

COMMUNITY ADVISORY COMMITTEE MEETING
ROOM 126 MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. PORTLAND, OR
SEPTEMBER 2, 2015 6:00 PM

MEETING SUMMARY

I. Welcome, Introductions and Announcements

In attendance:

CAC

Aaron Blake
Paula Sauvageau
Catherine Dishion
George Sowder
Jerry Grossnickle
Kathy Taggart
Linden Burk
Marcy Cottrell Houle
Martha Berndt
Stephanie Nystrom
Sara Grigsby
Karen Nashiwa
John Ingle
Chris Foster

Project Team

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

Absent

Tim Larson, Andrew Holtz, Will Rasmussen

Other community members in attendance: Carol Chesarek and Sandy Baker

Eryn Kehe asked committee members to speak up when talking because sometimes others are having difficulty hearing them. This seems to be particularly the case for those sitting in the corners where they are not facing those at the other end of the table.

Eryn outlined what is going to be talked about and the format for the public meetings coming up at Skyline Elementary on Sept 9 and Barlow High School on Sept 16. Matt asked that the members to be there and help co-host. He asked them to encourage the public to share their ideas and talk with them.

The staff concluded that they would identify names of public comments in the minutes. A member commented that Carol Chesarek would not like to be identified in the meeting summaries. When asked about this, Carol confirmed that she does not want to be identified in the minutes. Another member made the suggestion that staff should ask the

public member if he/she wants to be named. The final result was that staff will ask persons making public comment if they want to be identified in minutes.

A member noted that the summary of the last meeting that is in our packet already identifies who made public comment at that meeting. The change talked about here already occurred in those minutes; wish it hadn't.

CAC members agreed that on page 5 of the July 22, 2015 CAC meeting summary, the last part of the public comment should be stricken.

Results of Votes on Environmental Quality Issues from 7/22 meeting

1. Goal 5 Resources
 - Wild life habitat - 5
 - Wetlands - 2
 - Riparian Corridors - 1
2. Areas Subject to Natural Hazards
 - Wild life hazards - 4
 - Land sides - 2
 - Floods - 2
3. Preservation of Historic Resources Structures & Places
 - Allowing uses that benefit historic preservation - 6
 - An active historic preservation program - 1

II. County Attorney's Changes to Approved Policies

Rich Faith explained the changes being proposed by the Assistant County Attorney, Jed Tomkins to the policy language the CAC has already been approved.

A. Farm Dwellings

Policy 1 - Uses permitted by Oregon administrative rules -- Jed recommends that the committee should include Oregon Statutes as well.

Comments - None

Action Taken - The committee was okay with the recommended change.

Policy 2 - Continue to require approval of dwellings -- Jed recommends that we use take out "Continue to" and simply start with "Require..."

Comments - None

Action Taken - The committee was okay with the recommended change.

Policy 3 – Prohibit parcelization – there is no out right prohibition on creating parcels and Jed feels that it's not accurate and proposes that we strike out the word "parcelization" and say instead "Prohibit creation of new lots or parcels except as authorized by code ..."

Comments - None

Action Taken - The committee was okay with the recommended change.

B. Parcel Aggregation –

The policy requires that contiguous properties be physically aggregated. Jed said that this borders on a takings issue and he said that what we want to do is require notification so the subsequent owners of aggregated parcels know the restrictions that goes with them. Require a deed restriction to be recorded as a condition of development. The best way of doing that is to require that through a condition that they have to record a deed restriction so that the deed search records will show that there is some restriction on these properties that were subject to some kind of development in the past. One of the strategies under this policy has been removed because it's been included in the policy statement.

Comments – A question was posed if the policy meant that the lot lines would be removed when properties are aggregated together. Staff said that the individual property boundaries would remain intact but the lot of record may include more than one than one property. A member asked how is it different than what is done now? Staff replied that if you apply on an EFU and a review needs to be done, planning needs to check on the lot of record status; however, a building permit isn't automatically given. In the past a property owner could sell off one of the discrete parcels not realizing that they just created an issue for themselves and the buyer for future permits on both parcels. This change will require a recording that provides notice of what has been done and the development restrictions that apply to the aggregated properties. Jed didn't change the policy intent just the language and procedure of the policy. There was a suggestion that the language of this policy would be clearer and stronger if it said "Require lot and parcel aggregation..." rather than "Maintain...". People agreed that it would be consistent with what was previously discussed under farm dwellings policy #2 and with the language Jed wants.

Action Taken - The committee was okay with Jed's recommended changes and the other suggested change to replace "maintain" with "require". The final wording of the first sentence of parcel aggregation policy reads as follows: *"Require lot and parcel aggregation standards to reduce parcelization, maintain larger lot and parcel sizes in farm and forest zones, and help minimize impacts of non-farm and forest uses on surrounding farm and forest production. ..."*

C. Rural Center – Design Standards

Jed said that how the policy is now worded it makes it mandatory for rural center design standards to differ from an urban standard, but inserting the word "may" gives you latitude and encourages using that along with the wording "flexibility".

Comment - A member commented that the City of Gresham requires parking when you build a building. Staff did not understand the situation and why the City would be

imposing this requirement. The member was encouraged to explore this with staff because it doesn't affect the policy.

Action Taken - The committee was okay with the recommended change.

D. Permitting Process -

Jed pointed out that when the refinements to the permitting process would occur and the CAC felt that it should occur when issues are identified by community members. He said that many times these refinements are caught by staff or other county officials that are aware of a glitch in the permitting process that needs to be fixed and would we not want to respond to that as well. He proposed the insertion of adding "or county representative".

Comments – Aren't county representatives also community members? You might say that, but better to be safe and call out county representatives as well.

Action Taken - The committee was okay with the recommended change.

E. Tree Protection

Tree protection – Clearing of trees

Jed recommended that the word "timber harvest" be used instead of "forest harvest" and for further clarification about what type of clearing we are talking about to add "that have not been done under an approved Oregon Department of Forestry (ODF) reforestation plan".

Comments – There were concerns about this change, particularly whether the rewording is accurate in terms of when an ODF reforestation plan actually would apply. A member questioned the word "plan" and asked staff to check the terminology. Also spell out ODF.

Action Taken - Although the committee okayed the recommended change, they asked staff to check with ODF to see if the terminology used in the new language is correct.

F. Existing Land Use Policies for Retention or Revision

1. Off-site Effects

Regarding changes to the introductory language about Off-site Effects, which reads "... impose appropriate conditions of approval on land use actions to mitigate off-site effects"; public comment questioned using the word "minimize" instead of "mitigate". There was considerable discussion about the two words and which is the better one to use. The compromise that was reached was to use both words in the sentence.

Action Taken - The committee approved all of Jed's recommended changes except that the introductory text to Off-Site Effects should say "... impose appropriate conditions of approval on land use action to minimize and mitigate off-site effects."

2. Urban Land Area

Jed recommends that we change the policy to say “Coordinate with Metro in its role to establish...” because the County is not the one who establishes and maintains the UGB, Metro does.

Action Taken - The committee was okay with the recommended change.

Public Comment – Referring back to the policy on aggregation, a member of the public commented that there is a concern that aggregation of a property could go on infinitely if it's not tied to a particular standard. The real heart burn is that no where does it say what the aggregation requirements are. The member of the public would like something added like “the requirements are” and that would give the limit.

Matt asked if the person was asking to insert code language in the policy because that's where those types of words are. The member asked that policy language be used to achieve minimum aggregated areas like 80 acres or whatever it is. Matt said that as a general practice numerical values are not in the policy but are in the code. Kevin suggested that the first sentence in the new policy could say “Require lot and parcel aggregation standards ...”. The public member said that minimize and mitigate should both be part of the policy. Others disagreed. Sandy Baker asked a question about lot of records. She asked why do people do this? At one time were they able to build on their property, but has that changed? Is it now that they cannot build?

Action Taken - The committee was okay with Kevin's suggested word change, but did not approve adding the word “mitigate” in the first sentence of the policy.

III. Parking Lot items

Parking Lot item #20 – there was strike out language recommended by the CAC and it led to the parking lot question of the RR land use category including a reference to limited forest product processing as an allowed use in that zone. The question came up, is this really an allowed use in the RR zone? There is no provision for limited forest product processing in the RR zone. Therefore, staff believes that it is appropriate to delete that from the reference.

The CAC previously decided to strike “cottage industries, limited rural service commercial and tourist commercial” uses from the RR land use category description. Kevin found out that the list of conditional uses in the RR and MUA20 zones include cottage industries and limited commercial uses. The provision of cottage industries pre-dates the home occupation code so it can be thought of a vestige from earlier days when certain uses were allowed. The question is, by striking out the reference in the introductory language did the CAC intend to remove those uses as conditional uses in the zone? Kevin still needs to look at the OAR's to see what state rules are.

Comment – What size are the lots in RR? Kevin answered RR is 5 acre minimum lot size.

Action Taken - The CAC decided to take out all descriptors of uses in the RR category. The entire second sentence should be struck.

The second parking lot item will have to be continued to another meeting because time for this agenda item ran out.

IV. Public Facility Policies

Rich reported that the Transportation & Public Facilities Subcommittee has been grappling over several policy matters specific to public facilities. They have not yet finalized anything on the transportation side but they are forwarding recommendations on a couple of public facilities policies for the CAC to review and decide on.

A. Public Rest Stops

The subcommittee is recommending expanding upon the policy that comes out of the recently adopted Sauvie Island RAP to apply it not only to bicycle routes, but to other heavily used travel routes around the County. There are several strategies to spell out what types of amenities a rest stop should include and the type of land use process that will ensure public involvement in siting them.

Comment – One member had strong concerns about placements of porta potties as rest stops. There are lots of problems associated with siting and management of porta potties.

Action Taken - The CAC approved the policy on public rest stops with one member voting against it, but was agreeable to it going forward as a recommended policy.

B. Sewage Disposal for Rural Developments

This policy topic was staff driven due to how the current policy is written, which is different than what's really happening in the field with development. Most development relies on a private septic system and our policies are currently built around that and in reviewing a new development there must be a finding that the development will not exceed the carrying capacity of the site and in some areas the language says carrying capacity of the soil. So it's all predicated around the notation that you have septic systems that need an area for the drain field and replacement drain fields. If you want to expand or built a use on a piece of property that cannot accommodate a septic system then technically the development should not be approved. But there are other means of sewer disposal such as holding tanks and other new technologies. The real issue is that we are moving away from such sewage disposal systems that are dependent upon soil capacity.

Comments – A member would like to talk with her husband first before the vote because he is knowledgeable about this topic. Staff let the members know that this new policy was reviewed by Erin Mick of the City of Portland Bureau of Development Services Septic Systems and Sanitation Permits. A member asked if county is supporting rain

water collecting system. Staff said that they didn't have enough information to answer that question.

A member was concerned about the new technologies and the public not maintaining these systems correctly. Staff replied by saying that Erin Mick is enforcing DEQ rules and if she's going to approve a system of any kind it has to be per those rules and it is true that some systems need to be inspected more frequently. Another member said that new systems are so different than what they have in the West Hills today in that if the power goes out then they are without a toilet until the power comes back because the systems pump up hill. Another member said that she understood the concern but to say that the way to go with sewage is on septic for the rest of our lives is short-sighted and we have to be open to the opportunity of new technology and allow people to build on the property if they did have appropriate disposal system.

Action Taken - 2 members voted against these the policy. The decision was to bring this topic back at the next meeting with more information.

V. Report on Air, Land, Water, Wildlife and Natural Hazards

Matt Hastie said the Air, Land, Water, Wild Life Subcommittee met today and reviewed policy language for topics relating to historic preservation, natural resources and natural hazards. There was general support for a lot of what was brought up and staff will come back to the subcommittee with more refined language to reflect the discussion that the subcommittee had, then following that meeting the policies will be brought back to the CAC.

VI. Report on Transportation System Plan Work

Joanna Valencia said that the transportation subcommittee has met twice. They have gone over new policies on items identified from the community feedback at the open houses and from staff. Major policy topics are bicycle infrastructure, safety, road maintenance, and taking a look at high pressure of traffic using the rural roads. There continues to be many hot topics in transportation that need to be addressed so there might be additional meetings added to the current schedule. The TSP is not only talking about policies but also doing some analysis. There are ten filters that they will look at in evaluating projects. Take a look at the web for more information.

VII. Public Comment

The question was asked if we know when the next transportation subcommittee meeting will be held. Staff replied it has been confirmed for Oct 5th. There might also be another meeting in November.

VIII. Meeting Wrap up

The next CAC meeting will be on September 23. Committee members were also reminded to come to the community meetings on September 9 and 16 and to please

write down your name on the board if you will be attending so we have an indication of who will be there.

IX. Adjourn

The meeting adjourned at approximately 8:20 pm.