

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

MINUTES OF APRIL 1, 2019

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:28 p.m. on Monday, April 1, 2019 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. **Roll Call:** Present – John Ingle, Victoria Purvine, Stephanie Nystrom, Kari Egger, Chris Foster, Tim Wood and Bill Kabeiseman. Absent - Alicia Denney and Susan Silodor,
- III. **Approval of Minutes: March 4, 2019**
Motion for approval by Purvine; seconded by Foster. Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items:** None.
- V. **Work Session:** Geologic Hazards Regulations (PC-2018-10262) Adam Barber, Deputy Director presented the staff report and stated that the staff is seeking direction prior to drafting code. The objective of this project is to address landslide mitigation policy, strategies, objectives and action items that come from a number of County plans including plans from the Office of Sustainability and Emergency Management. From these various planning efforts, we have learned to direct development away from unstable soils or steeper than twenty-five percent slope; the need to update our regulatory maps using best available data; the need to review our development regulations to see that we are encouraging best practices; consider a requirement to warn future buyers of these hazards through deed restrictions. Multnomah County has had existing hazard maps and regulations since the 1990's and are further along than most counties around the country.

He indicated that we have several types of erosion reviews currently in our office. Geologic Hazards permits are for medium and large slides that are located on potentially unstable land, which is a Type 2 discretionary review. Current Geologic Hazards regulations apply to roughly 39% of the county jurisdiction and includes 1272 buildings and all or a portion of 4065 tax lots. The updated Department of Geology and Mining Industry (DOGAMI) Landslide Hazard maps include landslide deposits and susceptible lands of moderate and high risk increase our percentage to 42% to include 4811 buildings and 6239 tax lots.

Barber identified four policy questions for the Planning Commission to consider. The first being whether updates to the County hazard maps should include DOGAMI's moderate and high landslide risk areas, or just high-risk areas alone. The second policy question would be whether an applicant should be required to obtain professional services from either a Certified Engineering Geologist or Geotechnical Engineer or, whether review by both professionals should be required. The third is whether a landslide-related deed restriction should be required to be recorded to alert future property owners of the risk geological hazard on the parcel. The final policy issue is whether a Geological Hazard permit review threshold should be added for tree removal.

Commissioner Foster expressed concern with DOGAMI's use of the value of the asset on the property to measure risk and felt that both High and Moderate should be included.

Commissioner Kabeiseman took issue with the impact of development on the neighboring properties and wanted to make sure that we protect them as well as the primary development. He had concern about adding this level of review on 84% of our tax lots within our jurisdiction.

Commissioner Purvine asked if the 84% included built as well as buildable tax lots. Barber responded that it includes both and does not have numbers to address that question but could conduct research if necessary. Chair Ingle would like to have staff report back on the actual number of properties effective by moderate and high-risk ranking.

Commissioner Kabeiseman asked, of the developable areas, how many of those would be subject to this level of review. Barber directed the Commissioners to the DOGAMI map that identified buildings in susceptible areas.

Commissioner Wood asked what year the data that DOGAMI used to develop their map. Barber shared that the data was from maps adopted in 1990.

Commissioner Foster supported the tiered approach presented in the staff report. Barber stated that he believed that Clackamas County uses this discretionary approach.

Commissioner Kabeiseman had concern that people in the moderate and high-risk areas would be required to spend an additional seven to fourteen thousand dollars when there may not be an issue and also was leaning to the tiered review. Barber responded that one approach could be to retain the existing provisions for hiring one professional in the moderate areas and require both in the high-risk areas.

Barber went to address the issue of deed restriction policy. The concern here is the impact on property values.

Commissioner Kabeiseman if the covenant would be a boilerplate similar to the right to farm or if it would be more tailored to the specific parcel. Barber drew the Commissioner's attention to Attachment 5 in the staff report that showed Snohomish County's covenant and indicated that it was more tailored.

Commissioner Egger felt that the covenant was incredibly important and would include both moderate and high-risk properties in that requirement. All the members of the Commission shared this sentiment.

Barber stated that tree removal has been overlooked by the code because review was required only for ground disturbing activities to kick off the review. Forest Practices are exempt from this review.

Commissioner Foster felt that this would be difficult to enforce with the Forest Practices Act.

Commissioner Egger asked if the tree cutting restriction could be added to the covenant. Barber would want to defer to the professional to identify if it was a concern so we do not overregulate tree protection by requiring deeds recording on all properties.

Barber suggested that we hold off on the tree provision until the hearing and hear testimony from the public.

VI. Election of Officers: Motion to re-elect John Ingle as Chair presented by Kabeiseman; seconded by Foster. Motion passed unanimously.

Motion to elect Victoria Purvine as Vice-Chair presented by Foster; seconded by Wood. Motion passed unanimously.

VII. Director's Comments: Adam Barber, Deputy Planning Director, indicated that Michael Cerbone was unable to attend the meeting and therefore there were no Director's comments.

VIII. Executive Session: Pursuant to ORS 192.660(2)(f)

Meeting adjourned at 8:37 p.m.

Recorded by Stuart Farmer