

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

MINUTES OF APRIL 11, 2016

I. Call to Order: Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, April 11, 2016 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.

II. Roll Call: Present - Ingle, Vice-Chair Jim Kessinger, Katharina Lorenz, Chris Foster, Bill Kabeiseman, Susan Silodor, Alicia Denney, Jeremy Sievert, Timothy Wood
Absent - None

III. Approval of Minutes: February 8, 2016.
Motion by Kabeiseman; seconded by Foster.
Motion passed unanimously.

Approval of Minutes: March 7, 2016.
Motion by Wood; seconded by Silodor.
Motion passed unanimously.

IV. Opportunity to Comment on Non-Agenda Items:
None.

V. Worksession: Update to the Multnomah County Comprehensive Plan and Transportation System Plan (PC-2014-3436)
Rich Faith, Senior Planner and Project Manager, explained the purpose and objective of the Comprehensive Plan update, as well as the process, which included the various committees and public outreach efforts involved with the decision making. He introduced Multnomah County Planners Kevin Cook and Rithy Khut, and Matt Hastie with Angelo Planning Group, who was the primary consultant. Eryn Kehe with JLA Public Involvement was the meeting facilitator and organized community meetings. Susan Wright with Kittleson & Associates, led work on the Transportation System Plan, and there were some minor consultant roles by SWCA Environmental Consultants, Geo Engineers and Oregon Public Health Institute.

Faith explained that the reason behind the plan update was because our current plan was adopted in 1977, almost 40 years ago, and was woefully outdated. Much of that plan looked at unincorporated areas within the Urban Growth Boundary (UGB), and many of those areas have been annexed into the cities, or are under other city jurisdictions through Intergovernmental Agreements (IGA). We looked at this as an opportunity to consolidate our four rural area plans as a means to better guide future land use and transportation decisions for the rural areas of the county. The goal is to consolidate and streamline the various chapters that comprise our zoning code into one document. The update also includes Multnomah County's two transportation system plans.

Faith explained the composition, roles and timelines of the Citizen's Advisory Committee (CAC) and the role of technical advisors from various governmental agencies and organizations.

Hastie said that the organization of the Comprehensive Plan generally follows the Statewide Planning Goals relevant to Multnomah County. He said the focus of the planning process was to

reorganize the Comprehensive Framework Plan so that it follows the organization of the statewide goals. This includes combining and streamlining the rural area plans and policies from the framework plan to eliminate the duplication of the policies in the rural area plans.

Hastie touched on some key issues and recommendations related to Farm and Forest Lands. He said for the most part, we are maintaining current policies in terms of where forest dwellings are allowed, with the addition of policy language about clustering new dwellings to minimize the impact on forestry resources. The County had policies about parcel aggregation that goes beyond state requirements, and in the discussions with the CAC, they recommended continuing that practice. There are new policies related to farm stands and wineries oriented at limiting the size and activities to minimize impacts, and directing the County to draft new standards and code provisions related to those uses. Those are consistent for the whole county.

But we had a couple of different approaches for agri-tourism, based on recommendations from the CAC and what we heard from the community. One approach is to not adopt State provisions for agri-tourism in the western part of the county, but to do so in the east county, and apply some fairly strict standards in terms of the range and types of activities that can be permitted.

Faith said a key issue related to Land Use and Housing is maintaining rural character. This is a repeated theme throughout many of the policies and chapters. One policy that emanated from the Urban and Rural Reserves is to prohibit new uses and increased density. This policy is already in place, but the committee wanted to reinforce its validity so it will drive much of what happens in our rural areas. Another issue was allowing the reuse of vacant commercial and industrial buildings in rural centers. Because we have large, vacant industrial buildings with a number of barriers that preclude their reuse, we need to reduce or eliminate those barriers to provide incentives for their reuse. There are some carefully crafted policies that will open the door for that to occur.

Another issue was allowing accessory dwelling units (ADU), something many rural residents asked about. Upon investigation, we found that it is not doable because of the various state rules and regulations already in place, so there is no policy to allow for accessory dwelling units anywhere in the county.

We have carried the marinas and moorages policies from the Sauvie Island plan into the new Comprehensive Plan. In fact, all of the policies from the Sauvie Island/Multnomah Channel (SIMC) plan will be incorporated into the Comp plan. The only significant new housing policies are those related to marinas and moorages on the Sauvie Island and Multnomah Channel.

There was a lot of discussion about code enforcement and the need to be fair, consistent and flexible. But what was really important is the need to evaluate the structure of our fines to prevent willful violators from becoming unjustly enriched by their actions.

On the Public Facilities and Parks & Recreation topic, included in the plan is a policy prohibiting a utility facility from being built in rural Multnomah County if it is intended solely to serve urban development. This came primarily on the west side where there is a lot of urban development in Washington County that borders rural reserves in Multnomah County. Another issue is promoting undergrounding of overhead lines that will be required through a policy that personal service lines to new or replacement development must be undergrounded. These are not major utility lines owned and operated by the utility companies, but the personal service line from the utility line to the structure.

Next is the need to balance parks and trails with Natural Resource protection goals, primarily wildlife. This is an acknowledgement that there are needs for recreation in our rural areas and open spaces, but we have to be careful when we develop properties for recreational facilities that we are not adversely impacting wildlife habitat. And finally, explore rest stops for bicyclists along the most heavily used travel routes.

The key issues regarding Historic Cultural Resources include recommitting to historic resources inventories and protection strategies. The thought is the County needs to play a more active role by establishing a historic preservation program. Next is to add a process for historic landmark designation, which would be a local designation administered through Multnomah County and would offer opportunities for preservation and property enhancements. Also, to allow for adaptive reuse of historic landmarks where possible. The theory is we would allow, as conditional uses, any use which can be shown to contribute to the preservation and reuse of the historic landmark to help maintain that property. And the final issue is to continue coordination with state and federal agencies and tribes to protect known cultural resource sites, and require reporting the discovery of new ones.

Hastie moved on to Natural Resources and Natural Hazard issues. With natural resources, much of this consists of retaining, but streamlining, existing policies in both the Comprehensive Framework Plan and the Rural Area Plan. We also updated inventories for specific resources using a combination of data available from the state and Metro, specifically riparian resources within one mile of the UGB. Ultimately, the County is conducting an analysis of economic, social, environmental and energy impacts in order to update its inventories and mapping. A couple of other policies were to consider expanding the county's scenic view overlay to include the west side of the West Hills, the objective being tree preservation. Another one would be to create a wildlife advisory committee and encourage partnerships with a variety of agencies to protect resources and provide public education.

One of the key policy issues with Natural Hazards is updating the data and mapping from state and federal agencies that the County uses to apply its requirements related to landslides, flooding or wildfire.

Faith gave an update on the two most recent public meetings that were held the first week of April, one on the east side and one on the west. He said there were a couple of noteworthy issues raised that could possibly be the subject of testimony at the upcoming hearing. One of the concerns is about the expansion of the scenic view overlay to the west side of the West Hills and the impacts it may have. Also, the proposed Metro open space facility in the West Hills is a concern to many of the residents in the surrounding area. We also heard that many people are unhappy with the restrictions that go with farm and forest zones, but there is very little we can do to change that because we are simply complying with state law and state requirements. Another point that I've heard repeatedly are the difficulties and hurdles people feel they have to go through to build an accessory building on their property. They do not understand why things need to be so difficult. I'm not sure there is an easy resolution to that, but it may be something you will hear about.

In terms of the next steps, this worksession is a precursor to the hearing on May 2nd. We will then take your recommendation to the Board of County Commissioners, likely later this summer. There are other code amendments that will be necessary as a result of this plan, if it's adopted, in order to implement the Comprehensive Plan policies and strategies. Most of these will come through the Planning Commission for approval. With respect to transportation, we are currently looking at the

State's Transportation Planning Rule and how the County's codes comport to that. We are in the process of trying to determine if there may need to be amendments to our code to address transportation planning rule requirements. The ESEE analysis is in progress at this time and it will be necessary to complete that if we are going to implement the proposed policies in the plan about expanding the SEC overlays.

Cook gave an update on the zoning code consolidation project and noted that the current zoning code consists of six separate chapters, which reflect the County's planning areas. This makes for an unwieldy code, and because there are more similarities than differences, the differences can be hard to spot. Also, code updates can be cumbersome because so many chapters need to be updated. And both customers and planning staff find it very difficult to find correct code locations for zoning and development standards. A consolidated code will eliminate redundancy, highlight the differences among the plan areas in those areas where they are intentional and reconcile those that are unintentional. Since the organization of the code lacks a logical flow, a number of individual sections are being reorganized and grouped into similar sections for a more consolidated, cohesive set of zoning provisions. We will be combining and organizing Chapters 29, 33, 34, 35, 36 and 37, as well as the Urban code that applies in the urban pockets, into one chapter with a more logical flow. We anticipate a better use of Use tables at the beginning of the code so if you are contemplating a particular kind of use, you can find out if it is in the code, and what zones allow or potentially allow the use. There will also be a better use of cross references, so when a code section refers to additional standards, it will show where those are located. This project does not include consolidating Chapter 38, because that falls under the National Scenic Area Act and is different enough that it makes sense to retain that code separately.

[At this point, the sound system malfunctioned and it became very difficult to hear some of the dialogue from the Commissioners.]

Kabeiseman asked when the ESEE analysis and inventories would be completed. Hastie said we anticipate having the ESEE analysis done by the end of June. Kabeiseman asked if the Commission would be seeing the ESEE analysis with our schedule, or would the Board be looking at that. Faith said to the extent that I believe we will have to adopt a new ordinance, we are talking about applying these overlays to new areas, and the ESEE analysis allows us to do that. But it will have to be adopted by ordinance, which will go to the Planning Commission first.

Jed Tomkins, Assistant County Attorney said I think those analyses will ultimately more inform the code level work of where these overlays may expand to. What you'll see in the Comp plan document, which will come to you for consideration before those analyses are done, is really just policies that support doing these analyses. What will flow from those analyses will be further work at the code level.

Kabeiseman said that was helpful information. I anticipated the incorporation of the ESEE analysis into the Comp plan document and the code would flow after that, but there's no reason why they can't pull them out and put them back in.

Hastie said you will see maps in the Comp plan that illustrate an inventory of resources that would potentially be added to the County's inventory, but we clearly stated that those are for inventory purposes and not regulatory maps. So, the SEC overlay maps and zoning code would have to be updated to actually apply those things. We've gotten started on the ESEE analysis because we have the resources to do that, but we're not updating the SEC overlays as part of this Comprehensive Plan update process.

Foster asked about the use of buildings in the commercial industrial zone and requirement of 51% serving rural needs or tourism. I know the CAC would like to relieve that requirement. I understand the basis of it, it's an element of Urban Growth Boundary, but can we do anything within the law to relieve that?

Faith said the policy was carefully written so it does not make reference to having to primarily serve the surrounding rural area. It still talks about serving the rural area, but the way it was worded enables us to amend the code so we can remove that term primarily serving. Foster asked how you do that and not essentially move the UGB. A rural area zoned like that is supposed to serve the rural area and to say it doesn't have to do that anymore and make it a regional use, is there a legal issue there? Hastie said I don't think that's what we're really doing. There are still pretty significant limits on the size of those uses and we're not changing those limits. The State Unincorporated Communities Rule and associated rules require that commercial uses still need to serve the surrounding area and people traveling through. Industrial uses do not have that same requirement. Foster said, so there are no legal issues there?

Tomkins said you're asking a pretty broad question. The State rule that guides all of this does not have the word primarily in it, so by rule we can eliminate that word in our code if we want. But, you are moving to what would be the logical next question, which is less a legal question and more of a policy issue. If we're going to move away from primarily, which has been interpreted to draw this 51% line, do you want something else in there that draws the line at 37%? Then we can talk legally about how to draft that language. I think you're also asking if you can have a use outside the UGB that starts violating other aspects of the whole land use scheme where we've got urban development on the inside and not on the outside. We'll have to see how the conversation progresses before I can answer that.

Hastie said I would say that the size limitations are a big part of limiting what people can do. For commercial uses, we're talking about 4,000 and 8,000 s.f.; those are not big uses. The state restrictions on size for industrial uses are much larger than current County restrictions. The County is 15,000 s.f. vs. 40,000 s.f. for the state, and 80,000 s.f. in an urban community, so you have much lower thresholds on the size of those facilities.

Ingle said are we thinking that one hearing will be enough for this whole document? Faith said you can continue the hearing as many times as you want. Ingle said I was more concerned about further down the line and how that will affect going to the Board of County Commissioners. Faith said we have not yet requested a hearing date for the Board, we're leaving it open to see what the Planning Commission's pleasure is in term of how to deal with the documents.

Wood asked about the ADU issue and what specifically is precluding that. Faith said it's a combination of the Rural Residential Rule under Oregon Administrative Rules (OAR), the Urban and Rural Reserves Rule, and the Unincorporated Communities Rule. For the EFU and CFU lands, it's the statutory requirements that allow only a certain number of dwellings units. So in combination, those have imposed restrictions for allowing ADU's.

Kabeiseman wanted to touch on the adaptive reuse of historic structures. At a concept level, it makes some sense, but I'm curious how many historic structures we have and how big this potential is going to be. There was one structure in particular that caused a fair amount of concern awhile ago and I wanted to get an idea of what was behind that thinking. Faith said the first thing that would have to be done in terms of how it's envisioned is, the County would establish a

program that would include the designation of historic landmarks, and owners would need to apply for this designation. Once they have that designation, that would qualify them to seek an adaptive reuse, which can only be approved by a Conditional Use as allowed by law. So in the EFU and CFU zones, it may not be an option. We're talking about limited zones where this might be possible.

Kessinger said regarding the scenic views on the west side, I don't understand how restrictive that would be on say, a forest property, or is it only addressing development. Cook said the existing scenic view overlay in the West Hills standards address proposals for new development and doesn't apply retroactively. If we expanded that overlay, there would be opportunity to look at the language down the line. Kessinger said it sounds like the scenic view is more addressing development rather than restricting logging. Faith said it addresses primarily the siting of structures on the property and where the most suitable location is in terms of being visually subordinate. Hastie added and orientation, reflectivity of the windows, things like that.

Joanna Valencia, Transportation Planning and Development Manager and Susie Wright from the consulting firm of Kittleson and Associates presented the Transportation System Plan (TSP) portion of the Comprehensive Plan.

Valencia introduced Jessica Berry, one of the key Transportation Planners that led the review of the current policies. She also mentioned Kate McQuillan, who was not present, Multnomah County's Bike/Ped Planner who was instrumental in advising on active transportation concepts.

Valencia gave an update on the process and the policies as outlined in the draft TSP. She noted that the TSP policies consist of ten major themes, with a mix of existing and new policies to make up twenty-three policies, as well as seven unique Sauvie Island policies. As we were reviewing this, we found many of the policies we developed for Sauvie Island could be applied countywide. Of the ten major themes, some new things you will see address transportation demand management concepts, wildlife, health and equity policies and emergency management.

There were a lot of concerns raised about bicycle infrastructure and cut through and commuter traffic on the West side roads. We heard an emphasis from the community about maintaining the safety of our roads while recognizing that our roads are multi-modal. We also repeatedly heard about the emphasis for rural character. This is a common theme throughout both documents.

Wright then presented the maps, toolkit and projects. She noted that in addition to the written policies, the transportation system plan is also implemented through maps, such as the roadway functional classification map. This is a policy map because it identifies a hierarchy of roadways from arterials to collectors to local streets. These have a number of impacts because each designation provides guidance on how a road should be designed, sets expectations for the amount of vehicle traffic, speed limits and who might be using the facility. They have a significant impact on how we design, maintain and operate roadways. We have a new proposed policy map in the TSP, a companion map to the roadway functional classification map, which is the roadway bicycle designation map. This is not necessarily a bicycle master plan, but a map that was developed with the Bike/Ped committee and the Transportation sub-committee to help identify which roads are a priority for shoulder treatments and which are a lesser priority. In rural areas, shoulders serve a variety of purposes, so when we talk about building bike lanes in these areas, we are talking about enhancing the shoulders of the roadways for many different purposes. This map is one tool we used to identify some of the facilities that are higher priority for shoulder treatments. We also

wanted to identify where the conflicts were for cyclists, pedestrians, equestrians and motorists to help facilitate shared use of the road.

Wright noted that on page 37 of the TSP, there is what they call the toolkit, which gives the County a range of solutions. These include bicycle and pedestrian facilities, safety, signage and signal treatments and transportation demand management.

In addition to the written policies and policy maps, the TSP includes projects. This differentiates the TSP from other elements of the Comp plan. Table 9 outlines the planned and programmed projects, with maps designating the level of priority. It has been difficult to assess the total cost of the project list because there are so many variables, and they are dependent on available funding options.

There was some discussion about rails to trails and issues involving railways, and it was noted that one of the unique Sauvie Island policies addresses that. Kabeiseman asked if there was any discussion about capacity issues on county roadways and if there was a particular area that presents a real problem. Wright said focused on the County's roadway system, there are not. We did hear a lot of issues related to traffic and capacity coming down from the West Hills trying to get on to Hwy 30 and St. John's Bridge, but we are not making recommendations for Hwy 30 in this plan as that is an Oregon Department of Transportation (ODOT) facility. And it's a difficult thing to answer, too, because we tried to press the residents participating from the West Hills that were looking for solutions. What they do not want is additional traffic to be facilitated using their neighborhood roads, so it poses a challenging question. How do you address some of those traffic congestion issues without it facilitating additional traffic coming from non-Multnomah County trips.

Lorenz asked how much cooperation they got from the other counties. In the past it seemed like Washington County was intent on establishing six lane urban roads that would spill onto our smaller rural roads. Valencia said we have been having conversations with Washington County, and I anticipate a comment letter from them. I think they will have concerns about Policy 11, an old policy we picked up from the Westside Transportation System plan, which essentially opposes any new regional roads. We have also been participating in Washington County's Transportation Futures Study, and we are looking at the modeling they are putting together. We are messaging to them that Multnomah County is really interested in keeping this a rural facility and honoring the rural character of the West Hills.

There have been general conversations with Columbia County, mainly about CC rider. The east county's largest issue is the growing popularity of the Gorge, and ODOT is trying to get ahead of this by addressing it with a Gorge Transit Study. Additionally, an Oregon Regional Solutions Team project is taking a look at addressing some of the peak season traffic along the I-84 corridor. ODOT will probably be piloting a Gorge transit option this summer that will allow you to catch a shuttle from the Gateway Transit center to Multnomah Falls for a nominal fee. The plan is to run it every thirty minutes on Friday, Saturday and Sunday. Wright added there may be a park and ride stop at Rooster Rock as well. Valencia said another concern from the residents in the Gorge are the larger motor homes that are frequenting the area and are unable to maneuver some of the tight turns, so perhaps ODOT will need to take a look at over dimensional restrictions.

Silodor said on the issue of capacity on Sauvie Island and the dike road and the overload that already exists, is there any interagency discussion about what that means and how it's holding up? Valencia said we are going through a levee recertification process right now to take a look at the

condition of the levee. There have also been past conversations with Metro and other partners about how to tackle the constraint with the levee. We've been working with Tim from Sauvie Island Drainage looking at an option for maybe an off shelf path at the bottom of the levee. That is a permitting process we would have to go through with the Army Corps to see if that is an allowable use, because any use of the levee has become more stringent post hurricane Katrina.

Foster noted that the last CAC meeting he attended included an evaluation of the process, and that the entire process received incredibly high marks. People said they were proud to be a part of it, and it was a good working group without a lot of controversy among the participants. I thought the Planning Commission should know that. Ingle said I would echo those sentiments, I thought it was a wonderful process. The facilitator did a great job of keeping things on track and introduced some tools that I'd never seen before. And the voting process and collaborative nature of the whole process was just incredible.

VI. Director's Comments:

Mike Cerbone, Planning Director, echoed the sentiment that Commissioner Foster offered. I wasn't there for the whole process, but I sat in on the last few meetings and one of the great things that the CAC group did was compromise, which is something that's key with land use because we have a lot of competing interests.

So, for an update, in May we have the hearing for the Comp Plan. We haven't scheduled meetings with the Board yet, so if it takes three or four meetings to have the community voice their opinion and for you go through the issues, that's how long it will take.

In June, we'll have the Dark Sky Ordinance hearing, and no meeting in July. We have a worksession scheduled tentatively in August for accessory structures, the intent being to provide more certainty on how we review accessory structures, and provide a better framework for what we allow and don't allow. We're also planning an agri-tourism, farm stands and gatherings worksession for that night. In September we have a worksession planned for dealing with building permits for moorages and marinas; looking at some standards for reviewing what gets built, developed and lived in on the river. FEMA recently sent us some digital flood insurance rate maps for the Sandy River Basin, and we are reviewing those to get comments back to them. We will expect to bring those back for adoption.

Foster asked for a short recap about the marijuana regulations that went before the Board. Cerbone said they essentially adopted your recommendations and would like to revisit them in a year to look at some of the restrictions. But it's adopted, it's effective and those are the rules we have in place.

Meeting adjourned at 8:20 p.m.

The next Planning Commission meeting is scheduled for May 2, 2016.

Recording Secretary,

Kathy Fisher