

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

MINUTES OF March 7, 2022
Virtual Meeting/Zoom

This is not a full transcript. Time indicators reference the meeting recording, which is accessible at the following Dropbox link:

<https://www.dropbox.com/sh/2rfbi7o9qokg3ms/AAAOWamGeLTnTpbOBHp3JtzDa?dl=0&preview=March+7+2022+Planning+Commission+Zoom+Recording.mp4>

1. Call to Order

(00:00:03) **Chair John Ingle calls the meeting to order at 6:35 p.m. on March 7, 2022.**

2. Roll Call

(00:00:09) Chair Ingle conducts a roll call and declares a quorum present.

- Present - Kari Egger, John Ingle, Chris Foster, Bill Kabeiseman, Stephanie Nystrom, Victoria Purvine, Susan Silodor, Tim Wood
- Absent – Alicia Denny

3. Approval of Meeting Minutes

(00:00:30) Minutes from the November 1, 2021 meeting are presented for adoption.

(00:00:42) A motion to approve is made by Commissioner Silodor

(00:00:47) The motion is seconded by Commissioner Nystrom.

(00:01:37) A roll call vote is held. The motion to approve minutes is passed unanimously.

4. Opportunity for Public Comment on Non-Agenda Items

(00:02:28) Chair Ingle invites public comment on non-agenda items. There are no comments.

5. Discussion of Land Acknowledgements

(00:02:39) Kevin Cook, Senior Planner, shares a presentation and discusses the intent, form, and frequency of land acknowledgements in future Planning Commission agendas. Cook also provides links to several resources that will be covered at future meetings. He indicates that Land Use Planning has been working internally over the past few years to increase understanding and knowledge of diversity, equity and inclusion, and is overdue to bring the conversation forward into this space.

(00:12:14) Chair Ingle indicates that he is looking forward to working on this topic in the future.

(00:12:24) Commissioner Egger indicates that the OPB resources on history were particularly interesting.

(00:13:06) Commissioner Silodor indicates that she also likes the OPB resources. She discusses the population and land changes to Sauvie Island, where she resides. She indicates a shift toward being more populated by non-native people and increasing land cost that don't seem to be in line with rural areas.

(00:14:02) Kevin Cook indicates that an older name for Sauvie Island is Wapato, which is an important food source to indigenous cultures, in addition to the resources provided by the surrounding water and oak groves. Historically, the island was one of the most densely populated areas in the northwest because of its abundance of food.

(00:14:59) Commissioner Egger indicates that many artifacts are found in the soil while farming the land on Sauvie Island and provide a reminder of who once lived there.

(00:15:21) Commissioner Purvine questions whether the land use acknowledgement should be delivered at the Planning Commission meetings, since she believes it is a political issue and not related to the scope of the Commission.

(00:16:42) Kevin Cook indicates that his understanding of the purpose of the acknowledgement is not to be political but to be honest. He also points out that the acknowledgement does not include any requirements to do anything, and that is actually one of the criticisms of land acknowledgments.

(00:19:11) Commissioner Purvine points to the resource materials provided; she indicates that one of the resources states an ultimate goal of returning state, federal and local lands; which she believes to be political. She indicates that she supports stewardship of the land, which is a main reason she is on the Planning Commission.

(00:20:56) Carol Johnson, Land Use Planning Director, thanks Commissioner Purvine for her comments. She indicates that due to the remote setting of the meeting, the intent can get lost just by giving the Commission materials to review. She clarifies that the intent was to provide the Commission with a number of different resources along the vein of land acknowledgments and to have a discussion around them. When land acknowledgments were first utilized, many were perfunctory and just checked a box without thinking what it really meant. She indicates that the main objective is mindfulness and knowing relevant history, and acknowledging who previously lived on this land. Staff is not promoting any sort of advocacy position.

(00:22:35) Commissioner Wood thanks Kevin Cook for doing this research.

6. Launch of Next Planning Commission Recruitment

(00:22:45) Kevin Cook indicates that Commissioner Silodor's seat is opening up for recruitment. Land Use Planning will be launching that recruitment within the next few weeks. There will be an online application process. Commissioner Silodor has indicated that she intends to reapply. Cook indicates that a new question will be added to the application regarding equity inclusion.

(00:24:19) Director Johnson indicates that the question was added to remain consistent with the applications from the Office of Community Engagement.

7. Briefing – Annual Report, 2021 Land Use Planning Activities

(00:25:06) Adam Barber, Deputy Director Land Use Planning, presents the Multnomah County LUP 2021 Permit and Compliance Activity Summary. The presentation outlines permitting and compliance trends over the past nine years, upcoming organization projects for the next two or more years, and guiding principles.

(00:27:57) Deputy Director Barber displays a bar graph showing applications received by year, and points out that they received more type 2 applications in 2021 than in any prior year.

(00:32:10) Director Johnson adds that they are trying to change the name of the building permit type to zoning review to alleviate confusion, because the County is not actually processing building permits. The Cities process these. The County only completes the zoning review portion, and there is a lot of inter-agency coordination required as a result. She also states that the type 2 applications are compounding the numbers in terms of difficulty. They are seeing a lot more applications that involve a significant environmental concern, because the properties that could be easily developed have already been developed.

(00:33:42) Deputy Director Barber shares two bar graphs showing land use permit approvals and denials by year. The latter graph shows few denials issued during past years. Barber explains that the County makes every effort to work towards an approval, and this sometimes requires modification of the application.

(00:35:49) Barber shares a bar graph showing the average processing days per year. Type 2 and 3 process times have generally increased over the past four years.

(00:37:23) Barber shares a bar graph showing complaints received by year. He notes that the zoning violation case count increased in 2021 largely due to increased staffing capacity to investigate complaints and confirm that there is enough information to convert the complaint into an enforcement case.

(00:39:53) Barber shares a bar graph showing compliance cases closed by year. He explains that the low case closure count in 2020 was due to a loss of staff, but they are now seeing an increase in closures again in 2021 based on additional staffing.

(00:41:00) Director Johnson discusses the next slide that shows open compliance cases at year end. She indicates that the backlog goes back to 2013 and suggests it may be time to do a reset, since these older cases have to be looked at like a new case because there is not enough data to support it and it's not actionable by the county. She also indicates that it would be best to complete this housekeeping before transferring data to a new permitting system.

(00:42:10) Deputy Director Barber adds that the current backlog of 260 cases doesn't feel good, and makes it very hard to focus.

(00:42:34) Barber displays a table showing proposed fiscal year 2023 budget metrics. The table outlines 4 targets that Land Use Planning set for themselves. They failed to meet three out of four targets. The FY23 draft targets were modified based on those outcomes.

(00:46:36) Barber shifts focus to the next two years and displays a slide outlining current LUP challenges. He explains the existing challenges and states that Land Use Planning retained John Morgan to perform a third-party assessment. Those findings are summarized on the next slide. Barber explains that Morgan interviewed all staff as well as Commissioner Egger as part of the assessment.

(00:50:23) Commissioner Egger indicates that John Morgan's knowledge and ideas were impressive and she was curious to see the result of the assessment.

(00:50:50) Deputy Director Barber displays a slide titled "Understanding the problem" and explains that there was a theme that came out of John Morgan's work. A lot of his observations are tied to the code in some way. The code is difficult to interpret and does not provide enough flexibility. The recommendation is to rewrite the development code.

(00:52:25) Barber displays a slide showing three potential upcoming projects that are budget dependent. In addition to code development, the slide includes an LUP permit system update as well as potential for cultural and organizational work.

(00:54:33) Barber introduces the guiding principles of the program, beginning with the team's selected North Star - support equitable land use outcomes by delivering responsive and inclusive services. He outlines what following the north star might look, such as equitable land use outcomes, responsive and inclusive services, and dedicated and resourceful team.

(00:58:05) Barber presents a slide showing the Equity and Empowerment Lens that was developed by the County and suggests that also be considered.

(00:58:59) Barber presents a slide showing the new LUP logo and explains the four foundations of land use planning depicted in the logo.

(01:02:58) Director Johnson adds that the data Adam Barber shared is the result of 12 people working diligently despite very challenging circumstances. She discusses the changes due to COVID that were thought to be temporary but have become more permanent. She adds that the County now offers an online scheduler for counter appointments. Land Use Planning is requesting funding in the upcoming budget, and a big part of that will include an equity audit. Johnson indicates that the hope is the requested funding will be included in the Chair's budget presented on May 4, 2022. She adds that the permitting project that Barber mentioned is in process, and there are ongoing discussions about how that can be added to current staff work.

(01:07:34) Chair Ingle invites questions, and added that he approves of the new logo and appreciates the explanation of the four foundations, specifically regarding agriculture.

(01:07:48) Commissioner Purvine asks for clarification regarding plans to get rid of the complaint backlog.

(01:08:04) Deputy Director Barber indicates that Compliance has not committed to anything yet but they are looking for a natural break regarding complaints that are stale and unsubstantiated versus ones that should be kept on the books. He gives an example of grading that was done away from water and is not a landslide risk, that is now revegetated and has resolved itself over time. That may be something that can be closed out. It's going to depend on each one. He adds that they don't want to configure all of the old cases to be brought into the new system to just continue to sit. He adds that the objective is for Staff time to be focused on the most immediate items that are the most important to the community.

(01:09:21) Commissioner Purvine asks for confirmation that Staff will be reviewing each case before closing.

(01:09:51) Director Johnson confirms that staff will review each case for merit before closing. They may be able to rely on GIS and aerial photo tools rather than visiting the site in some cases. She adds that one of the two compliance positions is open for recruitment. The duties of the open position have been modified to be more project-management focused; the second compliance position will remain focused on field work. Johnson believes this shift in focus will have a positive impact on the program.

(01:11:18) Commissioner Purvine inquires how they determine the total number of days it takes to respond to someone's questions and close out an inquiry.

(01:11:27) Director Johnson indicates that Staff use Salesforce to track and close inquiries and that software provides the metrics.

(01:11:58) Commissioner Kabeiseman indicates that the number of complaints that the County receives seems to be relatively small, and he would like to know how this compares to other jurisdictions. He adds that based on the number of complaints received, the number of complaints that have been stretched out seems high. He adds that through his experience as an advisor, part of the frustration is trying to get to an end point. He supports the approach to backlog reduction that has been discussed.

(01:13:13) Director Johnson indicates that part of the issue with the backlog is that the current permitting system was not built out to support Code Compliance, so there is not a detailed workflow and tracking for those cases.

(01:14:00) Commissioner Kabeiseman adds that the reality is that the easy cases get dealt with and the hard cases hang around. He acknowledges the issues with the system and staffing, and adds that his comments were meant as observation rather than criticism.

(01:14:29) Commissioner Egger inquires why it is so complicated to get permits through the Multnomah County planning system.

(01:14:59) Director Johnson indicates that some of the problems can be traced back to 40 years ago and it's difficult to understand why someone hasn't taken any action up to this point. There have been significant environmental concern codes since approximately 1977 and more complexity keeps being added onto that instead of thinking about simplification. There are a lot of permits that could be a type 1 ministerial approach except for one or two objective criteria added to them. They are exploring a two-tiered system where if someone doesn't have the resources and they want to move through quickly, they can follow prescribed standards. Whereas, if they want an exception, they can go into a type 2 discretionary process. Johnson also adds that the root cause to some of the issues was delegating the building permit program to the two cities and the additional staff time utilized in trying to coordinate those building permit activities.

(01:17:15) Deputy Director Barber adds that the County jurisdiction is very close to the urban growth boundary. He points to a prior discussion during the meeting regarding properties that are available to be developed; they either have a long history with a lot of development that can be researched, or they can be difficult to development and this can lead to difficult conversations. Other jurisdictions tend to be further outside the urban growth boundary, and this provides more breathing room, larger parcels, and easier conversations with planning programs.

(01:18:24) Commissioner Foster agrees that many of the problems are related to proximity to the urban area and the history of development pattern and marginalization. This makes it difficult to compare to other counties.

(01:18:46) Commissioner Silodor frames the concept of equity and inclusion the current conversation, and states that based on the proximity of the county jurisdictional lands to the urban growth boundary, maintaining the history of an area is important; specifically making sure that what is being built is not entirely different from what is already there.

(01:20:08) Deputy Director Barber confirms that a sense of history and place is talked about frequently as planners.

(01:20:24) Chair Ingle inquires about the projected FY23 draft target of 20 resolved compliance issues in comparison to 13 the prior year. Deputy Director Barber indicates that the target is in line with the average of total compliance cases closed over the past few years.

(01:23:19) Commissioner Wood asks for a characterization of the budget scenario for the department and staffing issues.

(01:23:35) Director Johnson indicates that the general outlook for the County is strong. There are some one-time monies that are the reason for that. Land Use Planning was able to ask for additional staffing to compensate for 20 years of cuts. There is short-term funding support to hire an outside consultant to help with staff augmentation. The City of Portland has submitted a pre-application request to discuss a larger water treatment facility, and having a consultant that can assist with that large project is critical. She adds that historically, the Department has stayed under the radar instead of promoting what they do. The mandates that they operate under and the services that they provide are changing under Jamie Waltz's leadership.

(01:25:31) Commissioner Wood asks for clarification regarding a perceived downward trajectory of funds over the past five years, with the exception of one-time money over the past two years.

(01:25:44) Director Johnson indicates they saw a windfall from the business income tax over the past year. There were a couple of urban renewal areas in the City of Portland that have expired, and that increased property tax is now coming to the County. She believes that in a future fiscal year or two, there may be more support to add ongoing staff rather than consulting services.

8. Work Session – Annual Election of Planning Commission Officers pursuant to Multnomah County Code 39.1620

(01:26:53) Deputy Director Barber indicates that based on County Code, the Planning Commission is due to elect a Chair and Vice Chair. He indicates that John Ingle is currently serving as Chair and Victoria Purvine is serving as Vice Chair. He explains the responsibilities of both roles, and indicates there will be an opportunity for commissioners to volunteer to serve on either position.

(01:30:43) Katherine Thomas, Assistant County Attorney, asks that a roll call vote be held to elect whoever would like to move forward in those two positions.

(01:31:24) John Ingle volunteers himself to remain in the Chair position.

(01:32:06) Commissioner Silodor nominates John Ingle for another term as Chair of the Multnomah County Planning Commission.

(01:32:20) Commissioner Kabeiseman seconds the nomination.

(01:32:44) Victoria Purvine indicates that she would also be interested in the Chair position, but based on the upcoming legislation actions this year, she supports John Ingle remaining in the position.

(01:33:38) A roll call vote is held to elect John Ingle to the role of Chair. All members cast votes in the affirmative.

(01:34:54) Commissioner Kabeiseman nominates Victoria Purvine for another term as Vice Chair of the Multnomah County Planning Commission.

(01:35:05) Victoria Purvine accepts the nomination.

(01:35:09) Commissioner Silodor seconds the nomination.

(01:35:35) A roll call vote is held to elect Victoria Purvine to the role of Vice Chair. All members cast votes in the affirmative.

9. Director's Comments

(01:36:27) Director Johnson indicates that she feels they have already had a good conversation as far as where the division is going. She adds that it was very nice to see everyone, and she acknowledges that a number of Commissioners have expressed interest in meeting in person. She indicates that due to the requirements to provide a virtual option, there are still some challenges regarding hybrid meetings and the subsequent technological requirements. They are looking to the Board to see what they are doing for their hybrid meetings and trying to learn from that. She suggests that an in-person meeting might make more sense for a study session as opposed to a hearing.

(01:37:29) **Chair Ingle announces that the next meeting is tentatively scheduled for 6:30 p.m. on April, 4, 2022, and is expected to be virtual.**

(01:37:45) **The meeting is adjourned at 8:12 p.m.**

Recording Secretary,

Heidi Konopnicki