

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

MINUTES OF JANUARY 8, 2018

- I. Call to Order:** Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, January 8, 2018 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. Roll Call:** Present – Ingle, Vice-Chair Katharina Lorenz, Victoria Purvine, Jim Kessinger, Alicia Denney, Tim Wood, Chris Foster and Susan Silodor  
Absent – Bill Kabeiseman
- III. Approval of Minutes: September 11, 2017.**  
Motion by Kessinger; seconded by Purvine.  
Motion passed unanimously.  
**Approval of Minutes: October 2, 2017.**  
Motion by Kessinger; seconded by Purvine.  
Motion passed unanimously.
- IV. Opportunity to Comment on Non-Agenda Items:**  
None.
- V. Hearing – Ordinance Amending MCC Chapters 35 and 36 adding Agri-tourism Provisions (PC-2016-4864)**  
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.

Kevin Cook, Multnomah County Senior Planner, began his staff report, noting that this case went before the Board of County Commissioners on June 29, 2017, and they received testimony in favor of setting a higher minimum acreage threshold in the MUA-20 zone. At that point, the County Commissioners directed the ordinance back to staff in order to get more input from the MUA-20 property owners. Staff held a public community meeting in October of 2017 at the Corbett Grange Hall, inviting property owners of the affected properties to attend. Staff noted that feedback from that meeting was generally supportive of the amendment as it was proposed.

Mike Cerbone, Multnomah County Planning Director, noted that staff's recommendation is the same as the Planning Commission's original recommendation. We took it back through the community to see if there was support for an alternative approach and found that it was not there.

Foster said, after listening to the Board testimony and the proposal that we move the standard up to eight acres, I thought that if we do that, we probably would not have anyone eligible, so I asked staff for the number of properties that would potentially qualify under the minimum acreage scenarios shown in Attachment B. After looking at those numbers, I am reluctant to raise the standard.

Ingle said I looked at it graphically, and if we went from five acres to six, I see very little change. If you go up to eight acres, all of the major parcels that had good road frontage and transportation systems go away. To me, that is counterintuitive; why would we do that? One of the issues people are most concerned about are traffic and frequency. If we keep our traffic to the major roads, I think we are caught between a rock and a hard spot. I think five was probably where we needed to be.

Ingle went on to say, regarding the temporary structures in Attachment C, the Agri-Tourism Code Amendments, it gives a person about an hour to dismantle any temporary structures once the event closes down. I am assuming that the intent was for a little more flexibility. Kessinger suggested the next business day would be more reasonable because that would allow for a rental company to take it out, if necessary. Cerbone said we would probably need to change that because the way it is currently written, they need to be out by 10pm. Ingle said I do not think that is reasonable.

Foster asked about parking off-site and what the logic is, because when it comes to farmland, cars parking on dirt is not good due to soil compaction. I am inclined to say perhaps parking off-site is a good thing in this case, rather than parking on viable farmland that could potentially be detrimental.

Cook said I think fundamentally, we see those provisions because there is not room on our right of ways for parking. If we allowed parking on neighboring properties, that would add flexibility and we could still keep cars off the road, but it would also potentially qualify more properties to do more.

Foster said I understand it gets complicated from a permit standpoint when you start involving other people. There is responsibility, etc., but again, it is a limiting factor when you do not have parking.

Cerbone said, in general, we require the use and the components required by that use to be located on the subject property. We do have some exceptions, such as a septic in an easement, or allowing someone to cross someone else's property to gain access to your property if you are a landlocked parcel. But in general, the rule of thumb is to keep them on the same property. If you recommend a change to that, I caution that you think about the safety of the individuals.

Foster said I am fine with the way it is, it was just a discussion point because someone raised it. There are arguments both ways.

Purvine wanted to verify that if you request one of these permits, you have to be in compliance with all building codes to receive one, correct? Cerbone said yes. Purvine said if you are going to have your neighbor allow parking for your event, would they also have to be 100% compliant? Cerbone said that is a good question, it would depend on how we word it and how that parking is provided. There are provisions in the compliance section that prevent us from issuing a permit in Multnomah County unless there are no violations on the property, we have documented those violations, and have an agreement about how we move forward to resolve them. There is a section within the compliance code that allows for a permit to be approved if it is on an easement, which I believe was intended for a sewer or water line or utility that crosses your property, or for heating and cooling issues, that type of thing. But in this instance, if the permit was on that property and the neighbor's property, I would say both need to be compliant or have a Voluntary Compliance Agreement (VCA) in place.

Ingle opened the hearing for public comment.

Shari Sirkin, Troutdale, wanted to comment about the parking issue. We have had a number of events on the farm and most of the parking was not on our property. One of our neighbor's boundaries shares a private driveway with us. We once had parking across Woodard Road, and that was more of a safety concern, but we had volunteers out there flagging traffic, which is not an uncommon thing in a rural area. I would say if you are going to make any kind of a change, you could be more flexible.

Foster asked if it would be reasonable to develop something in the review process where the parking plan would be part of the review so the reviewer could use some discretion. Cerbone said the way it is currently written, it states that off-tract parking is prohibited. If it is your recommendation to change that, we would strike that. The hard part is, we have two different permits, we have a Type 1, which allows no discretion, and a Type 2, which allows discretion. We could have clear and objective, so instead of it being discretionary, you could say parking is allowed on neighboring properties that do not cross the street, or something similar. But we want to make sure we word it properly. With the Type 2, we could leave it up to discretion, but when it is a gray area, where it could be approved on one property and not another, that is not always perceived as fair in the community.

Foster asked about traffic standards. Cerbone said traffic engineering does not lend itself to being clear and objective. My recommendation would be if you want to allow for flexibility and the objective is safety, allow for adjacent properties to be used when pedestrians are not required to cross a public road, or something similar. If you want to add the flexibility, my suggestion would be to find a way to add that so it is very clear and objective. That way people clearly understand whether it can apply to their property or not, as opposed to staff looking at the circumstances at that point in time and decide whether it applies or not. The intention is to avoid people parking and walking in the right of ways to get to an event.

Purvine said Corbett is not known for having improved roads, so when you talk about moving people from one property to the next, you do not necessarily have a safe pathway to get to there. How is that addressed? Cerbone said that is the specific concern I raised. We would probably have to craft something, along with our legal counsel, and bring it back to you.

Foster said I am not happy that this came back already, then having it come back again; we have a lot of stuff to do. Cerbone said you still have the hearing open, so you could close the hearing tonight, provide staff direction and we can bring it back to you for deliberations. You would have it before the hearing, and unless you really had an issue with how we drafted it, I think it would be a relatively small component of the future agenda.

Ingle said can we also address the removal of a temporary structure to allow for more time? Cerbone said certainly, we can bring both of those back, but we want to make sure, on the parking issue that we are making it clear and not allowing something unintentionally, so we need to talk with legal. It gets a little complicated sometimes when you are trying to be flexible.

Foster questioned whether anyone else was in agreement with that, and Wood said it seems reasonable to address the parking issue now.

Katherine Thomas, Assistant County Attorney, wanted to clarify that this discussion is just for the MUA-20 parking. The statute on Agri-tourism says that we may authorize an event on a tract, and that is why that wording is in there. Originally, this was only going to be in the EFU, then there was a desire to expand it to the MUA, so if you want to extend off the tract, we would only be looking at the parking issue in the MUA-20. Foster said that is what I would agree to, we are only talking about the MUA-20 because in the EFU zone, we are dealing with larger parcels that have more opportunity for parking.

Ingle closed the public hearing, and Wood made a motion to table PC-2016-4864 to February 5, 2018 at 6:30pm for deliberations, which was seconded by Silodor. Motion passed unanimously.

## **VI. Worksession – Proposed 2018 Planning Commission Work Program**

Adam Barber, Senior Planner went through the proposed work program, talked about what we want to accomplish and asked if the Commissioners felt there was a particular item not in the priority list that should be.

Barber said there are four factors that should move a project up in the priority list. One is whether a project is mandated or not. We get mandates from the legislature, from the federal government, and from the Gorge Commission, and those have to rise to the top.

There are also Health and Safety related projects, and projects that implement the Comprehensive Plan. Since there is a lot of interest from the public on that, we want to keep that momentum going. Also, we are always looking for projects that will help us become more efficient and save time and money for everyone. With those factors in mind, we looked at all the projects and separated the work program into three tables. Table A contains the projects we are proposing to tackle in 2018; Table B are “On-Deck” projects that, if time allows, we will pull from as needed; and Table C is a report on the projects we completed over the last year. There are five projects in Table C, and this year, we are proposing twelve. Barber pointed out that the projects were in no particular order according to importance.

Ingle said, from a public relations standpoint, my preference would be we take the oldest first because we have some long-standing projects that have not yet been dealt with. However, I do recognize that some of the other projects may align better with what we are currently doing. Foster said that he has asked for public input in the past about priorities and never really gets any preferences.

Purvine said we have had a lot of issues in the Corbett area with the marijuana grows and the noise factors. Some are using generators and that is a real issue for residents in the area. I would like to see that addressed fairly early in the year. Because we are getting more grows up there, if there are no regulations on the amount of noise they are producing, we are going to have generators running 24/7 all over town. That is a quality of life issue for the community. Kessinger asked aren't there rules on the noise? Purvine said they exempt generators.

Cerbone said I am working with the Chair's office and other folks to try and solve that problem. The crux of the issue is at the time, the recommendation that came from the Planning Commission and went to the Board of County Commissioners for sound was to use the existing sound control ordinance, which is a sheriff's department Chapter 15 Sound Control Ordinance. We had intended to apply that, because when the topic came up with marijuana grows and the concept of mechanical equipment, we did not think about generators. When you look at the sheriff's

ordinance, there are two things that create a problem with us being able to enforce it right now. One is that it exempts agricultural activity, and under the section called sound producing devices, generators are not identified. So, we are working to address that.

Cerbone mentioned that there will be an application from Metro coming before the Planning Commission in the near future. Metro has submitted a Land Use Type 3 application, which is a quasi-judicial decision normally reviewed by our Hearings Officer, but they also requested a Comp Plan amendment, and asked that they be combined. So, we will be bringing both of those applications before the Planning Commission and you will make a recommendation to the Board whether to approve or deny.

Barber asked if, given the choice, would the Commissioners prefer July or August off to accommodate summer vacations this year. The Commissioners generally said they would prefer August.

**VII. Director's Comments:**

We want to try to get more projects done this year, and we very much appreciate the work you all do.

Meeting adjourned at 8:15 p.m.

**The next Planning Commission meeting is scheduled for February 5, 2018.**

Recording Secretary,

Kathy Fisher