

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

MINUTES OF NOVEMBER 7, 2016

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, November 7, 2016 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. **Roll Call:** Present - John Ingle, Chris Foster, Katharina Lorenz, Bill Kabeiseman, Susan Silodor, Alicia Denney, and Timothy Wood  
Absent –Jim Kessinger and Jeremy Sievert
- III. **Approval of Minutes: October 3, 2016.**  
Motion by Silodor; seconded by Kabeiseman.  
Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items:**  
None.
- V. **Briefing: Multnomah County Multi-Jurisdictional Natural Hazard Mitigation Plan**  
Adam Barber, Multnomah County Senior Planner introduced Chris Blanchard from the Office of Emergency Management.

Blanchard thanked the Commission for the opportunity to share the draft plan with them. He encouraged them to take the time to review and comment on the plan which is available online. This plan covers much more than just the Cascadia earthquake event but all natural hazards in the region. He shared examples of seismic retrofit efforts to the Burnside Bridge, the Bonneville Power Administration's testing efforts to elevate utilities as well as other items that the private sector can do to assist with mitigation. He pointed to a 2005 study that identified that every \$1 spent on mitigation saves \$4 in recovery. The 2017 plan will cover the unincorporated areas as well as the smaller cities and drainage districts within the County. People experiencing homelessness will be significantly more impacted without access to transportation or adequate housing. Low income populations may not have the resources to have insurance or extra supplies. The plan covers six types of natural hazards: earthquakes, floods, landslides, severe storms, volcanic eruptions and wild fires. He shared that mitigation strategy will take into account life safety, property protection, technical feasibility, public support and environmental impacts. Each jurisdiction will prioritize actions most relevant to their communities. Land Use Planning is the lead for nine of the forty-eight actions identified for Multnomah County. When the draft plan has been completed it will be sent to the State for approval. Once that has been received it will be forwarded to FEMA for final approval. After FEMA has approved the plan it will come back to local jurisdictions for adoption. Blanchard encouraged the Commissioners to review the document and provide comments.

- VI. **Deliberation: Accessory Building Provisions (PC-2016-4940)**  
Adam Barber, Multnomah County Senior Planner, shared the legislative history for this project. He stated that he received five letters during the open comment period which he submitted into the record as Exhibit C. He reminded the Commissioners of the four objectives of this project: to

amend the code to better alert the public to the limitations that apply to accessory structures; to identify the specific features and facilities that can be allowed through a accessory use review; to provide an opportunity for a streamlined, over-the-counter approval for proposals that include fewer features than other proposal; and provide more flexibility for sitting of fences, retaining walls and other small structures near property lines. The definition of accessory structures has remained the same since 1955; in 2007 there was a code amendment to list the common types of accessory structures which also created a size threshold of 2,500 square feet to allow for over the counter review for smaller structures and a more complex review process for larger structures.

He went on to identify changes, shown in red, to the staff report based on last month's testimony: clarification to the covenant language; clarified fence and wall height thresholds that identifies how a six foot tall structure is handled; more clearly described how the set-back measurement occurs for small structures; and removed the washer and dryer prohibition for accessory structures.

Commissioner Silodor asked if a home owner had a guest house on their property, how would they find out that they can't rent it out as a second dwelling. Barber stated that we would investigate and inform the owner if a neighbor complained; if a refinance would occur and our office was contacted by an appraiser; or if a property owner came in for a permit to remodel or expand their dwelling.

Silodor went on to ask if a structure connected to a house by a breezeway is considered part of the house. Director Cerbone stated that it would have to be connected to the primary dwelling by "livable space" therefore a structure connected by a breezeway would not be consider part of the dwelling but a duplex.

Commissioner Denney stated that she has a problem with the code in general given the current state of homelessness in the region and the fact that there are so many illegal ADU's in the rural areas due to the fact that many home owners are unaware that ADU's aren't allowed. She wonders if the code is out of date. Cerbone commented that there were very few rural centers where ADU's could be allowed but a conscious decision was made during the Rural Urban Reserve Project discussions to not increase density in those areas. We are still prohibited from increasing density by both the Rural Residential and EFU rules that limit one dwelling per property.

Commissioner Foster stated that there has never been a guest house approved in Multnomah County and asked for confirmation that we are not eliminating a path to an approval. Barber stated that was correct.

Commissioner Kabeisemann reminded those present that this proposal is about accessory structures and not about Air B and B or short term rentals. This project is about informing citizens what they can and can't do on their property and making sure that second dwellings aren't build in the rural areas.

Commissioner Silodor expressed concern about the impact on the rural communities that these illegal guest houses are having. She asked if once a guest house built prior to land use regulation has been identified through the compliance process, would they be required to record a covenant. Cerbone responded that if the second dwelling was lawfully established and in continuous use for the entire time, that they would not be required to record a covenant as long as they do not change the use. He stated that we are approving some Air B and B's that fit into the Home Occupation

standards if they meet those requirements for square footage and amount of trips to the property. We treat them just as we treat any type of business under the Home Occupation standards.

County Attorney Tomkins stated that no covenant is required absent a permit. The County is not going around telling people that they need to record a covenant unless they come in for a new permit.

Commissioner Kabeismann **moves** that they forward a recommendation of approval of PC-2016-4940 to the Board of County Commissioners; Commissioner Foster **seconds** the motion. Motion passed unanimously.

**VII. Compliance Program Update:**

Director Cerbone stated that when he was hired he was directed to look at the Compliance Program which is almost ten years old. He has also received requests from the community to examine the effectiveness of the program. He will be looking at other rural counties to see what is working well and could be improved. He plans to meeting with community members and neighborhood groups to educate folks about the program and solicit feedback.

**VIII. Director's Comments:**

Director Cerbone indicated that the 2017 Work Program will be coming before the Planning Commission in December as well as a discussion on farm stands, wineries and agri-tainment.

Barber stated that Commissioner Sievert has been appointed to the Planning Commission for an additional four year term.

Meeting adjourned at 7:52 p.m.

**The next Planning Commission meeting is scheduled for December 5, 2016.**

Recording Secretary,

Stuart Farmer