

COMMUNITY ADVISORY COMMITTEE MEETING
ROOM 126 MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. PORTLAND, OR
SEPTEMBER 23, 2015 6:00 PM

MEETING SUMMARY

I. Greetings, Announcements and Introductions

In attendance:

CAC

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

Absent: Tim Larson, Karen Nashiwa, Chris Foster

Others in attendance: Erin Mick – City of Portland - Multco Sanitation and Sewer, Carol Chesarek, Sandy Baker, Steve Baker

II. Report on Community Meetings

Eryn Kehe gave a brief report on the survey results thusfar from the two community meetings. The comment period is open until the end of the month, so there may be more survey forms still to come.

- A. A total of 170 citizens attended the two meetings. Attendance was pretty evenly divided.
- B. There were 92 surveys completed from both meetings.
- C. Survey responses on policy direction for farm and forest lands were:
 - Satisfied or very satisfied 42%
 - Dissatisfied or very dissatisfied 49%

Significant comments:

- The regulations are too restrictive and the county should not be more restrictive than the state.
- There was lots of support voiced for allowing accessory dwelling units, particularly at the Eastside public meeting.
- There was confusion at the Westside meeting on thinking that we were requiring aggregation with this policy and so there were comments received saying don't make us aggregate, it's too burdensome and restrictive.
- In general, there was misunderstanding on the aggregation policy.

D. Agri-tourism, Farm Stands and Wineries

- Satisfied or very satisfied 37%
- Dissatisfied or very dissatisfied 42%

Significant Comments:

- Too restrictive and limits economic opportunity especially on the Eastside.
- A lot of people say that they want more opportunities. They felt we were limiting farm stands and limiting what people could do on their property and they thought we were too restrictive with the suggestions.
- There were a few comments in the survey saying that the West Hills should be separated from Sauvie Island in order to have these opportunities that Sauvie Island didn't want.

E. Rural Centers - Industrial Site Reuse

- Satisfied or very satisfied 52%
- Dissatisfied or very dissatisfied 21%

Significant comments:

- There was some confusion on the East side. People thought that we were being too restrictive when actually we were reducing restrictions on this topic. But a lot of people came to the Eastside meeting to say over and over again that the county is too restrictive, which they stated on almost every question.

F. Site Standards

- Satisfied or very satisfied 44%
- Neither satisfied or dissatisfied 37%

Significant comments:

- People thought that we were being too restrictive.

G. New Resource Areas

- Satisfied or very satisfied 47%

- Dissatisfied or very dissatisfied 28%

Significant comments:

- The county should be compensating owners when land is protected.
- There are already too many restrictions on people's properties and this adds more restrictions.

H. Riparian Corridors

- Satisfied or very satisfied 50%
- Dissatisfied or very dissatisfied 17%

Significant comments:

- There were the same complaints that we were too restrictive and that the map was too hard to read and understand.

I. Wetlands

- Satisfied or very satisfied 47%
- Dissatisfied or very dissatisfied 12%

J. Wildlife Habitats

- Satisfied or very satisfied 41%
- Dissatisfied or very dissatisfied 30%

Significant comments:

- There were the same complaints that we were too restrictive.
- The County should compensate owners and there should be better notifications to property owners.

K. ESSE Analysis

- Satisfied or very satisfied 43%

L. Natural Hazards -- Landsides

- Satisfied or very satisfied 46%
- Neither satisfied or dissatisfied 42%

Significant comments:

- There were the same complaints that we were too restrictive.
- Our data wasn't very good and we need to make sure that we have accurate data before we change things.

M. Natural Hazards -- Floods

- Satisfied or very satisfied 46%

N. Natural Hazards - Wildfires (Eryn didn't provide percentages for this)

Significant comments:

- The East side voiced concerns about road maintenance and they worry about vegetation growing on the side of the road that might be a fire hazard.

Transportation

The survey question asked at the community meetings pertaining to transportation was: Do you agree or disagree with the following policy direction statements? This is the order that people most agreed with.

1. Maintain rural character when making road improvements.
2. Increase safety for all travel modes.
3. Reduce traffic pressure on county roads.
4. Support projects that improve operations instead of increasing capacity.
5. Reduce transportation impacts to air, water and wild life.
6. Support projects that increase physical activity such as walk, biking or and/or reduce adverse health impacts (eg. Pollution).

The most important topics to people were maintenance, safety and environment when making decisions on what road projects to fund.

The things that were least important to people were transportation demand management and active transportation. On the East side there was a lot of discussion on conflicts with bikes on the road, people not thinking bikes belong on the road and that this is a safety issue with bikes on the road. They would like bikes to pay their fair share to maintain road way improvement.

Here is the rank of the major transportation themes in order.

1. Safety
2. Maintenance
3. Tie between environment & overall transportation system
4. Active transportation funding
5. Health
6. Transportation demand management
7. Equality
8. Mobility
9. Freight

The demographics of survey participants were almost equal men and women with the average age being 59. The majority who attended were Caucasian.

CAC Comments

A member thought that the Corbett feedback was that they didn't have a clear idea about the items that were presented. It would have been better if we broke out what the state allows vs. what Multnomah County requires. It was too vague on what was allowed now versus what the committee is looking at.

A member suggested that staff should put detailed information on the website to provide more information to the public.

Rich said he heard that the interim planning director received a couple of calls asking how the CAC members were chosen because they felt that the members on the committee from their area weren't really representing the opinion of their part of the county accurately. Rich asked, in view of the responses that we are getting and public comments at the meetings, do any members feel that we need to revisit any of the policy topics?

A member also mentioned that she spoke with a citizen who didn't feel comfortable speaking out at the meeting because of the tone of the environment of the meeting. The citizen was generally in favor but didn't feel like it was a safe environment for her to express that. The member felt that it was more balanced on paper because the citizens felt freer expressing their thoughts on the survey where it was safe.

Another member thought the only topic worth reconsideration is agri-tourism in the West Hills, not Sauvie Island, but only the West Hills.

The biggest problem right now is what citizens can and can't do on their property and better communication and clarification is needed. Perhaps staff should describe the policy and give examples on the website so people can better understand.

Rich asked Eryn when the final survey report will be available; she replied it will be around Mid-Oct.

III. Policy on Water and Wastewater Systems

Rich introduced Erin Mick from the City of Portland Bureau of Development Services Septic Systems/Sanitation. He explained that the CAC was concerned that the policy as now written opens the door to development that may not be desired particularly with the connection between current requirement for in-ground or subsurface septic systems and lot sizes. There was discomfort with the language and that is why Erin is here to speak to this and to answer questions.

A member commented that if you go to page 10, sewage was changed to waste water systems. Per Rich we are not talking just about sewage, we are talking about all of waste water. The question was asked if waste water included sewage and Rich answered yes it does.

There was a comment about a lot of new technology allowing us to build in places that may be unsuitable. The member would be in favor of one of these new septic systems if it was retrofitted such as if someone is going to lose their property unless they upgrade their septic system, then do it. But there is high maintenance and risk to these types of septic systems. The concern of having this policy would be that it would open up more land to development in areas where it's unsuitable.

Erin Mick clarified that there are alternative treatment systems already in use in areas that have high ground water or the lots are too small. What that means is that you have a septic tank, a treatment unit that follows the septic tank which goes into a drain field. What that does is cleans up the water to use less soil because either the ground water is too high or there isn't enough lineal footage for treatment. But you still have to have an adequate amount of land area for a house to be built and your septic system will stay the same size. You do not get a reduction on requirements with your septic system. The gray water systems are already permitted by DEQ. They are for irrigation purposes only so for four months out of the year you would have a valve that allows you to divert your gray water for irrigation purposes. The other eight the months of the year, when it's wet and you aren't irrigating, is when you need to shut the valve off and then you would have full septic system in use. Again, there is no decrease in size on septic system requirements. The holding tanks are only allowed for commercial properties with minimal use like office use. Businesses such as restaurants or those that have way too much cooking and cleaning are not allowed to use a holding tank. They have to have a whole lot more than that. Also, holding tanks are not appropriate for residences. It's not allowed and never will be because you have to pump it and there is no outlet. You wouldn't be able to bathe or cook.

A question was asked with regards to the capacity of the soil to handle water. We have to consider the drain field capacity of the system for storm water. Is that factored into your analysis? Erin said that there is a check when you turn in your site plan making sure you are showing where your storm water is going and the setbacks but, in terms of sizing of that storm water, right now Multnomah County requires an engineer to develop plans and to analyze the site. So it's being checked on the planning side and Erin checks it to make sure there are setbacks and that you are not going to be impacting the drain field. So she would say yes that it's being handled to the best that they can. The same member went on to ask that the CAC is considering a policy that would require a lot owner who applied for a permit to build a house, for example, to have no impact on the drain capacity of land from storm water. The site has to be built on their property to handle the storm water. How does that impact, what you consider the carrying capacity, of the property? Erin says that it doesn't as long as you are meeting the setbacks.

Public Comment – None

Action Taken – Approval of the policy as written with two yellow votes.

IV. Parking Lot Item -- Utility Infrastructure

Can we prohibit public utility infrastructure in the rural county that is solely intended to serve urban development? This question arose because of an electrical substation built in the rural West Hills for the purpose of serving a development within the UGB in Washington County.

Kevin Cook found in his research that there are several kinds of substations such as one that powers down a level from a regional to a local grid. With a new subdivision or series of subdivisions, there will occasionally be a substation serving multiple developments. The best practices from the utility providers opinion is that you don't necessarily want these right in the middle of a subdivision and often times they own other land in an area where they foresee growth. As planners we don't know enough about the needs of the utility provider and don't know what their criteria are for siting a facility. Other infrastructure such as water storage tanks are usually positioned based off of topography. They tend to work better when they are located somewhat higher in elevation from the area that will be served. Sewer lines were another one that was brought up. Sewer lines are generally prohibited outside the urban growth boundary. An exception in rural areas is where the line is taking the shortest distance between two urban areas as long as there are no connections allowed to that portion of the line outside the UGB. You would need a goal 11 exception to be able to connect to the sewer line.

Cell towers are regulated already and we updated our codes for siting cell towers in the early 2000's. These included restrictions about locating them on EFU land for instance. An alternative analysis would have to be done that says that EFU is the best place for it. There are also screening requirements and a lot of standards on how you minimize the visual impact of cell towers.

The conclusion is that staff hasn't come forth with a policy at this point because of the multiple factors in siting utility infrastructure we would caution that any policy should be flexible enough to consider the multiple variables that are necessary and to be mindful that these types of infrastructure already require a conditional use permit which requires a public hearing and public notice. Part of the criteria that is looked at is it appropriate for the given location. A member voiced a concern that we need to make sure that it is not the default standard operating procedure that we can't throw it back over the urban growth boundary. Developers will figure out a way to pitch it so it makes sense to put it on rural land so they can maximize their developable land.

We should make it tough so that they have to come up with a good argument on why they can't locate it inside the urban growth boundary. We need to make the burden of proof heavy for whatever is proposed on rural land and require them to explain why they can't possibly come up with a solution to take care of it within the development or somewhere else inside the UGB. Kevin said that what the member was asking for is essentially an alternatives analysis and we don't have that standard for a utility infrastructure. If we want to explore policy or give parameters then maybe staff can

come back with some language, but the thing we would struggle with is how you say that in a reasonable way. You want to say that in policy instead of code and you would want to be broad about what you say.

A member asked if requiring an alternatives analysis would ease the burden and Kevin said it probably would. Another member asked if you could require an alternatives analysis for just specific uses? Kevin mentioned that it was part of the struggle just in this memo on how to write it. Another member liked the alternatives analysis idea and felt there should be a county policy that states that unless there is no reasonable alternative then the preferred siting must be inside the urban growth boundary. A staff person asked the question: what if zoning for all the land in the Bethany area did not allow substations; they would need to put a substation somewhere. Another staff person said that's when they would have to demonstrate that through an alternatives analysis showing that there would be no other place to put it. We can't tell Beaverton or Washington County to change their zoning to allow substations. Kevin said that that is where the word "reasonable" comes in and will need to be sorted out in the future. Rich ask Kevin if he will be drafting a policy statement targeting what we are trying to get at here. Kevin replied yes. A member was concerned about not making it too difficult so that better services can come into the area such as better internet service to Sauvie Island.

Regarding the second parking lot item, Rich asked the CAC about drafting a policy for the county to take the position on proposals by outside entities that may have an adverse impact on county residence? One example was dumping dredge materials in the Columbia River near Sauvie Island. It could also apply to coal and oil trains along with any number of things. Rich put this question to the assistant county attorney Jed Tompkins and his response is that it's not a wise policy for the obvious reasons and that the county commissioners are elected officials that are voted to make decisions and that they probably don't want to be hamstrung with every conceivable project that comes along that they're going to have to take a public position on.

The question for the members is: are you satisfied with his answer and want to accept that or do you want to pursue this topic further. Eryn asked if there was anything that prevents the county commissioners from taking a position on an environmental topic like these. Rich said that they would probably respond to public pressure if there were a lot of their constituents saying we don't want this and we want you to take a position on it. The attorneys don't feel that the commissioners should be bound to it every time it comes up. There was a member who agreed with this and that it's not good to bind the county to it.

The CAC was comfortable with the attorney's response on this parking lot item and agreed not to pursue it further.

V. Tree Protection Policy Revisit

Rich said that several members were concerned about the changes that the county attorney was making and was wondering if it was changing the intent of the policy. Staff looked at the entire policy and how it's written and feels that it doesn't express what the committee wants very well and perhaps it would be best to rewrite it. Kevin has drafted a new and improved policy which staff believes really better expresses the intent of the policy and more clearly states it.

The first statement of the policy gets to the intent and that fire standards needs to be consistent with wildlife protection and that they aren't mutually exclusive. The second part about clearing for agricultural practices and timber harvest clarifies that staff can seek verification of legitimate farm use or forestry timber harvest. Initially the policy talked about forestry permit but there is not necessarily always a permit involved. Some people register for the forest practice and it depends on the type of harvest occurring. This clarifies that yes, if you are telling us that a farm or forest practice is occurring, then we will seek concurrence from the state agencies. The second piece also addresses the concern that ODF sometimes allows an exemption for dwelling sites even where there hasn't been an approval given for a dwelling from Land Use Planning. This clarifies that this policy could be more restrictive. The county could require replanting in an area where ODF exempts.

Strategies

Some of the strategies are modified for clarity. The changes are minor except for strategy 3 where the concern was about significant views as opposed to tree protection. It was felt that it was appropriate to take that out as a strategy and make it a stand-alone policy.

Comments

A member had a question about the opening paragraph's last sentence about the county fire and safety standards. She hasn't seen the fire standards in the county and asked if there was one. Kevin said that they are currently in the forest zones but plan on expanding it to other zones and there is more to come. Another member asked about penalties and staff talked about a separate code compliance that addresses these penalties. Another member liked the policy and strategies and felt that it reads nicely but her question was around the new scenic view policy and if staff was proposing this exact language. Matt said that we already recommend adopting it.

Another question was would you still have the ability to make a person replant the trees that were clear cut for a great view but without an approval. Yes, if it can be shown that the tree removal was not part of the approved landscape plan, then it can enforce replanting.

Public Comment – None

Action Taken – The policy was unanimously approved with one change. Add commas to the first paragraph of the policy as follows ; “... replanting of trees, in areas where tree removal has occurred, consistent ...”

VI. Natural Resource and Natural Hazards Maps

Air, Land, Water, and Wildlife

Rithy Khut reported that the subcommittee has had three meetings and looked at the maps and new data that have come out. They looked at where ODF&W has said to take a look at new streams and new wildlife corridors to consider protecting. The areas called out are Newberry Creek, Sauvie Island as a whole, the wildlife areas that are currently unprotected are in the red boxes. These areas are being considered: 1) to add to our inventory as natural resource areas that are protected by goal 5; and, 2) to use the current SEC protection program to protect these sites. Generally at a high level, the CAC has seen what we put out and are generally in agreement that we should protect these areas because they have been identified by ODF& W. We need to see if our current protection program is adequate enough to protect these areas. The subcommittee approved and will take this information forward to the CAC’s next meeting. The CAC will be presented with the specifics of the policies. Rithy walked the committee through the maps to see the overviews and to review what is currently protect and not protected.

Hazards

There are primary three categories of hazards that the subcommittee is proposing.

- 1) Areas with steep slopes and susceptible to landslides. Proposed new policy language that relates to limiting or reducing hazards associated with landslides & steep slopes and hazards associated with potential liquefaction area resulting from major earthquakes.
- 2) Hazards associated with floodways and floodplains. In looking at current policies the county is in good shape but there are a couple of things that represent new policies.
 - a. Have policies that say keep doing what you’re doing because it’s working and it’s the right thing.
 - b. Periodically updating the county standards based on best practices.
 - c. There is an issue with channel migration and there have been recent studies with maps showing where channel migration has occurred.
- 3) Risk associated with wildfires
 - a. Generally require development in areas where risks have been identified to meet fire safety and mitigation standards and to use current mapping data to identify where those areas are.
 - b. The county has standards associated with wildfire protection that are applied to the commercial forestry zones and that’s where it is in the code. However, when you look at the most recently updated maps they show areas prone to wildfire that are not only in the commercial forestry zones but in other areas of the county as well. One of the policy directions is to expand some of the

requirements into areas that have wildfire risk but recognizing that they need not just be expanded but also tailored, for instance, to balance wildlife protection with natural wildlife habitat protection. The standards need to balance those types of issues in the different types of areas. The County is also working on a natural hazards mitigation plan and the subcommittee is looking at that.

Eryn asked when the subcommittee will share more information on the slopes. She said that some of the citizens at the community meetings felt that 20% was arbitrary. She asked if data was coming to explain that. Matt said yes and no and gave an overview on what he presented to the subcommittee earlier in the day. Right now there are differing policies or standards that the county has. The hillside development overlay zone requires certain things for slopes that are over 25%. There is a policy in the West Hills rural area plan that talks about protecting or restricting development in areas with over 25% slope. However, there's a policy within the county's comprehensive framework plan that talks about avoiding development of areas that are over 20%. So, there is 20% vs. 25% and one of the initial proposals from a previous meeting of the subcommittee was to use the 20% and be more conservative. We asked the geotechnical consultant if 20% is a number that the state uses. His reply was that this percentage number is rule of thumb and he sees lots of variations within municipality codes. He also said it's not just the slope but the character of the soil and the inability of the soil to withstand pressure and movement.

A member asked how slope is measured; does the county look at the slope where the development will be located or does it look at the slope of whole parcel. Staff said it's the property as a whole with one caveat though. It talks about the average slope which Rich said is a problem because when you talk about the average slope that means a person could be building on the bottom and have a steep slope behind them. He doesn't like the use of the verbiage "average slope".

VII. Public Comment

Sandy Baker said that she still would like people who comment in these meetings to say who they are and the identity of the speaker should be reflected in the meeting summary. Eryn mentioned that stating your name was optional and cannot be forced. Sandy asked how many comments were received via the mail from the East and West side. Eryn said there was a total of 92 and that there was not a question on the survey of where people lived. Eryn stated they can separate what response came from each meeting but cannot separate what was mailed in. They received about 40 from each meeting and we are still taking internet surveys through the end of the month.

Sandy also felt that the West Hill residents aren't being represented by the CAC. Another member of the public liked the suggestion of an alternatives analysis for placement of public utilities. Her concern is that the opportunity for public comment on where the utilities are going in is in name only and by the time you can comment, the decisions have already been made and it's virtually impossible for the public to alter

them. It's very frustrating for people. A CAC member also commented that she felt that in rural areas the county should notify the land owners within 400 yards rather than only 750 feet as now required.

VIII. Meeting Wrap Up

Next CAC meeting is October 28th

IX. Adjourn

The meeting adjourned at 8:20 pm.