



**GREENFIELD, Mark**

August 27, 2015

Agenda #: R.1

Kevin COOK <kevin.c.cook@multco.us>

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## Sauvie Island Multnomah Channel Rural Area Plan and TSP

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**Mark J. Greenfield** <markgreenfield@involved.com>

Fri, Aug 14, 2015 at 11:15 AM

To: simcplanning@multco.us

Cc: Multnomah County Planning Planning County <adam.t.barber@multco.us>, Multnomah County Planning Planning County <joanna.valencia@multco.us>

Dear Kevin - attached is my written testimony for submittal to the Board of Commissioners on the above matters. Please forward this to each Board member prior to the August 25 work session. Also, please include this letter in the record of this proceeding, and please provide me with a copy of the SIMC Rural Area Plan and TSP in their final adopted forms. Thank you.

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August 14, 2015

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

Subject: Recommended 2015 Sauvie Island/Multnomah Channel (SIMC)  
Rural Area Plan and Transportation System Plan (TSP)

Dear Chair Kafoury and Commissioners:

Thank you for this opportunity to testify on the recommended Sauvie Island/Multnomah Channel Rural Area Plan and Transportation System Plan.

As both a Sauvie Island resident and a member of the Community Advisory Committee, I am very pleased with how both of these plans have turned out. The recommended SIMC Rural Area Plan is vastly improved over the draft plan initially proposed to the Planning Commission, as it provides much more detail, specificity, clarity and certainty in its language and a much greater level of commitment to policies that reflect the values of islanders, channel residents and island visitors as reflected in the Vision Statement. Islanders insisted on policies that actually mean something – that make clear policies choices on key issues. The Planning Commission's recommended plan provides this. Their recommended policies provide a strong basis for preserving and maintaining the island's existing agricultural and rural character by providing meaningful policies to preserve the island's agricultural lands for productive farm use and specific, meaningful policies that protect the natural resources of the island and channel. Their recommended policies on moorages and marinas accurately reflect state land use laws and goals relating to urban and rural development and the Willamette River Greenway, and the policies and strategies in the TSP recognize the pressing need to manage travel demand on the island. I have great praise and admiration for the Planning Commission in this process.

I also wish to thank the Planning Staff, which did an excellent job of setting out and presenting alternative policies choices to the Planning Commission and presenting those choices in a fair and unbiased way. I greatly appreciate that staff was receptive to changes that I and other island and channel residents offered, both to the Rural Area Plan and to the Transportation System Plan, and I feel like staff has embraced the changes that the Planning Commission adopted in its recommendation to the Board.

That said, there are several modifications and additions I wish to offer to further improve the Rural Area Plan. Six island and channel residents developed these modifications, including Anne Squier (a former member of the Land Conservation and Development

Commission), Linda Wisner (the former President of the Sauvie Island Community Association), Jane Hartline (Director of Sauvie Island Habitat Partnership), and local residents Cindy Reid, Tim Larson and myself. Two of our proposals involve changes to recommended plan language. The other two address new issues that the Planning Commission felt were better handled at the Board level.

**1. Page 3, Community Vision, 1<sup>st</sup> 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.

### **Conclusions**

Again, I applaud the Planning Commission for its work on the recommended SIMC Rural Area Plan and TSP. These documents are vast improvements over the existing RAP and TSP. I also applaud the work of the consultants – Winterbrook Planning and Kittelson & Associates.

I urge the Board to adopt the policies recommended by the Planning Commission with the additional changes and additions recommended herein. The issues of plan consistency and plan and code enforcement are very important and really must be addressed. In particular, enforcement must be considered in a new light as local residents, myself included, believe that the voluntary compliance program as currently constituted is not working.

Thank you for considering these proposed changes to the recommended SIMC plan. At the public hearing, I will likely take some time to discuss several policies included in the Planning Commission recommendation, but I would be happy as well to discuss these proposed policies in more detail if you so desire.

Very truly yours,



Mark J. Greenfield

cc: Adam Barber  
Kevin Cook  
Joanna Valencia