

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

MINUTES OF FEBRUARY 5, 2018

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:38 p.m. on Monday, February 5, 2018 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. **Roll Call:** Present – John Ingle, Katharina Lorenz, Victoria Purvine, Jim Kessinger, Alicia Denney, Tim Wood, Chris Foster and Bill Kabeiseman
Absent – Susan Silodor
- III. **Approval of Minutes: January 8, 2018.**
Motion by Kessinger; seconded by Denney. Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items:** None.

- V. **Hearing - Ordinance Amending National Scenic Area Provisions Addressing Management Plan Remand (PC-2013-3021)**
Adam Barber, Senior Planner introduced the staff report by reminding the commissioners that Multnomah County is one of six counties within this National Scenic Area representing roughly 11% of the land area in this Federal program. Multnomah County is required to maintain zoning regulations in compliance with the Columbia River Gorge Management Plan for the Columbia River National Scenic Area. On July 20, 2017 the Gorge Commission notified Multnomah County that county code updates consistent with the Management Plan revisions prompted by the Oregon Court of Appeals ruling must be completed by April 16, 2018. These revisions, outlined in Section 2 of the staff report are mandatory, although variations in code language are permissible as long as the language provides equal protection of gorge resources. He went on to state that the proposed amendments; clarifies that cumulative effects to natural resources are a type of adverse effect prohibited by the Management Plan; adds definitions of “Adverse Affect” and “Air” found in the Management Plan; adopted into code the existing practice of requiring a cultural reconnaissance survey if any element of the land use application requires such a survey; provides that the Gorge Commission may require a cultural reconnaissance survey for uses otherwise exempted from the survey requirement if necessary to ensure protection of cultural resources; and clarifies that uses allowed in streams, ponds, lakes and riparian areas are also allowed in the natural resource buffer zones subject to compliance with guidelines for the protection of identified resources.

Barber enters two emails from the UFO Museum as exhibits **H-1** and **H-2** into the record. These comments raise observations about the Columbia River Gorge Commission’s effectiveness with past policies related to wildfire risk, the requiring of certain developments be dark colors, predictions of future traffic impacts, questioning whether native plant protections are needed, and the lack of economic viability related to potential development of aquifers in the gorge.

Barber also enters correspondence from Steven McCoy, staff attorney with the Friends of the Columbia Gorge as exhibit **H-3** into the record. The recommendation in the correspondence related to the placement of the additional protections from MCC § 38.7075(G)(4) to the end of the

first paragraph of MCC § 38.7075 before sub A to match the applicability of that provision in the revised Management Plan.

Staff supports this proposed revision to the amendment.

Tanney Staffenson - stated that he lives in the National Scenic Area, if he lived 180 feet to the east he would be out of the City of Troutdale; if he lived ten houses further to the west he would be out of the National Scenic Area; a little further east and he would be out of Metro's jurisdiction as well. He has four sets of regulations that affect his property. He feels that the proposed changes are subjective related to adverse effects. He went on to ask why the area around Troutdale, with it's excess of 16,000 people, was not given an urban designation.

Adam Barber encouraged Mr Staffenson to attend the Gorge Commission 2020 public meeting tomorrow on February 6th. That would be the place to address his concerns regarding landscape settings.

Beatriz Parga - testified about concern of creating agricultural resources in a century farm. How does a property owner convert it back into an agro-property? Another concern was air space, commercial and private planes fly over the area and invade the air space. She felt that residents of the area should be considered a cultural resource as stewards of the land in addition to natural resources.

Commissioner Foster **moved** adoption of the staff report with the proposed amendments submitted by the Friends of the Columbia River Gorge; Commissioner Kabiesmen **seconded** the motion. **Motion passed 7:1.**

VI. Deliberation – Ordinance Amending MCC Chapters 35 and 36 adding Agri-tourism Provisions (PC-2016-4864)

Kevin Cook, Senior Planner reminded the Commissioners that at the January 8, 2018 meeting the Chair had closed the hearing and directed staff to come back with language allowing the use of neighboring property for parking for agri-tourism events in the MAU-20 zone and authorizing the removal of temporary structures past the allowed time of the event. Staff received testimony from three parties after the record had been closed. He stated that the Planning Commission would have to reopen the hearing in order to accept this testimony.

Cook drew their attention to the memo he provided dated January 26, 2018 outlining the proposed language from the January 8, 2018 hearing. He asked for clarification of their intent was to allow parking on the adjacent lot of record in the MUA-20 only if it was infeasible to accommodate parking on the event tract.

Commissioner Purvine asked if it was staff's intent to require the neighboring property be a legal Lot of Record? Cook indicated that the property must be legal recognized to implement zoning requirements. He asked the Commission for direction on the use of the term tract, parcel or Lot of Record when defining neighboring property.

Commissioner Kabeiseman agreed that using the term Lot of Record could prohibit events or side tracking a dispute between neighbors.

Commissioner Foster suggested changing the term Lot of Record language to use the term “property” since this is a temporary use and doesn’t permanently affect the land.

Commissioner Kabeiseman **moved** to reopen the hearing and except testimony; Purvine **seconded. Motion passed** unanimously.

Cook summarized an email from Linden Burk received January 30, 2018 into the record as **H-1**.
Cook summarized an email from Linden Burk received February 4, 2018 into the record as **H-2**.
Cook summarized an email from Sara Grigsby received February 4, 2018 in to the record as **H-3**

Commissioner Foster rebutted the submitted testimony stating that with so few properties impacted by these provisions he doesn’t feel comfortable amending the size restrictions.

Commissioner Kessinger **moved** to adopt as amended in the staff memo dated January 26, 2018 with the provision to allow parking on adjacent property is infeasible on the subject property and with the replacement of the term “Lot of Record” to “property”; Purvie **seconded. Motion passed** unanimously.

VII. Worksession – Affordable House Amendments (PC-2018-9900)

Adam Barber, Senior Planner introduced his staff report by summarizing the key provisions of Senate Bill 1051, passed in 2017 mandating local governments to adopt several practices to increase the affordable housing supply. Staff believes that only roughly 460 properties will be impacted by this new regulation primarily in the Rural Residential, Multiple Use Agriculture-20 and Urban Low Density Residential zones.

He went on to show maps B2, B3 and B4 to demonstrate geographically where these residential areas are located in the County. He reviewed seven policy questions presented in the staff report for the Commission to consider prior to the next hearing on the topic. He then reviewed the eleven criteria that an accessory dwelling unit (ADU) shall meet in order to be an allowed use.

Commissioner Lorenz asked what the proposed 50-foot separation included, (e.g. a patio space) what is the boundary for the 50- foot requirement? Barber stated that it could be defined as exterior wall to exterior wall or roof overhang to roof overhang. It will not include patios or decks.

Commissioner Foster supported the notion of clustering development to anticipate the urban standards that will come to these areas in the future. He asked if 50 feet is too far apart and if we should copy the cities’ siting standards.

Commissioner Kabeiseman agreed that clustering makes a lot of sense in most of our residential zones within the urban growth boundary. He wanted to discuss the size requirement for 800 sq ft. As you build a smaller unit the cost per square foot actually increases and would be curious as to where the happy median is. Does this ADU provision suddenly allow a guest house on properties where they were previously not allowed? He also asked that we consider some low impact home occupations such as an artist studio in an ADU.

Commissioner Wood asked staff to clarify the policy requirement for the primary dwelling to

owner occupied. Barber replied that having the property owner on site would potentially lessen the impact on the neighbors by having a responsible presence on the property to handle issue that may arise from the ADU.

Commissioner Denney asked that staff look at parking standards for the ADU on the parcel.

Commissioner Lorenz suggested that staff look at the City of Santa Clara for standards and requirements used for allowed ADUs.

Commissioner Foster expressed concern to basing the requirement on lot size given the large acreage of some of the proposed areas for this new use.

Commissioner Purvice asked if the ADU would be included in the 2500 sq ft limit on accessory structures or if they would be counted separately. Barber responded that they would be counted separately by definition.

VIII. Briefing - Summary of Land Use Planning Compliance Actions in 2017

Adam Barber, Senior Planner moved this item to March 5, 2018 in the interest of time.

IX. Director's Comments: Michael Cerbone, Planning Director moved this item to March 5, 2018 in the interest of time.

Meeting adjourned at 9:05 p.m.

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

Recorded by Stuart Farmer