

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

MINUTES OF SEPTEMBER 11, 2017

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:35 p.m. on Monday, September 11, 2017 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. **Roll Call:** Present – Ingle, Katharina Lorenz, Jim Kessinger, Alicia Denney, Chris Foster and Victoria Purvine.  
Absent – Tim Wood, Susan Silodor, Bill Kabeiseman
- III. **Approval of Minutes: June 5, 2017.**  
Motion by Kessinger; seconded by Foster.  
Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items:**  
None.
- V. **Code Consolidation and Reorganization Project (PC-2014-3436)**  
Ingle read into the record the Legislative Hearing Process for the Planning Commission for a public hearing, and the process to present public testimony. The Commissioners disclosed no actual or potential financial or other interests which would lead to a member's partiality. There were no objections to the Planning Commission hearing the matter.

Mike Cerbone, Multnomah County Planning Director, requested that the public record be kept open and the public hearing be continued to next month in order to give people affected by the Gorge fire activity an opportunity to present testimony.

Kevin Cook, Multnomah County Senior Planner, presented the staff report for the Code Consolidation and Reorganization project. Cook noted that this has been in process for approximately two years as a component of the Comprehensive Plan. He acknowledged the written testimony submitted from Anne Squier.

The primary objective of the Code Consolidation project is to combine and reorganize the existing chapters of Zoning and Development regulations into one user friendly code. Multnomah County has a number of Rural Area Plans that make up the rural areas of the county, and each one is a chapter in the Multnomah County code. We are reorganizing it to make it more intuitive, while retaining the standards that are deliberately unique to the plan areas. Since the Comprehensive Plan was adopted in October of last year, we believe this code consolidation will make implementing those code policies easier and more efficient. This does not include the National Scenic Area (NSA) chapter, which has a very distinct set of regulations that implement the Gorge National Scenic Act.

One component of this consolidation is the six different Commercial Forest Use (CFU) zones. There will now be one section for CFU, but we created a table to outline the differences among the six zones.

We also included Urban Zoning Code sections, but eliminated those that have been annexed into the cities. Currently, the Zoning and Development Regulations add up to 1627 pages, and we anticipate the new zoning code to be half that.

The Hillside Development overlay zone is going to be renamed Geologic Hazards overlay zone, which is consistent with other counties. We have also moved the Lot of Record standards into their own section, and replaced gender specific terminology with gender neutral.

Chapter 37 has been divided into specific sections. Part 1 will include the administrative rules, procedures, permits, fees, and enforcement. Part 2 contains definitions, Part 3 is Lot of Record, Part 4 is the base zones, which includes all of the underlying zoning districts that apply to rural Multnomah County. Part 5 is overlays, such as Significant Environmental Concern (SEC), flood development standards, etc., Part 6 is common development standards, such as Grading and Erosion control (GEC), Part 7 is Conditional Uses and Community Service Uses, Part 8 is Specific Use Standards, such as the new marijuana code, and Part 9 is about property lines and land divisions.

Cook noted we are honoring the Rural Area Plans, so when it is specific to a plan area, we are retaining those standards.

In conclusion, Cook addressed some concerns raised in Anne Squier's letter. Cook said that the original notice talked about implementing policies from the Comp Plan to floating homes, moorages and marinas, but because of the limited scope of this project, we decided to hold off on that for now. The primary purpose is reorganization, and we did not want to create something that was that level of substantive changes, such as code updates that would require a restrictive covenant for acknowledging farm and forest practices, and amending the Willamette River Greenway (WRG) overlay.

Foster asked when Measure 56 notice is used and when it is not used. I think a lot of tonight's audience members came because they received a notice saying their property values might be changing, when that may not be the case. My understanding is Measure 56 notice originally went out because of the waterfront use section and the covenants on the forest and farm lands. We had Measure 56 notice for the Comprehensive Plan, which contained very specific direction to do these things, so are we going to do 56 notice again on every change that we have already essentially made?

Cerbone said anytime we are implementing policy from the Comprehensive Plan that is more restrictive on somebody's property, we will be doing a Measure 56 notice. Foster said even though we have already given 56 notice on that very same issue, we are going to basically do it twice. This is going to be a multi-year process implementing the Comprehensive Plan and there are going to be a lot of Measure 56 notices, even though we do not really have any discretion to change what's already been adopted. Cerbone said when we do send notice, we typically coordinate with our legal counsel to assure we are doing what we need to do. In the Oregon land use arena, you can always do more than what you're required. Foster said it's an expensive process and there are going to be a number of these Measure 56 notices for things that are already a matter of law in Multnomah County. We are just going to be implementing them, right? Jed Tomkins, Assistant County Attorney, said I don't think that's quite right. When you actually get into the code, there

are a couple of decisions to make, and we will bring those to you. Ingle said, you can see there is a bit of confusion on the Measure 56 notice; it creates anxiety that does not need to be.

### **Public Testimony PC-2014-3436**

Donis McArdle, Portland, is concerned that the Comprehensive Plan provided for some of this to be under a study and I do not want the Comp Plan adopted because some of those studies have not been done. If they have, I've never been notified of them. Also, I'm not exactly sure how you do CFU-1 in the West Hills versus CFU-1 in East county because soils and terrain are not the same, so how you incorporate the whole county under one CFU-1, 2, 3, 4, 5 or 6 doesn't make sense.

Cerbone said we are not implementing anything from the Comprehensive Plan directly, we are literally taking the code as it exists and compressing it.

McArdle said, when you start these studies and your start making these changes, can you give the property owners enough notice? When I get something that just gives me two weeks to prepare, that's just not enough. Cerbone said it is a 35-day notice, and this is the first hearing. The Planning Commission will review it and make a recommendation to the Board of County Commissioners. There is typically 30-45 days between their recommendation and when it goes for hearing before the Board. The legislative process is very deliberate in providing notice to make sure that people are engaged in the process and have the ability to participate.

Ingle called for a motion to continue the hearing to the October 2<sup>nd</sup> Planning Commission in this location at 6:30pm, with the public record remaining open. Kessinger moved to continue the hearing, Denney seconded. Motion passed unanimously.

### **VI. Director's Comments:**

Cerbone thanked Commissioners Denney and Purvine for joining us this evening in the midst of the crisis going on in East county. We appreciate you coming out and supporting the community.

Moving forward, we have the "Dirt Ordinance", which deals with the grading activity and seeks to refine the Hillside Development Geologic Hazards zone overlay and provide some additional standards. We are also working on the Floating Home structures ordinance. Because there is not an actual International Uniform Building Code, the City of Portland has a code in place to govern building codes for floating structures. We have been meeting with them, since they are our building official for that area. We are also going to start looking at the Fire Safety setback standards that we currently apply in our CFU zone as part of the Comp Plan. It was suggested that we also apply those to forested areas that are not CFU zoned, like MUA-20, so that is something we'll be working on.

Meeting adjourned at 7:35 p.m.

**The next Planning Commission meeting is scheduled for October 2, 2017.**

Recording Secretary,

Kathy Fisher