

8-27-15 R.1 Sauvie Island  
Multnomah Channel  
Testimony Given in Person

17 BOARD OF COMMISSIONERS' MEETING  
COMMENT SIGN-UP SHEET

Form and return to the Board Clerk  
Form is a public record\*\*\*

MEETING DATE: Thursday, 8/27/15

AGENDA ITEM: R.1 - Public Hearing and First Reading of ORDINANCE Adopting the 2015 Sauvie Island/Multnomah Channel Rural Area Plan; Amending the Westside Rural Multnomah County Transportation System Plan as part of the Multnomah County Comprehensive Framework Plan; and Repealing Ordinance 887.

FOR: \_\_\_\_\_

AGAINST:  \_\_\_\_\_

NAME: Greg Olson  
PLEASE PRINT

CONTACT INFORMATION (optional):

ADDRESS: 2490 SE Cleveland Ave

CITY/STATE/ZIP: Gresham, OR 97080

PHONE: 503 (661) 2761 E-MAIL: Kools@peoplepl.com

**IF YOU WISH TO ADDRESS THE BOARD IN PERSON:**

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My name is Greg Olson; I am a member of the Multnomah County Bicycle and Pedestrian Advisory Committee as well as other transportation committees.

I am strongly opposed to the policy of no recreational cycling on Sauvie Island and have stated that several times at the Multnomah County Bicycle and Pedestrian Committee and at the Rural TSP update committee. I have done it both verbally and with written comments.

This policy is in conflict with county health policy, Travel Oregon goals, Metro and with every county in Oregon regarding tourism and business. It restricts one group of citizens of access to state beaches, state wildlife viewing areas, and historic sites.

I live in Multnomah County and expect to ride on the roads in this county and every other county. It is the law. This policy is attempting to circumvent that.

While surrounding counties are developing cycling and tourism, this policy is attempting to place a barrier to complete routes.

Another factor to consider is that this policy has worked its way into the Multnomah County Transportation System Plan Rural Update and would be implemented county wide. After three months the county staff has refused to remove it, possibly waiting for the Commission to determine the Sauvie Island outcome.

This policy is in direct conflict with the Greater Gresham Chamber of Commerce Bike Tourism Initiative and the West Columbia Gorge Chamber of Commerce bicycle touring grant as well as with communities in the Gorge up to The Dalles. It negatively affects the business community. Both Chambers of Commerce are working with the lodging, food, entertainment, shopping, bicycle tourism, bicycle sales and repairs, fishing, rafting, farming, nursery and other business.

This policy puts in jeopardy the MultiPurpose Trail from the Springwater Corridor to the Marine Drive Path, which will be part of the 40 mile loop and was adopted as part of the East Metro Connections Plan. Metro has formed an advisory committee to begin initial planning for the trail.

As part of the BTI several routes were required to be designed. Some of the routes are on county collectors to show off the resources and beauty of the county. The policy conflicts with the goals of the business community as well as Metro and local jurisdictions in enhancing the assets of the county.

This restrictive policy also would inhibit the development of Safe routes to School.

I would encourage the Commission to remove the restrictive cycling policy from the Sauvie Island plan and to instruct county staff to remove it from the TSP update.

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MEETING DATE: 8-27-2015

AGENDA ITEM # \_\_\_\_\_ OR NON-AGENDA SUBJECT: R-1

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

NAME: CINDY REID

CONTACT INFORMATION (*optional*):

ADDRESS: PO Box 83731

CITY/STATE/ZIP: Portland, OR 97283

PHONE: 503-621-3071 E-MAIL: cinbah@spinforne.com

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MEETING DATE: 8-27-15

AGENDA ITEM # R.1 OR NON-AGENDA SUBJECT: \_\_\_\_\_

FOR: X AGAINST: \_\_\_\_\_

NAME: Carol Chesarek

CONTACT INFORMATION (*optional*):

ADDRESS: 13300 NW Germantown Rd.

CITY/STATE/ZIP: Portland, OR 97231

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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Carol Chesarek  
13300 NW Germantown Road  
Portland, OR 97231

August 27, 2015

Multnomah County Board of Commissioners  
501 S.E. Hawthorne Blvd., Suite 600  
Portland, OR 97214

Re: Draft Sauvie Island/Multnomah Channel Rural Area Plan

Chair Kafoury and Commissioners,

Thank you for the opportunity to provide a few comments on the Sauvie Island/Multnomah Channel Rural Area Plan.

I live in the West Hills, but I've followed the development of this plan and testified at two of the Planning Commission meetings.

I'm here today to support the draft plan, which is the result of many hours of community effort. As a result, you have before you a plan with broad support that will strengthen the Sauvie Island/Multnomah Channel community and help it function more efficiently and effectively.

It is my understanding that you'll be considering some amendments to Policies 5.8 and 5.9. I strongly support the proposed amendments, which will clarify and improve those policies, more explicitly implement the county's Climate Action Plan, and maintain the intent of the original policies.

I've included the revised policy language for reference, and would happy to explain why I support the changes if you have questions.

o Policy 5.8 – Maintain and improve the transportation system for all modes of travel with the following goals: reducing vehicle miles travelled, minimizing carbon emissions, reducing conflict between travel modes, and improving the natural environment by minimizing stormwater runoff and facilitating wildlife movement. ~~in a manner that reduces conflict and minimizes impacts to the natural environment,~~ and Ensure that the transportation system reflects the community's rural character while ensuring efficiency and connectivity

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FOR:     

AGAINST:                     

NAME:   *Joe McK Cray*  

PLEASE PRINT

CONTACT INFORMATION (optional):

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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FOR: \_\_\_\_\_

AGAINST: \_\_\_\_\_

NAME: \_\_\_\_\_

*Ruth Metz*

PLEASE PRINT

CONTACT INFORMATION (optional):

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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FOR: X                      AGAINST: \_\_\_\_\_

NAME: Anne Squier

**PLEASE PRINT**

**CONTACT INFORMATION (optional):**

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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FOR: X

AGAINST: \_\_\_\_\_

NAME: Jane Hartline

**PLEASE PRINT**

**CONTACT INFORMATION (optional):**

ADDRESS: 14745 NW Gillman

CITY/STATE/ZIP: Portland, OR 97231

PHONE: 503-621-3357 E-MAIL: janeanet@yahoo.com

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FOR:  \_\_\_\_\_ AGAINST: \_\_\_\_\_

NAME: MARK Greenfield

**PLEASE PRINT**

**CONTACT INFORMATION (optional):**

ADDRESS: 14745 NW Gillihan Rd

CITY/STATE/ZIP: Portland OR 97231

PHONE: \_\_\_\_\_ E-MAIL: MARKgreenfield@involved.OM

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FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

NAME: Siva Wylert ("Wylert")  
PLEASE PRINT

**CONTACT INFORMATION (optional):**

ADDRESS: 26312 NW 5th - Valens Road

CITY/STATE/ZIP: Scappoose, OR 97056

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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MEETING DATE: 8/22/15

AGENDA ITEM # R1 OR NON-AGENDA SUBJECT: \_\_\_\_\_

FOR: ← AGAINST: \_\_\_\_\_

NAME: Richard Meyer

CONTACT INFORMATION (optional):

ADDRESS: 13340 NW Marina Way

CITY/STATE/ZIP: Portland OR 97231

PHONE: 971-404-6498 E-MAIL: richardallenmeyer@gmail.com

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**AGENDA ITEM: R.1 - Public Hearing and First Reading of ORDINANCE Adopting the 2015 Sauvie Island/Multnomah Channel Rural Area Plan; Amending the Westside Rural Multnomah County Transportation System Plan as part of the Multnomah County Comprehensive Framework Plan; and Repealing Ordinance 887.**

FOR: ✓

AGAINST: \_\_\_\_\_

NAME: Linda Wisner

**PLEASE PRINT**

**CONTACT INFORMATION (optional):**

ADDRESS: 18200 NW Sauvie Island Rd

CITY/STATE/ZIP: Portland OR 97231

PHONE: 503-282-3929 E-MAIL: wizbiz@WisnerCreative

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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING  
PUBLIC COMMENT SIGN-UP SHEET**

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FOR: ✓

AGAINST: \_\_\_\_\_

NAME: STUART SANDLER

**PLEASE PRINT**

CONTACT INFORMATION (optional):

ADDRESS: 19419 NW REEDER RD

CITY/STATE/ZIP: PORTLAND, OR 97231

PHONE: 503-691-3965 E-MAIL: SPINER@SPINER.COM

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FOR: X AGAINST: \_\_\_\_\_

NAME: SEAROWE BEVIS (Jean)  
**PLEASE PRINT**

CONTACT INFORMATION (optional):

ADDRESS: 19419 NW Reeder Rd

CITY/STATE/ZIP: PORTLAND OR

PHONE: (503) 621-3255 E-MAIL: SEAROWEB@PMUG.ORG

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FOR:  \_\_\_\_\_

AGAINST: \_\_\_\_\_

NAME: Marcy Houle "MARCY"

PLEASE PRINT

**CONTACT INFORMATION (optional):**

ADDRESS: 16600 NW Gillihan

CITY/STATE/ZIP: POX

PHONE: 503-222-5455 E-MAIL: newmoonfarms@gmail.com

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**FOR:** \_\_\_\_\_

**AGAINST:**  \_\_\_\_\_

**NAME:** Phil Grillo, Davis Wright Tremaine, On behalf of Big Island Marina  
**PLEASE PRINT**

**CONTACT INFORMATION (optional):**

**ADDRESS:** 1300 SW 5th

**CITY/STATE/ZIP:** PORT OR

**PHONE:** 503 778 5284 **E-MAIL:** phil.grillo@dwtr.com

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Suite 2400  
1300 SW Fifth Avenue  
Portland, OR 97201-5610

Phil E. Grillo  
503.778.5284 tel  
503.778.5299 fax

philgrillo@dwt.com

February 13, 2015

Multnomah County Planning Commission  
501 SE Hawthorne Blvd.  
Portland Oregon 97214

Re: Draft Sauvie Island/Multnomah Channel Rural Area Plan – March 2, 2015 Hearing

Dear Commissioners:

I am writing on behalf of Big Island Marina, with regard to the County's proposed policies for live-aboard boats, as described in Sauvie Island/Multnomah Channel Rural Area Plan (Plan). In that regard, we support efforts by the County to allow live-aboard boats in approved marinas, and its effort to reasonably regulate them to ensure that live-aboard boats meet applicable health, safety and environmental regulations and are compatible with the rural character of area. Our specific comments and concerns are outlined below.

1. Overview of Big Island Marina

As shown in Attachment 1, Big Island Marina (formerly Parker's Boat Moorage) is one of the most attractive marinas on Sauvie Island. Its well-kept dock, boat slips, upland parking, and other support facilities were approved by the County in 1975 in case file CS 2-75. CS 2-75 approved the marina for up to 38 sailboats, with overnight or permanent habitation limited to three slips. The marina is shown in a 2014 air photo included as Attachment 2.

Sailboats moored at Big Island Marina currently range from 33 to 44 feet in length. The marina community includes an on-site manager and maintenance supervisor, and tenants who take great pride in their boats, the marina, and life along the river. Overall, Big Island is well-maintained, quiet, and environmentally friendly marina, and has been an important part of the rural character of Sauvie Island and the Multnomah Channel for more than four decades.

2. Live-Aboard Boats at Big Island Marina

As noted above, Big Island Marina has 3 live-aboard slips that were approved by the County in CS 2-75. Before Big Island Marina was acquired by the present owner (Big Island Marina 18015 LLC), the prior owner leased 12 additional slips as live-aboard sailboat spaces, bringing the total number of existing live-aboard slips to 15, of which 3 are approved by CS 2-

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75. In other words, 3 of the existing live-aboard sailboat slips at Big Island Marina are currently approved by the County and 12 are not.

As a practical matter, live-aboard sailboats moored at marina are indistinguishable for other sailboats moored there. All sailboats moored at the Big Island Marina have access to shore power and other marina facilities located on the upland portion of the site. Approved marina facilities located on the upland portion of Big Island Marina include shower, toilet, and laundry facilities as well as parking and storage facilities. All sailboats at the marina have access to individual water bibs, but none of the sailboats are connected to water or sewer lines. All of the slips have access to environmentally safe pump-out services that allow tenants to maintain self-contained onboard sewage facilities that may exist on any individual.

3. County's Proposed Policies for Live-Aboard Boats

Currently, the County has no land use plan policies that address live-aboard boats. This lack of policy guidance creates a significant policy vacuum for Big Island Marina, for other marina owners, for County planning officials and for the public generally.

Staff has proposed five new policies that would apply to live-aboard boats. These policies are contained in Chapter 2 of the proposed Plan and are specifically set out as follows:

**-Policy 2.1 (d) (1)** "Require marinas with floating structures to meet state standards for sewage collection and disposal similar to those standards that apply to dwelling on land."

**-Policy 2.1 (d) (2)** "Boat slips serving boats with onboard cooking and/or sanitation facilities must be provided with an on-site mechanism for disposal of sewage, either through connections at each slip or through the availability of on-site alternative pump out facilities which are reasonably safe from accidental spillage."

**-Policy 2.3** "Review consistency of definitions of floating home, houseboats, boathouses, live-aboards, combos, etc. used by agencies such as the Multnomah County Assessor, the City of Portland and the State when amending the Zoning Ordinance."

**-Policy 2.4** " Allow live-aboards to be used as full time residences within a marina and count the live-aboard slip in the total number of residences approved for the marina. This option requires Community Service (CS) approval and requires that boats meet health, safety, and environmental standards (i.e. electrical, water and sanitation) for occupied boats docked in a marina."

**-Policy 2.5** " Consider standards to allow temporary use of live-aboard boats within marinas. This option requires that boats meet health, safety, and environmental standards (i.e. electrical, water and sanitation) for occupied boats docked in a marina."

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4. Big Island Marina's Proposed Policies for Live Aboard Boats

Big Island Marina supports staff's proposed Policy 2.1 (1) and (2), because these policies are consistent with the text proposed by Mr. Peter Finley Fry in his October 28, 2014 recommendation to the County. Mr. Fry's October 28, 2014 recommendation is included as Attachment 3.

Big Island Marina supports the basic intent of Policy 2.3, which is to establish a clear and consistent set of definitions for waterfront uses. However, this policy should be amended to include all operative waterfront use terms used in the Plan, to ensure that they are clearly defined, and are consistent with other applicable law. For example, in Plan Policies 2.4 and 2.5, the County does not define the term "live-aboards" or "live-aboard boats" and otherwise uses terms such as "residences", "temporary use," and "full time use" to describe and limit live-aboard boats, without defining such terms. Unclear terms such as these that are used to describe uses should be clearly defined, or they should not be used. We therefore urge the County to amend Policy 2.3 accordingly.

With regard to Policy 2.4 and 2.5, Big Island Marina proposes that these two policies be combined and replaced with a revised Policy 2.4. Our revised Policy 2.4 was previously submitted to the County in correspondence prepared by Mr. Peter Finley Fry on October 28, 2014 (See Attachment 3). Our proposed Policy 2.4 reads as follows:

"Allow tenants in approved marinas to live aboard their boats. Short term occupancies should require compliance with health, safety and environmental standards (i.e. electrical, water, and sanitation). Long term occupancies should require Community Service (CS) and Willamette River Greenway (WRG) approval and compliance with health, safety and environmental standards (i.e. electrical, water, and sanitation).

Big Island Marina is willing to work with the County to define short and long term occupancies for live aboard boats, and to define the term "live aboard boats". I previously provided the County with a proposed definition of "live-aboard boats" that defines short term and long term occupancies. I strongly recommend that the definition of "live-aboard" boats not use the term "residence" or "dwelling", because these terms are unclear and may have other meanings. Live-aboard boats can be described in a neutral way for policy and regulatory purposes, by listing the facilities such boats contain and the length of time they are occupied. Adding or referring to loaded words like "residence" or "dwelling" when describing live-aboard boats muddies the water and creates unnecessary conflict.

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Page 4

5. Conclusion

It is important that the County establish a clear policy that allows marina owners to obtain approval for live-aboard boats in established marinas. The current policy uncertainty with regard to live-aboard boats creates an unreasonable situation for Big Island Marina, its tenants, other marina owners, County decision makers and the public in general. The longer this uncertainty persists, the more unreasonable the situation becomes. It is widely recognized that this uncertainty has existed for decades and needs to be fixed now.

In short, marina owners should have the opportunity to seek approval for live-aboard boats at established marinas. All of the 17 existing marinas along the Multnomah Channel in Multnomah County are located on MUA-20 zoned property. All of these properties have been designated in Policy 26 as appropriate for marina development. The impacts of a specific proposal for allowing live-aboard boats in established marinas should be determined by applying the County's Community Service (CS) and Willamette River Greenway (WRG) regulations, along with applicable health, safety and environmental regulations. We look forward to working with the County to establish a clear policy that allows live-aboard boats in established marinas, subject to appropriate reviews as described in proposed Policy 2.4.

Very truly yours,

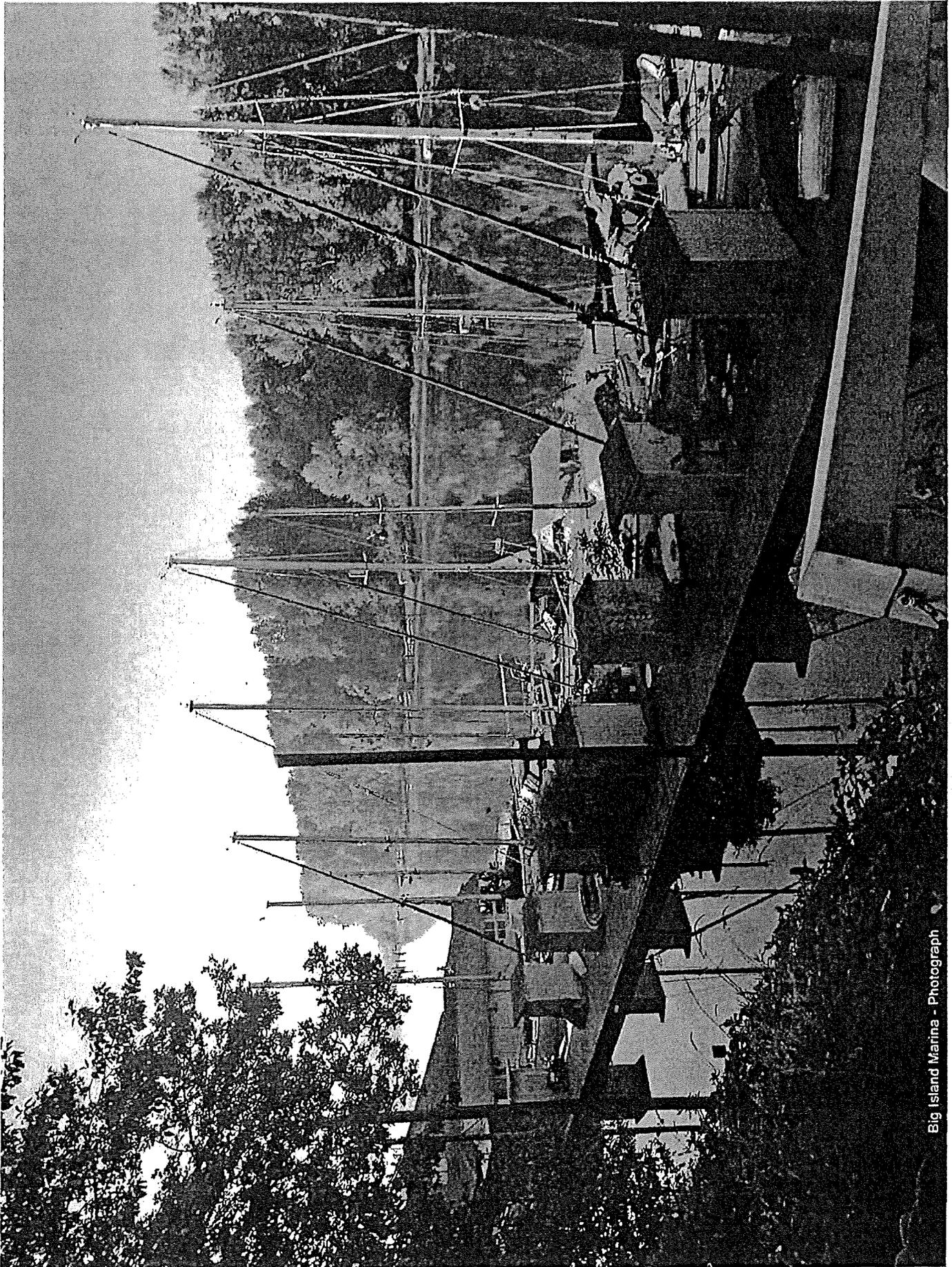
Davis Wright Tremaine LLP



Phil E. Grillo  
PEG:rmp

Enclosures

cc: Client



Big Island Marina - Photograph



Big Island Marina – Air Photo

October 28, 2014

## RECOMMENDED MODIFICATIONS Marinas and Moorages

### Goal and Policy Recommendations

#### GOAL

Empower Marinas and Moorages to protect and enhance the natural and human ecology of the Multnomah Channel. Enable the water based residents to be strong stewards of the environment and police the waterway. Ensure houseboat densities are appropriate for the amount of upland available to serve the needs of the residences, the availability of services and the Corps of Engineers regulations on waterway obstructions.

#### \*Policy 2.1

Multnomah County recognizes the existing marinas in the Multnomah Channel within the area designated in Comprehensive Plan Policy 26 as appropriate for marina development. Existing marinas may be reconfigured. Floating homes should be restricted to one home for every 50 lineal feet of bank within a DSL lease area.

**COMMENT:** The 1/50 standard has been in place in Multnomah County since 1977 and has been evaluated by the County planning staff several times over the years, including 1982-83, 1992 and when the Sauvie Island Multnomah Channel Rural Area Plan was adopted in 1997. Each time the County determined this standard was in compliance with statewide planning goals. The local waterfront community has relied on this standard over the years. The standard reflects the common width of a Portland single family lot which is 50 feet by 100 feet.

**2.1(a) Review Requirements** Expansions and reconfigurations of existing marinas should only occur through the Community Service and Conditional Use process subject to all applicable County zoning standards.

#### \*2.1(b) Salmon Habitat

Coordinate with the National Oceanic and Atmospheric Administration Fisheries Division (NOAA Fisheries) to protect salmon habitat and fish passage within and along the Multnomah Channel. Coordinate with the Oregon Department of State Lands (DSL) to ensure compliance with the Endangered Species Act (ESA) through its in-water leasing program.

#### 2.1(c) Building Codes

Consider building, plumbing, electrical and mechanical standards for floating homes.

#### \*2.1(d) Sewage Disposal

2153 SW Main Street, #105, Portland, Oregon USA 97205.  
Office (503) 274-2744 • Fax (503) 274-1415 • peter@finleyfry.com

(Revised SIMC Policy 29)

As directed by Portland's Bureau of Environmental Services, marina owners should provide for safe and easy collection and disposal of sewage from marine uses in Multnomah Channel.

(1) Marinas with floating homes should be required to meet state standards for sewage collection and disposal similar to those standards that apply to dwellings on land.

(2) Boat slips serving boats with onboard cooking and/or sanitation facilities should be provided with an on-site mechanism for disposal of sewage, either through connections at each slip or through the availability of on-site alternative pump out facilities which are reasonably safe from accidental spillage

### **Policy 2.3 Definitions**

(Renumbered Policy 12)

Ensure consistency with the Multnomah County Assessor and the State regarding the definitions of houseboats, boathouses and combos. Multnomah County should amend the Zoning Ordinance to include consistent definitions.

**Replace Policy 2.4 and 2.5 with recommended new Policy 2.4**

### **Policy 2.4**

Allow tenants in approved marinas to live aboard their boats. Short term occupancies should require compliance with health, safety and environmental standards (i.e electrical, water, and sanitation). Long term occupancies should require Community Service (CS) and Willamette River Greenway (WRG) approval and compliance with health, safety and environmental standards (i.e electrical, water, and sanitation).

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FOR: LANDINGHAM AGAINST: X

NAME: CJ Lyngheim on behalf of Big Island  
PLEASE PRINT

CONTACT INFORMATION (optional):

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CITY/STATE/ZIP: Scappoose, Or. 97056

PHONE: 503-987-1025 E-MAIL: bigislandmarina@westcoastmfg.com

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