

COMMUNITY ADVISORY COMMITTEE MEETING  
ROOM 126 MULTNOMAH BUILDING  
501 SE HAWTHORNE BLVD. PORTLAND, OR  
October 28, 2015 6:00 PM

## **MEETING SUMMARY**

### **I. Greetings, Announcements and Introductions**

In attendance:

#### CAC

Andrew Holtz  
Catherine Dishion  
George Sowder  
Linden Burk  
Martha Berndt  
Paula Sauvageau  
Stephanie Nystrom  
Tim Larson  
Will Rasmussen  
John Ingle  
Chris Foster

#### Project Team

Rich Faith  
Kevin Cook  
Rithy Khut  
Matt Hastie  
Eryn Deeming Kehe

Absent: Aaron Blake, Karen Nashiwa, Marcy Cottrell Houle, Jerry Grossnickle, Kathy Taggart, Sara Grigsby

Others in attendance: Carol Chesarek, Colleen Cahill, Sharon Nesbitt

Eryn Kehe gave a quick report on the final summary of the public meetings held in September. She explained that after the last CAC meeting on September 23rd when she provided a preliminary report on those meetings, many more comments came in from the online survey, which did not close until September 30<sup>th</sup>. A lot of those comments came from members of the bicycle community in response to a blog from a popular website of a bicycle advocacy group. The comments that came in after the last meeting did not appreciably change the ratio between supportive and non supportive survey results that she reported last time. A copy of the final summary has been included in tonight's meeting packet handout.

Matt Hastie announced that he is starting to draft background narrative for the comprehensive plan and he would like the CAC members to let him know what parts of the currently adopted rural area plans they think are important to carry over into the new plan. CAC members can do this individually or collectively with others on the committee

who represent a particular rural area. Comments can be emailed directly to him or by whatever means works best for each person. Matt will follow up in an email to everyone to remind them of this information request. Rich Faith added that this request is not really applicable to the Sauvie Island/Multnomah Channel (SIMC) plan because it is our intention to carry over everything from that recently adopted plan into the comprehensive plan since the SIMC plan is new and everything in it needs to be retained.

Rich announced that an additional Transportation and Public Facilities subcommittee meeting has been scheduled for November 9<sup>th</sup>. It will be held at the usual time of 6:30 p.m. to 8:30 p.m. here in this room (Room 126). He also wanted to bring to everyone's attention that a letter submitted today to the CAC from Jerry Grossnickle is included in tonight's meeting packet handout. Jerry is unable to attend tonight's meeting but wanted the CAC to have his comments on the various agenda items up for discussion this evening.

A CAC member pointed out one correction to the summary of the September 23, 2015 CAC meeting in today's packet. On page 7 of 12, the fourth paragraph, the second to last sentence does not make sense as written. It would make more sense to say "... we can't throw it outside the urban growth boundary." rather than "...we can't throw it back over the urban growth boundary." Everyone agreed to the change.

## **II. Policy on Utility Infrastructure Serving Urban Developments**

Kevin Cook briefly summarized his memorandum on this topic. The CAC reviewed and discussed this policy at their last meeting and asked staff to come back with revisions to add language that requires an alternatives analysis for locating certain utility infrastructure outside the UGB if it will solely serve development inside the UGB. Everyone liked the revision and supported the policy.

Public Comment - There were no comments by members of the public.

**Action Taken** - Approved the policy as written.

## **III. Historical and Cultural Resources Preservation Policies**

Rich provided background on the historic preservation policy and how the proposed policy language comes primarily from the current County Framework Plan. There are two major additions: a strategy about amending the zoning code to include a process for obtaining a historic landmark designation and a strategy about allowing adaptive uses on historic properties to contribute to the preservation and reuse of a designated historic landmark.

A member asked whether the zoning of a property would affect whether it can receive a historic landmark designation. The answer is no it wouldn't. There was concern expressed about allowing adaptive uses and the potential to adversely impact surrounding properties. It was pointed out that they would only be allowed by conditional use permit which will require notification to surrounding property owners, so there is a

process to identify impacts and deny the use if it will negatively affect others. Another member stated that the County's National Scenic Area zoning standards have a similar provision allowing adaptive uses for historic buildings and properties.

Public Comment – Colleen Cahill, owner of a historic building in the West of Sandy area, stated that it is very costly to maintain older properties. It would greatly help owners like her to have the opportunity to operate a business that can provide an income stream that can be invested in upkeep and maintenance of the historic building. She supports this policy and would like to see it happen.

**Action Taken** – Unanimously approved the historic preservation policy as written.

Rich next gave the background on the proposed cultural resource preservation policy. He pointed out that this policy language also comes primarily from the current County Framework Plan along with recently adopted policies from the Sauvie Island/Multnomah Channel rural area plan.

A member did not care for the word "Encourage" in strategy C and would like to see something stronger like "require". Rich replied that the county doesn't need to require notification because state law already requires a person to notify the state whenever an artifact is discovered. Use of the word "encourage" supports state law and is an appropriate word. Other CAC members agreed and no change was made to the strategy.

A member from Sauvie Island stated that policy 3.11 taken from the SIMC plan says to "encourage" evaluation of alternative sites, but folks from the Island would prefer the word "require" rather than "encourage". After further discussion, the committee agreed with this word change.

**Action Taken** – Unanimously approved the cultural resource preservation policy but replace the word "encourage" with "require".

#### **IV. Riparian Corridor, Wetlands, and Wildlife Policies**

Rithy Khut presented information about these policies pertaining to Statewide Goal 5 resources. The map in today's packet shows the streams that would be added as significant streams to our inventory if we use Metro's riparian corridor inventory that extends one mile beyond Metro's jurisdictional boundary. If we are required to do an ESEE analysis for these additional riparian corridors, we intend to use Metro's methodology. That is the gist of what strategies B and C of Policy 1 are saying.

A CAC member from the West Hills said that he will speak on behalf of Jerry Grossnickle who submitted lots of comments in writing. He proposes that the committee approve all of Jerry's requested changes. The following are some of the major questions and comments during discussion of this agenda item.

- Can other streams be added to the inventory in the future if they are brought to the County's attention?
- Jerry's written comments state that natural area values under Policy 1 do not need to be fragile to deserve protection, so the words "for their fragile character" should be deleted. The committee agreed with this change.
- Jerry argues for using Metro's inventory methodology beyond the one mile extended area to capture the entirety of the County. This would potentially add more streams that are not now designated as significant. A member asked how the County's methodology for identifying significant streams compares with Metro's? There is not an easy answer. There was considerable discussion about Jerry's proposed additional strategies. Generally, the committee did not want to include the strategies that would obligate the County to conduct a full blown ESEE analysis by adding streams to its inventory that are not already covered by an ESEE. They were OK with his proposed strategy E, but did not approve of proposed strategies D and F. His proposed strategy E will become strategy G under Policy 1 to read as follows: "Periodically review and consider any new data to update the inventory of significant riparian corridors."

**Action Taken** – Unanimously approved the Riparian Corridors and Wetlands policies with the two changes noted above.

- For the wildlife policies, for consistency Jerry has asked for the same deletion of the words "for their fragile character" in item B under Policy 1. The committee agreed with this change.
- Jerry's written comments pointed out that Strategy 1B should be clarified to say the update is of the inventory of habitat, not the habitat itself. The committee agreed with this clarification.
- Jerry's comments requested a change to Wildlife Policy 3 to include "other agencies and organizations authorized by the state" to administer the Wildlife Habitat tax deferral. The committee agreed with that change but a member pointed out that there is also a Riparian tax deferral so that should also be mentioned. With that change the Policy 3 would read:
  - "Work with and coordinate with the Oregon Department of Fish and Wildlife (ODFW), local Soil and Water Conservation Districts and other agencies and organizations authorized by the state to administer the Riparian and Wildlife Habitat tax deferral programs for lands that are eligible by administrative rule or statute."
- To be consistent with the change in Policy 3, Wildlife Policy 4 should also include the Riparian tax deferral. The change would be: "... extend the Riparian and Wildlife Habitat tax deferral ..."
- Code amendments to implement policy 5 about limiting the size and building footprint of houses in the SEC-h overlay should use a ratio of house size to land area rather than a set number.

**Action Taken** – Unanimously approved the Wildlife policies with the changes noted above.

## **V. Natural Hazards Policies**

Matt Hastie presented the new policies pertaining to steep slope and landslide hazards, flood prone hazards, and wildfire hazards that are being recommended by the Air, Land, Water, Wildfire and Hazards subcommittee. A major issue that the subcommittee struggled with is what slope percentage to call out in the policies as constituting steep slopes that should be avoided and would trigger the need for a geotechnical report if development is proposed there. The current County Framework Plan says development on slopes exceeding 20% should be limited, but policies in the rural area plans, such as the West Hills Plan, set 25% as the degree of slope for avoidance. The zoning code requires a Hillside Development Permit for development on slopes of 25% or greater. Subcommittee members were evenly divided about going with 20% or 25%, so it's up to this committee to decide which number to use.

Another consideration is that the policy refers to other areas shown to be susceptible to landslides. More recent landslide vulnerability maps produced by the State Department of Geology and Mineral Industries (DOGAMI) using LIDAR mapping show slide prone lands regardless of slope. The maps are based on historical landslide activity. These are the maps that will be referred to under this policy when determining whether a geotechnical report is necessary. The new maps capture more slide prone areas than previously mapped, so going with a lower slope figure (20%) does seem unnecessary because of better data DOGAMI is now using. Although there does not seem to be any science behind the 25% slope number, it seems to be a commonly used percentage among other jurisdictions. However, staff was unable to find any real justification for using 20% and does not support using that figure and recommends sticking with 25%.

The following are some of the major questions and comments during discussion of this agenda item.

- Slope is only one of many factors that contribute to landslide vulnerability
- Why use a slope percentage at all if the DOGAMI maps show area susceptible to landslides and will be used to determine whether a Hillside Development Permit is required.
- The West side of the County has many active slide areas and we should be more diligent about where we allow development to occur there. Using 20% slopes as a trigger point for a geotechnical report is a good precautionary measure.
- Jerry Grossnickle's written comments ask that strategy 2b be revised to require geotechnical reports be filed with property deeds rather than investigate the advisability of requiring this as the strategy is now written. Requiring the recording is for the benefit of a prospective buyer to know what they are getting. How does the committee feel about that?

- Recording an entire geotechnical report, which might be a hundred pages, would add a significant recording fee. Also, there might be several reports done by different firms with different conclusions. Which one should be believed?
- What about just requiring recording of a declaratory statement as Jerry gave an example of from Marian County? The important thing is to provide notice to a prospective buyer.
- Real estate disclosure laws require landslide vulnerability to be disclosed at the time a property is being sold. That should provide notice to a prospective buyer of the potential hazard they may be getting.

Public Comment – A member of the public stated that climate change is expected to mean more rain resulting in a greater potential for landslides. This will become a major problem in the West Hills, which is why putting 20% slopes in the landslide policy for avoidance would be good. Also you can't insure against landslides. A committee member said that is isn't true. He has landslide insurance on his house. It is not standard coverage and is quite expensive, but it is possible to get coverage for landslides.

The reason for requiring recording of a declaratory statement about landslide hazard is to ensure that the purchaser of property understands the risk.

**Action Taken** – Specific to other proposed revisions to the Steep Slope and Landslides Hazards policy language in Jerry Grossnickle's written comments, the CAC took the following actions:

- Approved word changes in Policy 1 except that where the word "prevent" proposes to replace the word "mitigate" in two places, include both words instead. The final version would say "prevent or mitigate".
- Policy 1, Strategy a. Replaced the word "vulnerable" with "potentially susceptible".
- Policy 2. Changed the policy to read "... and lesser slopes shown to be potentially susceptible to landslides from inappropriate development or slope alteration. Consider possible adverse effects on nearby homes and public and private infrastructure."
- Policy 2, Strategy a. Add the word "potentially" in front of "susceptible". Add the following sentence at the end of the strategy: "Slope alteration and site disturbance shall be minimized, and measures taken to stabilize slopes, minimize soil erosion, and replant areas where vegetative cover will be removed."
- Rejected the proposal to delete Policy 1, Strategy b and replace it with new language.

At this point the committee was asked to vote on the steep slope and landslide policy as revised and using the 25% slope number in those places where a figure needed to be inserted. The vote was five green, three red and one yellow. Since consensus had yet been reached, discussion continued. After more debate another vote was taken. This

time there no red cards, but two yellow ones. However, the two yellow voters did not want to block the policy and were OK with it going forward with the 25% number.

The committee agreed to defer discussion of the Flood Hazard and Wildfire Hazard policies until the next meeting.

## **VI. Natural Resource and Natural Hazards Maps**

Joanna Valencia provided the background on these proposed policies that are being recommended by the Transportation and Public Facilities subcommittee. The CAC discussed the eleven transportation related policies in order. Major comments and action taken on each policy were:

Policy 1 – Approved unanimously with no changes.

Policy 2 -- Approved unanimously with no changes.

Policy 3 –

- Replace “wildlife crossings” with “wildlife habitat” in strategy g. Concern was expressed about what would actually be built even though the policy calls for context sensitive design. Is it a done deal what the width of road shoulders and bike lanes will be, or will they be variable widths depending on the context of the road? The policy should be strengthened by also supporting other modes of transportation. Add “while supporting all modes of travel” to the end of the policy statement.
- The vote on approval of the policy with the above changes was 8 green and 1 yellow; however the yellow voter did not object to the policy moving forward.

Policy 4 -- Approved unanimously with no changes.

Policy 5 –

- There was considerable discussion of Jerry’s request to change “for freight mobility” to say “to freight mobility” and the addition of strategy f. Among the comments:
  - Don’t limit strategy f to the West Hills. It’s applicable in other areas of the County as well.
  - How does the policy address through traffic cutting across the West Hills? This will be - reflected and captured by the narrative in the Plan preceding this policy.
  - Joanna stated she likes Jerry’s strategy f and is Ok with adding it.
  - A member stated that if strategy f is added, it should say “Review and implement ...” rather than “Consider...”
  - Most of the CAC did not support Jerry request to change “for” to “to” in Policy 5.

- -Strategy f would read as follows: “Review and implement weight and length limitations for County roads.”
- The vote approval of Policy 5 with the addition of strategy f as revised was 7 green and 2 yellow. The yellow votes were cast because of they agreed with Jerry’s change of the word “for” in the policy statement. However, they did not feel this was a big issue and did not object to the policy going forward.

Policy 6 -- Approved unanimously with no changes.

Policy 7 -- Approved unanimously with no changes.

Policy 8 -- Approved unanimously with no changes.

Policy 9 –

- Approved unanimously the changes to the policy statement and the addition of strategy c proposed in Jerry’s written comments.
- Delete the words “concentrations of” from the policy language. Add the following strategy:
  - c. Improve identified wildlife crossings through the development and adoption of a County-wide Transportation Capital Improvement Program (CIP) that includes projects that address deficient fish passage barriers and wildlife crossings.

Policy 10 –

- Joanna thought Jerry’s proposed strategy e(8) was more of an erosion control strategy rather than a transportation one. A member thought strategy e(4) could be expanded upon to include mowing best practices. Another member thought conferring with the soil and water conservation districts as mentioned in strategy e(5) would be a good way to determine best management practices for mowing. Perhaps 4 and 5 should be combined. Weave Jerry’s proposed strategy 8 into either strategy 4 or 5.
- To be consistent with the change just made in Policy 9, revise strategy e(3) as follows:
  - “County staff should work with ODFW and wildlife conservation organizations to identify and mitigate in areas where wildlife corridors cross county roads.”
- Policy 10 was approved unanimously with the above noted changes.

Policy 11 -- Approved unanimously with no changes.

## **VII. Public Comment**

There was no additional public comment.



**VIII. Meeting Wrap Up**

Rich mentioned that the meeting schedule shows the last CAC meeting being held on December 2, but there will likely need to be a meeting in January. Staff would like to propose scheduling that meeting for January 6 so everyone can get it on their calendar. All agreed with scheduling a CAC meeting on January 6 at the same time and place. Rich said he will confirm use of this room for the meeting and will let everyone know.

**IX. Adjourn**

**The meeting adjourned at 8:38 pm.**