resource~~ agricultural production, but to limit the adverse impacts of future development of them on nearby agricultural areas and on other lands of a more fragile nature (e.g., areas subject to flooding, but used for agricultural-related uses). (*MCCP*)

## POLICIES

- A. ~~The County's policy is to d~~Designate and maintain as multiple use agriculture land, those areas which are:
1. Generally agricultural in nature, with soils, slope and other physical factors indicative of past or present ~~small scale~~ farm use; and
  2. Parcelized to a degree where the average lot size, separate ownerships, and non-farm uses are not conducive to commercial agricultural use; and
  3. Provided with a higher level of services than a commercial agricultural area has; or
  4. ~~In agricultural~~ Located in micro-climates which reduce the growing season or affect plant growth in a detrimental manner (flooding, frost, etc.). (*MCCP*)
- B. ~~The County's policy, in recognition of the necessity to protect adjacent exclusive farm use areas, is to r~~Restrict multiple use agricultural uses to those that are compatible with exclusive farm use areas in recognition of the necessity to protect adjacent exclusive farm use areas. (*MCCP*)
- C. Protect farm land from ~~encroachment by~~ adverse impacts of residential and other non-farm uses ~~in a manner that is consistent with the existing Framework Policy 10 Multiple Use Agricultural Land Area~~. (*WSR*)
- D. Amend the Multiple Use Agriculture zone to include deed restrictions protecting surrounding agricultural and forestry practices as a requirement for approval of new and replacement dwellings and additions to existing dwellings. (*SIMC*)

## STRATEGIES

1. ~~The conversion of~~ Redesignating land to another ~~broad~~ land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OARs, and in this Plan. (*MCCP*)

2. Ensure that new, replacement, or expanding uses on MUA zoned lands minimize impacts to farmland and forest land by requiring ~~“right to farm” measures to be implemented. This shall be accomplished by requiring~~ recordation of a covenant that recognizes the rights of adjacent farm managers and foresters to farm and practice forestry on their land. (WSR)

## Existing Language Related to Forest Lands

### ~~POLICY 11: COMMERCIAL FOREST LAND AREA~~ *(from the County Comprehensive Plan)*

#### INTRODUCTION

The purpose of the Commercial Forest Land Area Classification is to conserve forest lands by maintaining the forest land base and to protect the State's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land, consistent with sound management of soil, air, water, and fish and wildlife resources to provide for recreational opportunities and agriculture.

The intent of the Commercial Forest Land Area Classification is to allocate lands which are suitable for commercial forest management, including adjacent or nearby lands which are necessary to permit forest operations or practices and to allocate other forested lands not suitable for commercial forest management that maintain soil, air, water, and fish and wildlife resources.

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722. Uses which may be allowed subject to standards set forth in Statewide Planning Goal 4 and Oregon Administrative Rule 660, Division 6 are: (1) uses related to, and in support of, forest operations; (2) uses to conserve soil, water, and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) large acreage dwellings authorized by OAR ~~660-06-027(1)(c) (December, 1995)~~ Division 6; and (5) template dwellings authorized by OAR ~~660-06-027(1)(d) (December, 1995)~~ Division 6; and (6) heritage dwellings authorized by OAR 660 Division 6. ~~It is the policy of Multnomah County to allow only the two types of dwellings in (4) and (5) above from the listings of authorized types of dwellings in Oregon Revised Statutes and Oregon Administrative Rules. Further, the implementing Zoning Code criteria of approval of those two types of dwellings may be more restrictive than the permitted standards in Statute and Rule. (MCCP)~~

#### POLICIES

- A. Maximize retention of forest land by maintaining Commercial Forest Use designated areas with forestry as the primary allowed use.
- B. ~~The County's policy is to~~ Designate and maintain as commercial forest land, areas which are:
  - 1. Predominantly in Forest Cubic Foot Site Class I, II, and III for Douglas Fir as classified by the U.S. Soil Conservation Service; and

2. Suitable for commercial forest use and small woodlot management; and
3. Potential reforestation areas, but not, at the present, used for commercial forestry; and
4. Not impacted by urban services; and
5. Cohesive forest areas with large parcels; or
6. Other areas which are:
  - a. Necessary for watershed protection or are subject to landslides, erosion or slumping; or
  - b. Wildlife and fishery habitat areas, potential recreation areas, or of scenic significance. (MCCP)
- C. ~~The County's policy is to~~ Allow forest management with related and compatible uses, ~~but to~~ and restrict incompatible uses from the commercial forest land area, recognizing that the intent is to preserve the best forest lands from inappropriate and incompatible development. (MCCP)
- D. Preserve resource-based land uses related to forest practices as the primary favored land use ~~in the West Hills~~. (WH) [NOTE: The highlighted word change comes from the Assistant County Attorney for legal purposes.]

## STRATEGIES

1. Continue to require that applications for new development comply with Lot of Record standards described in the existing CFU zoning code. (WSR)
2. Continue to allow new template dwellings under the current standards of the CFU zone that are more restrictive than state requirements. (WSR)
3. Allow no dwellings or other uses which are incompatible with commercial forestry on lands of the Mt. Hood National Forest and adjacent large commercial timber parcels. (ESR)
4. Allow new dwellings on ~~the remainder of the~~ Commercial Forest Use zoned lands ~~east of the Sandy River~~ not in the Mt Hood National Forest or on large commercial forest tracts adjacent to the National Forest boundary if the lot meets current County standards regarding the "template test" or if a lot meets the legal requirements regarding ownership since 1985 set forth in Oregon Revised Statutes or Oregon Administrative Rules. (ESR)

5. If current statewide planning regulations of Commercial Forest Use lands are changed, Multnomah County should not allow new subdivision lots of less than ~~40 acres in the CFU-2 district or less than~~ 80 acres in the CFU-1 district in order to preserve forest practices and natural resources such as wildlife habitat, streams, and scenic views. (WH)
6. Ensure that any proposed new dwelling in the commercial forest use designated areas receives appropriate public review by providing comprehensive notice and review opportunity prior to any land use decision. (ESR)
7. ~~The conversion of land~~ Redesignating land from Commercial Forest Land Use to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's, and in this Plan. (MCCP)
8. ~~Multnomah County generally does~~ Do not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program. (WSR)



The CAC reviewed and approved the following existing policies pertaining to the Agricultural Land Area (EFU zoned lands) at its June 24, 2015 meeting. The Assistant County Attorney has made several word changes for legal reasons. His word changes are shown below in highlights.

**POLICY 9: AGRICULTURAL LAND AREA** *(from the County Comprehensive Plan)*

**INTRODUCTION**

The purpose of the Agricultural Land Area Classification is to preserve the best agricultural lands by protecting them from inappropriate and incompatible development and to preserve the ~~essential~~ environmental characteristics and economic value of these areas.

The intent of this classification is to establish these areas for exclusive farm use, with farm use ~~and the growing and harvesting of timber~~ as the primary favored uses. (MCCP)

**POLICIES**

- A. Maximize retention of the agricultural land base by maintaining Exclusive Farm Use designated areas as farm lands with agriculture as the ~~primary allowed~~ favored use.
- B. ~~The County's policy is to~~ Designate and maintain as exclusive agricultural land, areas which are:
  - 1. Predominantly agricultural soil capability I, II, III, and IV, as defined by the U.S. Soil Conservation Service; and
  - 2. Of parcel sizes suitable for commercial agriculture; and
  - 3. In predominantly commercial agriculture use; and
  - 4. Not impacted by urban service; or
  - 5. Other areas, predominantly surrounded by commercial agriculture lands, which are necessary to permit farm practices to be undertaken on these adjacent lands. (MCCP)
- C. ~~The County's policy is to~~ Restrict the use of these lands to ~~exclusive~~ agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development. (MCCP)
- D. Ensure that proposed new dwellings in the Exclusive Farm Use designated areas receive appropriate public review by providing notice and review opportunity prior to any land use decision. (ESR)
- E. ~~The conversion of land to another broad land use classification~~ Redesignating land from Agricultural land use to another land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OARs, and in this Plan. (MCCP)

F. ~~Multnomah County generally does~~ Do not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program. (WSR)

# Memorandum



July 15, 2015

**To:** Community Advisory Committee

**From:** Comprehensive Plan Update Project Team

**Re:** Comprehensive Plan Policy Issue List - Air, Land, Water, Wildlife, Natural Hazards and Historic Preservation

## OVERVIEW

This report presents a list of policy issues that have been identified for further discussion by the Community Advisory Committee (CAC) and subcommittees. The issues are related to policies addressing environmental quality, including air, land, water, and wildlife; natural hazards such as flooding, landslides, and wildfires; and preservation of historic structures and places. Issues are described briefly in this report in order to provide background and context for the CAC, and the Air, Land, Water, Wildlife and Hazards subcommittee to begin reviewing and prioritizing them for future discussions.

The basis for identifying these issues included:

- Has been identified as an issue of concern by community members expressed in comments from the November open houses
- Represents a frequent or long-standing area of concern for County staff and/or decision makers.
- Involves a policy area or regulatory requirement where the County has discretion and wants to explore multiple options.

## ISSUE DESCRIPTIONS

### GOAL 5 RESOURCES

**Riparian Corridors.** Statewide Planning Goal 5 requires that counties inventory and adopt a program to protect significant riparian areas associated with rivers and streams. The process for creating the inventory and subsequent protection program is found in OAR Chapter 660, division 23. The County has already completed the process of determining significant riparian corridors from the riparian inventory and analyzed the economic, social, environmental, and energy (ESEE) consequences that created the regulations contained in the Significant Environmental Concern – Streams (SEC-s and SEC-wr (water resource) protection program.

Since the completion of the riparian inventory and SEC protection programs, the State adopted additional rules that provided an alternative method to determine significant riparian corridors and forgo the need to conduct an ESEE analysis. This method, or “safe harbor,” uses objective standards to complete the Goal 5 inventorying process. The Goal 5 administrative rule also has

“safe harbor” provisions that can be used in place of conducting an ESEE analysis when establishing a protection program. With these new “safe harbors,” the County has the ability to add riparian corridors that were not previously identified as significant from previous studies and implement a “safe harbor” protection program for those streams and rivers.

*Questions: Should other streams corridors not currently in the inventory be added to the inventory based on County recommendations?*

*If so, should these additional streams be protected following “safe harbor” provisions? [Note: the alternative would be to use existing SEC-s requirements which would require additional environmental analysis by the County].*

*Should rural area plan policies for riparian areas be applied County-wide?*

**Wetlands:** To meet Statewide Planning Goal 5 - Wetland requirements, at minimum, counties are required to adopt the Statewide Wetland Inventory (SWI). A county may also elect to create a Local Wetland Inventory (LWI). Multnomah County has completed the process of determining significant wetlands and has a LWI. Wetlands in the LWI are primarily located on Sauvie Island.

Additionally, the County has conducted the ESEE analysis to create regulations that are contained in the Significant Environmental Concern – Wetlands (SEC-w) protection program.

Staff recommends adopting the Statewide Wetland Inventory and applying SEC-w protections in accordance with the Sauvie Island/Multnomah Channel RAP. Staff also recommends including other wetlands in the state inventory that were not included in previous county analyses as “notification wetlands” in order to ensure that the Oregon Department of State Lands (DSL), which regulates fill and removal of wetlands, is notified in the event of any proposal that would impact these wetlands.

*Questions: Do you concur with staff’s recommendation and the Sauvie Island policy directing the County to protect wetlands identified on the island as part of previous wetland inventories?*

*Do you agree with staff’s recommendation to include wetlands shown in the state wetland inventory but not currently covered by the SEC-w overlay as “notification wetlands?”*

*Should rural area plan policies for wetlands be applied County-wide?*

**Wildlife Habitat:** To meet Statewide Planning Goal 5 – Habitat requirements, counties must inventory and adopt provisions to create a program to protect significant wildlife habitat resources. The County has already completed the process of inventorying significant wildlife habitat and conducted the ESEE analysis to create the regulations that are contained in the Significant Environmental Concern –Habitat (SEC-h) protection program. The County may elect to add wildlife habitat to its inventory using either the standard process or “safe harbor” provisions. There are no “safe harbor” provisions for creating a protection program, so if the County elects to add wildlife habitat to the inventory, the County is obligated to complete an ESEE analysis to apply the SEC-h protection program to the newly added wildlife habitat.

*Question: Should the SEC-h overlay be applied to certain wildlife habitat areas not currently protected? [Note: This may result in additional restrictions on development in rural residential and/or other areas of the County in the East of Sandy River and Multnomah Channel areas and would require additional environmental analysis by the County.]*

#### AREAS SUBJECT TO NATURAL HAZARDS

**Landslide Hazards.** State Planning Goals call for cities and counties to adopt Comprehensive Plan policies and implementation measures to reduce risks associated with a variety of hazards, including those associated with erosion and landslides. The County currently regulates development on steep slopes through its Hillside Development Overlay Zone to address risks in areas prone to erosion or landslides. The County's Natural Hazards Mitigation Plan (2012) recommended that the Hillside Development Overlay be updated to better reflect information about landslide hazards identified in that plan. Newer data has become available via the Oregon Department of Geology and Mineral Industries (DOGAMI) that identifies additional locations in the County that also may be susceptible to landslides, such as locations with a past history landslides and/or other areas.

*Question: Should the County expand its Hillside Development Ordinance to address areas such as landslide hazard areas recently mapped by DOGAMI (which reach beyond steep slopes), buffer areas adjacent to a steep slope, or other similar areas, as recommended by County's Natural Hazards Mitigation Plan (2012)?*

**Flood Hazards and Channel Migration.** Like other local jurisdictions, Multnomah County has policies and regulations which limit or regulate development in areas prone to flooding, including floodways and floodplains. A variety of County policies and regulations address this issue, including participation in the National Flood Insurance Program. In some places, areas subject to flooding can change as river channels shift. This is particularly the case along the Sandy River, where the river channel has "migrated" significantly over time. DOGAMI is in the process of conducting channel migration studies throughout the state. At this time, the agency has completed a channel migration study for only one river in Multnomah County – the Sandy River.

*Questions: Should the County expand floodplain protection areas beyond the existing 100-year floodplain to address channel migration, thereby potentially exceeding minimum requirements to be a participant in the National Flood Insurance Program?*

*How else should new channel migration studies be applied to floodplain, erosion or other hazard areas?*

**Wildfire Hazards.** State Planning Goals call for cities and counties to adopt Comprehensive Plan policies and implementation measures to reduce risks associated with wildfires. The County currently has a limited number of policies associated with reducing risk related to wildfires although it addresses this issue through development code requirements applied in its Commercial Forestry Use (CFU) zones. The County's 2012 Natural Hazard Mitigation Plan (NHMP) includes updated mapping of wildfire risks. The Plan recommends that the County

review and amend as necessary planning and development regulations to incorporate mitigation strategies for urban/wildland interface fires based on the recommendations in the 2011 Multnomah County Community Wildfire Protection Plan. That Plan included development of a homesite assessment program, but did not result in changes to development code regulations related to wildfires.

*Question: Should existing fuel break or other requirements associated with wildfire hazards which are currently applied to the CFU zone also be applied to other zones in fire prone areas?*

## PRESERVATION OF HISTORIC STRUCTURES AND PLACES

**An Active Historic Preservation Program:** Goal 5 of Oregon's statewide planning goals and its administrative rules call for cities and counties to develop land use programs to conserve and protect historic resources. Local governments and state agencies are not required, but are encouraged, to maintain current inventories of historic resources, determine significant sites among inventoried resources and develop programs for their preservation and protection. The County compiled a local inventory of historic resources nearly thirty years ago but has done little in the way of enacting a local preservation program by designating significant sites and providing incentives for property owners of these sites to register and preserve them.

*Questions: Should the County be more involved in historic preservation by updating its twenty-five year old inventory of historic places, by designating significant sites as historic landmarks and by applying heritage preservation overlay zoning to those sites?*

*Should the County provide incentives for property owners to register and preserve historic resources?*

**Allowing Uses that Benefit Historic Preservation:** Maintenance and upkeep of most historic properties can be both challenging and costly because of their age. Some owners of historic properties, particularly owners of abandoned old buildings such as schools, churches, and similar institutional sites, would like the opportunity to make use of the historic property in a way that can provide revenue that can be applied towards its upkeep. The problem is that the zoning of the property may not permit the type of use that fits the character of the building. An example would be when the owner of an historic church in the Rural Residential zone wants to rent it out for weddings, receptions, or similar events but the zoning does not permit this type of use.

*Question: To the extent allowed by state law, should the County allow adaptive uses of historic properties not otherwise permitted by the underlying zoning where beneficial to the purposes of preserving the historic resource?*