

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF
FEBRUARY 6, 2017

- I. Call to Order:** Chair John Ingle called the meeting to order at 6:32 p.m. on Monday, February 6, 2017 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. Roll Call:** Present - John Ingle, Chris Foster, Susan Silodor, Timothy Wood and Bill Kabeiseman
Absent – Alicia Denney, Jeremy Sievert, Jim Kessinger and Katharina Lorenz
- III. Approval of Minutes: November 7, 2016.**
Motion by Wood; seconded by Foster.
Motion passed unanimously.
- IV. Opportunity to Comment on Non-Agenda Items:** None.
- V. Work Session: Proposed Code Amendments for Agri-tourism, Farmstands and Wineries (PC-2016-4864)**

Rich Faith, Multnomah County Senior Planner, presented the staff report and reminded everyone that this is a follow-up from the December 5, 2016 meeting. The Commission had questions at the last work session and provided instruction for changes that you wanted to see related to several code amendments. Faith provided answers those questions and they are reflected in Attachment A to the staff report. A good portion of the discussion at the last work session was focused on recommendations that were submitted by Mr. Mark Greenfield. Staff has prepared a response to those recommendations and included it in your packet as Attachment C. Since our last work session legal counsel has provided more review of the amendments and found a number of changes that they felt were appropriate. Legal counsel is still reviewing the amendments so there may be more changes needed as well, specifically with the complexities related to wineries in State law.

He went on to summarize the key changes to all three sets of amendments. With respect to agri-tourism amendments one major change was adding agri-tourism as an allowed use in the Multiple Use Agriculture (MUA– 20) zone as a one time, one day event per year subject to the same standards as in the Exclusive Farm Use zone. The farm stand standards have been significantly changed due primarily to the reorganization of those standards for improved clarity. Staff has added an amendment to the off-street parking and loading standards in this section of the zoning code to align with what is proposed under farm stands. The place holder for maximum attendance in winery amendments for large agri-tourism events has been removed to be consistent with the language in the farm stand provisions for promotional activities. A standard has been added to limit the amount of land occupied by a winery and associated parking to two acres to be consistent with farm stands. Also the maximum amount of land used for events has been reduced from 10% to 5% of the tract on which the winery is located.

Mr. Greenfield submitted a letter dated February 2, 2017 with his critique of the revised code amendments with some additional recommended changes. Commissioner Kessinger sent staff an email expressing his concern that the thousand square foot restriction for farm stand structures was too limiting and wanted to see that increased to fifteen hundred square feet.

Commissioner Foster was concerned that there are no advocates for allowing agri-tourism in the MUA-20 and that the provision in State law was written for EFU zones and he was also uncomfortable with

the requirement to get your neighbors approval for an event on less than ten acres. Foster proposes removing agri-tourism from the MUA-20 and the “approval from your neighbors” provisions from the staff recommendation.

Chair Ingle was concerned that if we remove the provision from the MUA-20 that there will be no deliberation or public discussion at a hearing.

Commissioner Silodor agreed with Foster to remove the agr-tourism provision from MUA-20 and if it comes up at hearing it could be added back into the code language.

The Commission agreed that tracts less than ten acres are too small to host events and that the provision to obtain written permission from all the property owners is too onerous therefore they should be removed and changed to a minimum tract size of ten acres. They also agreed to remove agri-tourism as a use in the MUA-20 zone.

Commissioner Foster expressed concern about allowing farm stands in the rural residential, SRC and the MUA-20 zones with a conditional use permit. They currently qualify for a produce stand under the existing zoning code. He is not sure that any parcels would meet the criteria along the Historic Columbia River Highway where they are now restricted to. The five acre with 75% of the tract being in farm production requirement goes away under the proposed amendments.

Following lengthy discussion with no firm conclusion on this matter, Faith confirmed that the Commissioners would like to remove the conditional use section for farm stands in these identified zones. He also confirmed that the parking standards will be changed to reflect that gravel is not permitted for temporary parking in conjunction with farm stand promotional activities.

Commissioner Foster addressed Commissioner Kessinger’s request to increase the size of a farm stand from 1000 sq. ft. to 1500 sq. ft. He felt that there is a need to reel these in and make them smaller, not larger. He didn’t see justification in the letter. He asked Faith where the 1,000 s.f. figure came from. The response was that there is no science behind that number; it seems like a reasonable size from staff’s perspective.

Commissioner Kabeiseman would like to hear from Commissioner Kessinger as to the need for a larger combined foot print for farm stand structures and felt that the 1000 sq. ft. should be left in as a place holder for deliberation at the hearing. Others agreed.

Commissioner Foster discussed the issue of adding ” “from grapes” to the definition of ”winery” in the Winery amendments to clarify that a winery must produce wine from grapes. Faith stated that the definition now proposed comes directly from State statute but that in his opinion Foster’s change would not conflict with the statutory language.

Chair Ingle asked how berry wines would be allowed. Faith replied that they would still be allowed under “processing of farm crops”.

VI. Work Session: Grading and Erosion Control, Hillside Development and Large Fill Regulations (PC-2016-5384)

Adam Barber, Multnomah County Senior Planner, stated that this staff report groups the policies and strategies identified in the Comprehensive Plan that focus on soil disturbing construction activities in an attempt to better protect water quality and high value soils and also to minimize catastrophic earth

movement. He has extracted the relevant policies and strategies from chapters two and five of the Comprehensive Plan and compiled them as Attachment A to his staff report. He stated that there are three distinct sections of County code that deal with soil disturbing activities. The first being the Grading and Erosion regulations which relate to the typical type of review that we process; the second is the Hillside Development regulations that are similar and deal with more geotechnically complex development on steep slopes; and then the Large Fill regulations which address large volumes of fill dirt, more than five thousand cubic yards of material.

He went on to state that the main drivers of this project are to address agricultural fill and several housekeeping changes to improve efficiencies. One addition to this section is a prohibition in certain areas where large fills should not be allowed. He proceeded to discuss changes in code language identified in yellow in his staff report. He drew attention to the section of exempt land uses and activities related to routine agricultural management practices involving fill placement. In the Large Fill subsection he shared the new language in the definition section that a routine agricultural practice involving fill importation shall be deemed a large fill when the 5,000 cubic yard threshold is exceeded. In the excluded areas section, staff proposed to add the Willamette River Greenway and areas of high valued soils to the list.

He asked for input from the Commission as to the direction of the agricultural fill roadmap, have staff identified all the variables, is it a reasonable methodology to determine legitimate agricultural practices from those that are not. He also asked if the Commission was comfortable adding the Willamette River Greenway and areas of high value soils to the exemption areas.

Commissioner Kabeiseman felt that adding these areas to the exemption was reasonable. He suggested having a conversation with the Oregon Department of Agriculture to determine what legitimate fill practices are. He also expressed concerns with the conditional use process on a long term fill project. Barber stated that is an example of why it is so important to have applicants go through a HDP process to determine if large fill regulations apply to avoid a compliance action.

Commissioner Foster mentioned that the definitions for water body and water course are different on page seven than from those on page twenty-nine. He suggested striking those on seven and keeping those on page twenty-nine. He asked staff to reexamine the garden exemption language to provide more clarification and address the hundred foot distance requirement.

VIII. Director's Comments: Michael Cerbone, Planning Director announced that Commissioner Sievert has resigned from the Planning Commission. The Columbia River Gorge Commission Management Plan is being updated and he will start providing the Planning Commission with updates so that you could get involved in the front end of any changes proposed. The Accessory Structure code amendments are going before the Board of County Commissioners on February 16th if any of them would like to attend to show support. The new County Commissioners have staff that are very familiar with Land Use Planning and are very engaged. He has directed staff to start working on Mass Gathering regulations which he will bring back to the Planning Commission in a few months.

Meeting adjourned at 9:00 p.m.

The next Planning Commission meeting is scheduled for March 6, 2017.

Recording Secretary, Stuart Farmer