

SQUIER, Anne
August 27, 2015
Agenda #: R.1

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18 August, 2015

Chair Deborah Kafoury and Commissioners
Multnomah County Planning Board of Commissioners
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Re: Consideration of 2015 Sauvie Island/Multnomah Channel Rural Area Plan

Dear Chair Kafoury and Commissioners Bailey, Smith, Shiprack, and McKeel:

I hope to testify at the hearing re Sauvie Island planning on August 27th, but will be out of state until late on the 26th and believe it best to submit written comment in case any travel delays prevent my being there in person.

I urge that the Board adopt the Sauvie Island/Multnomah Channel Plan (SI/MC RAP) as recommended by the Planning Commission. There are a few changes, mentioned below and attached, that would strengthen its ability to protect the Island's agricultural productivity and the unparalleled rural, natural resource, and recreational treasures of both Multnomah Channel and the Island. But my overwhelming message to you is that the CAC, Island residents, the local community, and your Planning Commission have labored for nearly two years to produce a solid framework to preserve the distinctive character of the Island and the Channel for future generations. That plan should be adopted, implemented, and enforced.

Multnomah Channel policies have been my primary focus in participating throughout the planning process, although I have commented and submitted suggestions on most other topics as well. I served on the TAC for Channel planning. I believe the set of Channel policies in the recommended plan will serve the County well, align the County with state land use law and policy, and will enhance the habitat values of the Channel.

I support the Marina and Floating Home policies as recommended. I am unaware of any state or local definition that classifies Floating Homes as water dependent uses. The recommended policies are consistent with the rural nature and land use classifications of the area; they reinforce Willamette River Greenway principles; and they align with the Climate Action Plan.

* Note this is a new numerical address. After 33 years in the same place and with the same address, the county has assigned a new house number. Please no longer use 13402.

As mentioned previously, there are a very few tweaks that would greatly improve this plan. They have been laid out by Mark Greenfield in the letter he submitted on August 14th, and are attached at the end of this letter. I worked with Mark and other citizens to develop these concepts, and strongly recommend that you make those changes.

As to the well-constructed Transportation System Plan (TSP), I simply want to emphasize the importance of following through with meaningful Transportation Demand management, once the TSP is in place. The TSP nicely lays out many options for reducing transportation overload, but does not select among those. A near-future task should be pursuing implementation of a selection of those (or additional) options.

My personal thanks to your planning staff and Planning Commission for persevering, listening carefully, and working for the long term future of Sauvie Island and Multnomah Channel.

Sincerely,



Anne W. Squier

Attachment:

August 14, 2015

[RECOMMENDATIONS FROM GREENFIELD LETTER]

1. **Page 3, Community Vision, 1st sentence.** Change the first sentence as follows:

“The policies in this document ~~should~~are to be read in harmony with the following vision statement.”

Discussion: The vision statement reflects the vision people have for Sauvie Island and the channel and gives context to the policies that follow. It is appropriate for persons applying these policies as applicants, staff or interested persons to consider the vision statement in determining how the plan policies apply. The word “should” simply makes this optional.

2. **Page 18, Agriculture & Agri-Tourism Policy 1.3.** Change Policy 1.3 to read as follows:

Policy 1.3.

Develop and adopt a tiered review process for farm stand operations on EFU land distinguishing between operations that include promotional activities and those that do not. Farm stands that occupy one acre or less (including parking) and do not include promotional activities or events shall be reviewed through the County’s Type I process, based on objective standards. Farm stands that occupy more than one acre or include promotional events or activities shall be reviewed under the County’s Type II application process. ~~Until implementing code is adopted, the following shall apply:~~

(a)——Proposed farm stands that would occupy more than one acre or include promotional events or activities shall be sited to maximize retention of agricultural land in productive farm use. The amount of land identified for farm stand promotional events or activities shall be the minimum necessary to accomplish the objective of supporting farming operations on the property.

~~(b) Until code provisions are adopted that accomplish this objective, the following standards shall apply: in order to limit the overall amount of acreage proposed for the farm stand structures and events consistent with the following standards:-~~

- (1) The amount of land identified for the farm stand structures and associated permanent parking shall not exceed two acres.
- (2) ~~The amount of land identified for farm stand promotional activities shall be the minimum necessary to accomplish the objective of supporting farming operations on the property.~~ Absent compelling need for additional area, the area identified for promotional events or activities, including corn mazes and event parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less.
- (3) An applicant may seek approval to accommodate temporary parking on additional acreage during September and October of a calendar year on areas that have already been harvested or used for pasture during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following year.
- (4) An applicant owning or leasing multiple properties in farm use on Sauvie Island shall be limited to only one Type II farm stand.
- (5) Multnomah County may require consideration of alternative site plans that use less agricultural land or interfere less with agricultural operations on adjacent lands.
- (6) Farm stand signage shall maintain and complement the rural character of the island.

Discussion: Our proposed change to Policy 1.3 is very similar to the Planning Commission's recommended language but with one significant change. As recommended by the Planning Commission, the standards under subsection (a) would apply only "until implementing code is adopted." The difficulty with this is that once code is adopted, this policy gets stripped of the language establishing the direction the implementing ordinances must follow. I do not think this was the Planning Commission's intention.

We do not object to the Planning Commission's desire to be able to consider measures other than the ones set out in the recommended plan, but we still want the language in the policy that establishes the objective for implementing code language to remain. Consequently we recommend that Policy 1.3 be amended in the manner shown above.

3. New Policies Addressing Plan and Code Consistency. Add the following new goal and policies in a new section under the heading Plan and Code Consistency:

Plan and Code Consistency

Goal: To ensure the continued applicability of the policies in the 2015 Sauvie Island/Multnomah Channel (SIMC) Rural Area Plan and their implementing ordinances throughout the planning period.

Policy 6.1. This 2015 SIMC Rural Area Plan supersedes and replaces in its entirety the 1997 Sauvie Island/Multnomah Channel Rural Area Plan.

Policy 6.2 Absent explicit language in a countywide land use or comprehensive framework plan that it would control over the policies in the SIMC Rural Area Plan in a given instance, the policies in this 2015 SIMC Rural Area Plan and the regulations adopted to implement this plan shall control in the event of any conflict with policies in the countywide plan or its implementing regulations.

Policy 6.3 Any countywide land use comprehensive framework plan shall retain and incorporate by reference the policies contained in this 2015 SIMC Rural Area Plan.

Discussion: The recommended plan contains no policies addressing Plan and Code consistency. The Planning Commission deferred this issue to the Board of Commissioners. Policies on this subject are very important, especially now that Multnomah County is moving forward to update its countywide comprehensive plan. The 2015 SIMC Rural Area Plan must stand *on its own merits* over the coming 15-20 years. It must control in the event of possible conflicting policies in a

more general plan addressing other portions of the County that may not share this rural area's issues and concerns. Far too much work and citizen effort has gone into this plan to allow a situation to arise that could render portions of it meaningless. I think we speak for a great many islanders and channel residents in making this statement. We want our plan to be a living, breathing, meaningful document.

4. **New Policies Addressing Plan, Code and Permit Enforcement.** Add the following new goal and policies:

Plan, Code and Permit Enforcement

Goal: To maintain the integrity of the Sauvie Island/Multnomah Channel Rural Area Plan through fair, consistent, meaningful and effective enforcement of Plan and Code requirements and conditions of development approvals.

Policy 7.1 Coordinate and work with appropriate local, state and federal agencies to ensure compliance with the County's Zoning Code and policies.

Policy 7.2 Investigate and enforce compliance with permit conditions and ordinance requirements in all cases of verifiable permit or code violations, including potential violations observed by County staff, reported by citizens, or brought to staff's attention whether anonymously or for attribution.

Policy 7.3. Enforce permit conditions and ordinance requirements in a manner that is diligent, consistent, fair to all interests and effective.

(a). Exercise enforcement in a manner flexible enough to allow the level of enforcement that best fits the type and circumstances of the code or condition violation(s).

(b) Where circumstances warrant, seek voluntary compliance with code requirements or permit approval conditions by providing first-time violators with information about and an opportunity to comply with the Zoning Code or permit conditions within reasonable timeframes with little or no penalty. Closely monitor and enforce such reasonable timeframes to come into compliance to ensure that violators are not unnecessarily delaying compliance.

(c) Set fines at a level that is substantially commensurate with the nature of the violation and sufficiently large that a knowing violator makes no profit from it. The level of fine should act as a strong incentive for voluntary code compliance and a strong disincentive to violate the Zoning Code or permit conditions.

Discussion: The recommended plan contains no policies addressing plan, code and permit enforcement. Again, the Planning Commission deferred this issue to the Board of Commissioners. Concerns regarding plan, code and permit enforcement (or more accurately, the lack of fair and effective enforcement) were raised repeatedly by many area residents during the scoping sessions, at CAC meetings and in hearings held to date before the Planning Commission. They relate to structures, events, activities, signs, noise, and other matters occurring without authorization or in violation of standards on the island or channel. Three key points stand out. First, there is a need for stronger and more diligent enforcement, both of plan or code provisions and of conditions of development approval. Second, a better system is needed than one that requires residents to report their neighbors, sometimes repeatedly. Third, the voluntary compliance system does not appear to be working. When compliance is ignored, measures strong enough to ensure compliance must be imposed to preserve the integrity of the plan and maintain the island's existing rural character.

As we testified before the Planning Commission, we recognize that the vast majority of islanders do comply with their conditions of permit approvals. But some do not, sometimes in ways that are very visible to the community. These violations can harm neighbors in the community and negatively impact the island's rural character, and they encourage others to violate permit conditions or code standards with feelings of impunity.

The plan needs a goal and policies addressing enforcement. Perhaps because of budgetary implications, the Planning Commission deferred this issue to the Board.

Our proposed new goal and policies are a combination of (1) the goal and policies we earlier recommended to the Planning Commission, and (2) language that has been developed in the context of the Framework Plan update which is currently underway.

