

DEPARTMENT OF COMMUNITY SERVICES  
LAND USE AND TRANSPORTATION PROGRAM  
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF SEPTEMBER 9, 2013

- I. Call to Order:** Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, September 9, 2013 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. Roll Call:** Present – Chair Ingle, Vice-Chair Jim Kessinger, Chris Foster, Paul DeBoni, Bill Kabeiseman, Katharina Lorenz, Larry Peterson, John Rettig, Jeremy Seivert.  
Absent - None
- III. Approval of Minutes: June 3, 2013.**  
Motion by Kessinger; seconded by Foster.  
Motion passed unanimously.
- IV. Opportunity to Comment on Non-Agenda Items:**  
None.
- V. Briefing: Land Use, Transportation and Compliance Program Annual Report**  
Michael Grimmatt with Code Compliance, Lindsey Nesbitt, Sr. Planner & Joanna Valencia, Sr. Transportation Planner each gave an update on the last fiscal year's challenges and accomplishments. Nesbitt also was introduced to the Planning Commissioners as the new Senior Planner for current planning.
- VI. Briefing: 2013 Legislative Session Update**  
Jed Tomkins, Assistant Multnomah County Attorney, gave a brief update on the 2013 Land Use Legislative session. Per Mr. Tomkins, there was not a lot of land use legislative activity this fiscal year; it focused more on the urban portion of the state planning system. He touched upon the few that could possibly impact the Planning Commission's upcoming work programs. He also pointed out the transfer of Area 93 to Washington County, effective January 1, 2014.
- Kabeiseman asked about an update on farm stands as it relates to the LUBA decision and appeal. Tomkins said he was planning to give the Commissioners a land use case law update in the near future, and would be better able to address this question at the time, after the Court of Appeals has issued their decision in December. Foster asked if Multnomah County was participating in an appeal. Tomkins explained the sequence of events to the present, where the County appealed part of LUBA's decision for further clarification. The applicant, and an opponent to the applicant, also cross petitioned the Court of Appeals.
- Kessinger asked if the County provides any impetus toward the State legislative process on issues that relate to us. Tomkins noted that the County is very active in the legislative session; there are two government liaison officers that work for the Chair, and stay very busy during the session.
- VII. Hearing: Mitigation Plan Options in Areas Designated Significant Environmental Concern for Wildlife Habitat – SEC-h (PC-2013-2795)**  
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 Planner, presented the staff report. He noted there are two proposed options to the SEC-h (Significant Environmental Concern for wildlife habitat) permit process; the first option gives a set of prescriptive standards available for applicants, who must also present a wildlife conservation plan with their proposal. The second option provides the ability to designate a Development Impact Area of up to one acre around a single family dwelling. The proposed code amendments provide additional options for the applicant to elect. None of the proposed text is mandatory, or more restrictive than the existing SEC code for wildlife habitat.

Rettig asked if there were definitions of native soils. Cook said he did not think it was currently defined. Rettig thought that since it imposes a requirement, it would be helpful to have definitions. There was also some discussion about the 400-foot circle and how it is situated on the property.

Ingle asked for a motion for further deliberation. Rettig moved to approve PC-2013-2795, with the addition of definitions of native soils, and clarification that the 400-ft circle can overlay a property boundary. DeBoni seconded. Ingle called for a vote. Motion passed unanimously.

#### **VIII. Work Session: Amend East of Sandy River SEC Zoning Code to Implement Plan Policy 21 (PC-2013-2714)**

Kevin Cook once again presented the staff report. There were two policy choices offered, and because of issues and inconsistencies that greatly complicated the scope beyond what was originally determined, staff is recommending to adopt policy choice A. Policy choice A advocates not adopting the SEC-s overlay for significant streams at this time, and incorporating the issue into the scope of a new Rural Area Plan update that is anticipated within the next few years.

DeBoni asked if the planning staff currently has the resources available to conduct the Rural Area Plan update along with the rest of the workprogram. Cook said we would have a very limited ability to pursue this currently. Adam Barber, Sr. Planner, said we do not have that kind of resource program currently available to work on two different rural plans at the same time, as we are currently working on the Sauvie Island/Multnomah Channel Rural Area Plan. This item, which is on the current 2013 workprogram, did not envision a Rural Area Plan update in its scope.

Seivert asked what the impact would be of waiting. Kabeiseman asked if the streams are currently protected; are there concerns about the criteria available now that shows that something should be done to protect the resources. Cook said if there are concerns, staff has made a reasonable effort to apply Policy 21 directly. And to also note that there has not been a lot of action in this area, so it has not been a big problem. Foster asked if the Policy is enforceable right now. Tomkins said it does to the extent that it has standards in it.

It was determined that, due to lack of resources, the small amount of risk currently involved, and the anticipated scope of the project, it would be practical to postpone this and roll it into the next Rural Area Plan.

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

Karen Schilling, Planning Director, explained more about the upcoming Area 93 transfer of 160 acres, noting that Washington County has been extremely receptive and helpful, and the property owners are excited to finally have a resolution after many years.

We are also moving forward with the Sauvie Island Rural Area Plan, and have an intern, Maia Hardy, from the AmeriCorps' RARE program to assist us for the next year. The RARE program focuses on rural programs within AmeriCorps. We anticipate having a consultant on board by October, and we'll be ready to kick this off. We are currently recruiting for a Citizen Advisory Committee, and have a great pool of candidates. It should be a very large group with a lot of stakeholder participation. We will also have a technical advisory committee, and would love to have a member of the Planning Commission, who does not reside in the Channel or on Sauvie Island, to participate on this committee. Foster suggested a PC member for both committees, and volunteered for the technical committee. Seivert volunteered for the Citizen's Advisory Committee.

Barber mentioned that in looking at the 2013 workprogram, there were a number of projects we envisioned working on in 2013, but have been unable to for a few reasons. Some are on hold awaiting feedback from other agencies. Others, primarily dealing with uses on farmland, now feel premature to begin, considering the County is moving ahead with the Sauvie Island/Multnomah Channel Rural Area Plan update, which was not realized when the 2013 workprogram was approved. Consequently, the remaining 2013 workprogram is being reworked a bit and we anticipate bringing a few projects to you in the coming months that we did not envision tackling in 2013. We are starting to look ahead to the 2014 workprogram menu, and anticipate bringing it before you in November. In the meantime, we are looking at a couple of other projects to bring forward, one of which is the Dark Skies project.

Barber invited the commissioners for a Planning Commissioners training on Thursday, September 26, 2013 from 1:00-5:00pm at the Oxford Suites on Jantzen Beach. This is put on by the Oregon City Planning Directors Association. Although there may be a bit of an urban slant, much of it should be applicable. If anyone is interested, please respond by this Friday, the 13<sup>th</sup>, so we can send in the registration. We will send out a follow-up email after tonight's meeting.

Meeting adjourned at 8:15 p.m.

**The next Planning Commission meeting will be October 7, 2013.**

Recording Secretary,

Kathy Fisher