

DEPARTMENT OF COMMUNITY SERVICES
LAND USE AND TRANSPORTATION PROGRAM
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF APRIL 23, 2015

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:35 p.m. on Thursday, April 23, 2015 at the Sauvie Island Academy Gymnasium, 14445 NW Charlton Rd, Portland, OR.
- II. **Roll Call:** Present - Ingle, Vice-Chair Jim Kessinger, Paul DeBoni, Chris Foster, Alicia Denney, Susan Silodor, Katharina Lorenz
Absent - Bill Kabeiseman, Jeremy Sievert
- III. **Approval of Minutes: April 6, 2015.**
Motion by DeBoni; seconded by Foster.
Motion passed.
- IV. **Opportunity to Comment on Non-Agenda Items:**
None.
- V. **Hearing (continued from April 6, 2015): Sauvie Island – Multnomah Channel Rural Area Plan Update (PC-2013-2931)**
Ingle read into the record the Legislative Hearing Process for the Planning Commission for a public hearing. The focus this evening is deliberation and possible decision. The Commissioners disclosed no actual or potential financial or other interests which would lead to a member's partiality. There were no objections to the Planning Commission hearing the matter. Ingle noted that the record for public testimony was closed on March 2nd, although during deliberation, the Planning Commission may elect to call on someone who has provided public testimony in the past for purposes of clarification. In that event, the record will be opened and then closed upon receipt of additional clarifying testimony.

Ingle pointed out that we have had a lot of information to filter through, and I think during the process of our deliberation, there has been a tendency on my part to inadvertently suggest that we favor a particular draft language, and that is not my intent. We have the information in front of us, the staff report and narrative that's been provided by members on the island and other individuals, and our purpose is to try to craft all that information into one document. I don't want it to appear as if we're supporting one particular position over another. I think in our ability to get through the process in an expedient fashion, I may have lost sight of that.

Adam Barber, Multnomah County Senior Planner, said this is the sixth meeting in a series of hearings on this project, and this is our third night of deliberation, so we have had a number of meetings out here on the island, and I want to thank the Commissioners for their time. This is a lot of volunteer effort by a lot of people, and we really appreciate it at the staff level, because we could not complete this project without you. The plan has been formed around five areas; Natural and Cultural Resources, Public and Semi-Public Facilities, Agriculture and Agri-tourism, Transportation, and Marinas & Moorages. At the last meeting on April 6th, deliberations were continued and we focused on the tracker tool document (Exhibit H), which is broken into four steps. We have already covered Step One, which are the most controversial policies and have opposing views. We made it partially through Step Two policies, which are the new goals and new

policies that have been proposed by community members. Step Three includes proposed amendments to policies in the context of text amendments, and Step Four are proposed amendments to the plan document itself. We made a change to the tracker tool by coloring the policies that have been discussed in past meetings in grey. The red text is information we want to make sure we heard correctly from the commission. As Chair Ingle pointed out, no decisions have been made on any of these policies, that formal vote will come at the end of the process. As in previous meetings, the commission is welcome to call up anyone that you've heard testify in the past, if you have follow-up questions. I want to note that Mark Greenfield, who helped draft a number of the proposed policies was not able to attend tonight. He wanted me to relay that if you have a question on one of the Greenfield et al. policies, there are other crafters of the policies in the audience tonight who would be available. Barber reminded the commissioners to rely on the pink policy statement to help guide your discussions if you are unsure which way you would like to navigate. Also, I have found the Community Vision and Rural Character descriptions on page 6 and 7 of the plan very helpful when reflecting back on these policies and the options available throughout this process.

Barber introduced the concept of the Planning Commissioners using "tents", which is a process used at Metro. This is a way for Metro Councilors and staff to identify they would like to be recognized, but then they can sit back and relax because they know they're in the cue. Each commissioner would have a tent that would lay flat in front of you, and during deliberations, if you would like to be called on, if you have a question or would like to contribute to the deliberation, you could raise your tent. That would give Chair Ingle a visual clue that you would like to be recognized. My observation has been that the commissioners have to repeatedly raise their hands, and it may be challenging for Chair Ingle to remember who had their hand up.

Kevin Cook, Multnomah County Planner reminded the Commissioners that we left off at Step 2, New Proposed Policies & Goals. Before resuming Step 2, there are a couple of items in Step 1, Policy Direction that we wanted to revisit. First of all, we realized that sometimes the policy referenced moorages while others said marinas, so we made them consistent throughout the policies by revising the text to state "moorages and marinas". At the last meeting, there was discussion about noise levels and the DEQ standards for Policy 1.5(b). It was determined that "state and local noise ordinances" would be more appropriate, so that change was made.

Cook proceeded on to Policy 2.1, new sub policy (e), and noted the changes in red for the proposed language. Moving on to Policies 1.8 and 1.9, he pointed out the changes to the proposed language, also reflected in red. Denney stated she thought we included "musical acts" to Policy 1.8(a). That was the consensus among the Commissioners.

Cook read the new language for Policy 1.9. Denney thought they also talked about who was going to be doing the auditing. She heard one thing from the County Attorney and another from staff, and she is confused. She would like it reflected that the County is responsible for paying for the audit. She looked to Jed Tomkins, Assistant Multnomah County Attorney, for clarification. Tomkins said in the most recent farm stand permit, the hearings officer authorized the County to conduct an audit to ensure compliance with the 25% rule. It would be at the County's expense, but reimbursable if a subsequent hearings officer finds non-compliance. Denney said it's not clear who's going to be paying for the audit. You're saying that it's assumed the County is going to pay for it? Tomkins said no, I'm saying that is what was ordered in another decision. Denney said I feel that should be addressed, I don't think that should be a burden on the farmers to have to hire a CPA. They should be required to turn over their records, but if a complete accounting has to be

done, I think that should be at the County's expense. I would like the County to be pretty darn sure they're going to find something wrong when they choose to do an audit, rather than just go out willy nilly and pick people to do audits and charge them for them.

Barber asked if Commissioner Denney would feel comfortable with the mechanics of the audit being described in the code that would follow a policy redrafting like this. Typically, we would see the administrative mechanics either in code or internal administrative documents. Denney said I would be okay with that, except there's been discussion about how long it's going to take for that to happen. So what happens in that intervening time, are we just not going to do any audits? Barber said we have conditions of approval on past decisions that have allowed us to audit, so if we have a new application, my understanding is we currently have the authority to require an audit. Tomkins said we generally have authority to ensure compliance with the code, state law. It's been a discussion over several farm stand permits, and most recently we had a farm stand permit reviewed and approved by LUBA, so that is a viable model. He also noted that, to his knowledge, there have been no audits so far. We require an annual report, but there are no financial records requested at that time.

Denney said, in the meantime, if we're going to be doing any audits, who's going to be paying for that? Barber said, Policy 1.9 starts out that the "County shall develop reporting requirements in sufficient detail", so that would be an appropriate landing spot for this conversation. Maybe in the end, Commissioner, you would be advocating to prioritize the code development on this particular policy. Ingle said I think we have a whole host of policies that fall into that same camp. But I think your point is well taken that her concerns are probably better suited for the procedural language that we'll be talking about at a later time.

Kessinger said that what a farm stand has been required to do has been a moving target through the years. The requirements ten years ago are quite different than they were five years ago. Denney asked if they're more stringent or more lenient. Kessinger said he thought they tended to be more stringent, in terms of adding more reporting requirements. But each farm stand has different requirements; they are not all the same.

Silodor said I have no problem with Policy 1.9 until the red ink. I don't think there's anything wrong with requiring compliance, and when an audit is deemed necessary, having an audit done. I'm not talking about every year, but I do think those questions arise and I think it's a fair thing for the County to do, but why this last piece? Cook said I think that came from the Commissioners. Ingle said yes, it did, and I think the key word was financial privacy, which is what generated the entire sentence. Silodor said I remember the financial privacy, but I think this sentence weakens the first sentence. Denney said to me it means we're not going to take people's private information about their farms and make it public. Silodor said I wouldn't want to make it public either, but it certainly needs to be available and that's a reasonable thing. Ingle said how about working the financial privacy issue into the first paragraph? Silodor thought that would work.

Foster said I think that was an effort to try to capture the privacy issue. I don't see any harm in leaving it the way it is.

Majority ruled in favor of leaving it the way it is.

Moving on to Policy 1.10, DeBoni said we have a proposal from one of the residents to prohibit amplified sound, but I'm not sure that's practical solution. DeBoni submitted written comments for

consideration. Denney said I think we should just strike this and leave it out because this addressed in Policy 1.5(b) with the noise standards. I think this policy is redundant.

Lorenz said I agree, we already have it in 1.5. Although I don't know if that's specific to mass gatherings and we need something else for farm stands. If we do, I would just assume to use the same language that we already crafted. Kessinger said I agree as well, it needs to be a number that you can measure, and 1.5 references standards that would have some kind of measuring ability. I think it's redundant as well.

Cook said we heard a lot of testimony that existing standards may not go far enough. Denney said we've drafted this document around what the majority of the community wants, but I'm wondering what the farmers want. I'm wondering if we're making things harder for our farmers to be successful. If we're favoring the community at the expense of the farmers.... I don't know if there are any farmers here tonight, but I would like to hear from them.

Ingle said there are two trains of thought here, one is that we work with the information we have. The other thought is to look to the rest of the commissioners to see if they think opening it up for additional public testimony is necessary. Tomkins said before you open up the record again, I want to point out as a legal point of order, Commissioner Lorenz is correct in how 1.5(b) would be interpreted as applicable to mass gatherings and not more broadly. Barber noted that there are farmers on the commission (Kessinger and Foster), so you have a resource there, as well as the memory of the commission during public testimony.

Kessinger said let me give my perspective and we can go from there. I think the island has spoken clearly they want noise regulated, and that seems fair. Clearly you don't want loud music at all hours of the night, so the noise level and times need to be regulated. I think that would go a long way toward addressing the concerns of the residents, and to me, Policy 1.5 handles it. It doesn't establish what the levels are, but I think that goes somewhere besides a policy.

Foster said 1.5 doesn't get at the problem, that's only the mass gatherings segment, so we need to have something. We can't just drop it completely. I have to admit that the proposed policy to eliminate amplified music is the meat cleaver approach. There's some simplicity to it that makes it nice and attractive. On the other hand, I am swayed by the compromise to punt this for now and develop standards that will get at the noise issue better than is currently applied. I would like to move on with this and adopt Paul's alternative language.

Silodor asked if the decibel levels take into account the wildlife refuge? I want the farmers to thrive, but what do the wildlife experts say about noise and what that means to the wildlife population, which is also incredibly important to the island. I'm also concerned about who's going to measure these decibel levels. Lorenz said I agree with a lot of the concerns and I think there are many, but I also think that we need to move on, so I would just put on the table, let's copy from section 1.5(b) and apply that to this section here for the farm stands. Foster said that is the other alternative I would support.

DeBoni said I have had a significant amount of experience in dealing with noise abatement, I've been on the Portland International Airport Noise Advisory Committee, and worked on a consulting basis on noise issues, and decibel ratings is really not going to help. Decibel ratings are generated on a geometrical basis, one decibel increase is a tenfold increase in sound. Because of the way it's measured, it's unlikely you would ever see any kind of activity in this kind of a setting

that would generate an increase that would be measureable to the extent that you could identify as a problem. That's one of the unfortunate things about noise, because continuous noise has one kind of effect, re-occurring noise has another effect, and a lot of it is very subjective. When I drafted this policy, I was trying to think of a way to identify a primary source of noise that would likely be objectionable and lead to a discussion. Distances from noise, types of noise, hours of operation, etc., are all discussions to be held when you're working on a regulation sometime in the future, not something we want to try to work out in the context of this.

The general consensus is to apply 1.5(b) here.

Cook went on with the next topic of discussion, which is 1.11. He said it essentially speaks to the same issue. The consensus was to delete 1.11.

New proposed policy 1.12 is a request to require a review and renewal of permitted events that includes an opportunity for full public comment by the island and channel community (perhaps in 2 year cycles). Cook noted that in conditions of approval, we can specify how often to check on ongoing conditions of approval, so that's something we already have in our toolbox. It's also not clear that we would have the ability to place an expiration on a typical farm stand approval. As long as it's continuing to occur, a Type 2 permit is a permitted use moving forward. Another thing to point out is that permits can be revoked. The Planning Director has the power to invoke proceedings to revoke a permit through a hearing, so those are things we have the ability to do now.

Foster said I tend to agree that there is a problem with the way conditional use permits are issued these days. It used to be that most conditional use permits had a life of five years and they were subject to review, but over time that seems to have gone away. There's no telling whether or not a hearings officer is going to apply that, and I think they need some direction that going forward, some of these permits for farm stands need a review at a certain interval, but I think two years is too soon.

Cook said to be clear, a farm stand permit is typically a Type 2 review, not a conditional use permit. But you're correct, a conditional use permit can specify an amount of time, whereas a review use is... Foster said at any rate, I do have a problem with permits having an infinite life, and it might be a good to have a policy that would trigger a review at some point. It's difficult because I know that someone with a farm stand puts a lot of resources into it, becomes dependent upon it, but maybe certain elements of it would be subject to review. I understand, you can't really give something to somebody and then take it away when they have a major investment in it. But I'm trying to get at the problem.

Denney said I disagree, I think this is redundant and should be stricken, because as you said, we already have a review process. You said that farm stands are a Type 2 permit that has a time limit, anytime you go to change anything you have to apply for another permit, so I don't think reviewing them every two years is necessary. Foster said there is no time limit on them, that's the issue. Denney asked, what's a Type 2 permit? Cook said a Type 2 permit is an application that is reviewed by staff. If it's approved, it's typically approved with conditions. There's an appeal period, but then from then on, as long as they are within their permit, they can continue indefinitely. But as part of that review, the conditions can specify that certain information needs to be provided on a cycle to ensure continuing compliance with the permit. Denney said I just feel like if they've gotten a permit, as long as they're in compliance, I don't see a reason why they

would have to go through another review process and pay money for that. Foster said it's a difficult subject, I know.

Kessinger said I'm a little confused what this is referring to. It seems like the discussion here is referring to farm stands, but I took this to be referring to mass gatherings or some sort of special event that had a permit. Is this intended for farm stands? Cook said it's under farm stands, it says permitted events, and that could mean a lot of different things. Kessinger said a farm stand is not really a permitted event, so that made me think it was something besides the farm stand. He said we have a public discussion when the farm stand permit is issued, and then we talk about a possible financial audit, then this is another type of audit in a way, it's a review. Barber said for this particular policy, I think it's safe to say that the events could be a whole range of things, and the intent here is for the community to have an opportunity to provide feedback on how an operation is really working in that community. This concept is used in other jurisdictions. I've seen it used with home occupations, for example. Home occupations will be issued a permit for a certain number of years, then they need to reapply and show they are being good neighbors and not impacting certain issues that are important to the community. I think one important question is what would you want it to say if this policy is something you would like staff to look into in the future. Is the concept of re-upping something that might make sense in the context of uses that generate new events as part of that activity? This is an opportunity for that conversation.

Tomkins said I think you should exclude farm stands from this conversation. The issue is not so much Type 1, Type 2, Type 3 or Type 4. Farm stands are an allowed use under state law. If somebody's doing the use that meets the standards under state law, it's allowed and we don't really have discretion beyond that. Maybe there needs to be a process when someone wants to do a recurring event. The example Adam was giving about home occupations is different from farm stands because that is a conditional use, and that is something we can regulate to a much greater degree.

Silodor said I agree with a lot that's been said, and I understand about the farm stands and that gives us parameters. But within those parameters, farm stands that are absolutely allowed under state law, I think it does raise the question at least of reviewing those events that are permitted. I don't mean selling farm products, but when you're having an event that brings other people in, I think it is fair to have a review. Maybe two years is too soon, but three to four years is probably a good idea for everybody. We are talking about in general with this whole plan, the state and the future of the island, the sustainability of the island, so although I think getting more specific seems really difficult, it's probably important for us to let the final decision makers understand what we find so important.

Lorenz said I think it comes down to is, what exactly are we trying to accomplish? Policy 1.5 is already directing them to develop a unified permitting process review for mass gatherings. Is there something else that we're missing that needs similar oversight? To me, no. I think section 1.5 covers it, but I may be missing something we need to add in. Foster said it's the events that go along with a farm stand. The way it currently stands, these events are permitted for all time once they've been granted. If they've been granted eighteen concerts per year or whatever the terms of your permit specify... Apparently the person that proposed this policy has a problem with that approval; maybe we shouldn't have done that. But something like this is very complicated. Lorenz said it is, but what if we roll it into Section 1.8, which is about the fee based promotional activities, would that cover it? Foster said maybe. Ingle said I wouldn't have a problem with that, my only concern is establishing a two year cycle. Foster said that is just a suggestion, but this is

not the time to discuss what that might be. Ingle said that's my point, I don't think we even want to direct people in that way.

Denney said I think we talked about mass gatherings or gatherings in a previous meeting. Didn't somebody say they were only allowed one per quarter? Tomkins said it's a little different than that. There's a large mass gathering and there's a small mass gathering, in statute it's called an "other" gathering. Each of those types are available once a quarter. Denney said, so nobody would be having eighteen. Tomkins said I think you are talking about different events (associated with farm stands or optional agri-tourism provisions). You're talking about gatherings. I assumed when Commissioner Foster mentioned eighteen, he was talking about harvest festivals at a farm stand. Those are different.

Ingle asked what's the temperature on incorporating this policy into Policy statement 1.8? Kessinger said that would put it only for farm stands. Denney said I think we should just get rid of it. Ingle said, there's three directions; incorporate it with 1.8, leave it as it is, or get rid of it. Majority decided to eliminate it.

Ingle said, moving on to Moorages/Marinas and E.1.3. Foster said we've already seen this in another area, right? Ingle said I think so. Foster said I think we should just move on. There was a unanimous decision to drop it.

Ingle went next to E.7.9 and the proposed new Moorages/Marinas goal by Squier et al. Foster advocated adopting the language. Cook added "and marinas" after "authorized moorages". There was unanimous agreement to adopt, with Cook's revision.

Ingle read proposed new goal E.2.3 under Natural/Cultural Resources. Denney asked what it meant to "restore" natural & cultural resources. Can you give me a specific example? Foster said there is an ongoing project for the restoration of Sturgeon Lake. Over the years, the water in the natural area that connected the Columbia River to Sturgeon Lake silted in. That was partly due to erosion, and also from people bulldozing trees and stumps into it, and blocking the waterway, consequently drying the lake up. A restoration effort is underway to renew that, open that channel up and let water back into the lake. There was majority agreement for adopting Natural/Cultural Resources E.2.3.

Ingle moved on to 3.18. He said that he would prefer to delete the words "factor in" and start the sentence with "Consider impacts of". Kessinger asked, isn't that already being done? Barber said, that's what I was going to say. I'm not quite sure what impact this policy, in the end, will have on the ground. We do a lot of this already, and we have Comprehensive Plan policies that talk about protecting water quality and those kinds of things. This could involve applying codes to areas that currently are not regulated by some of these concepts. For instance, to factor in water quality in all land use decisions, we would do that if we're in an overlay zone, which would be a buffer around a protected stream. But if you're in the interior of the island, nowhere near water, we're probably not going to subject an application to a water quality review. And I would say that's appropriate because while we want to protect water, we want to do it in a way that makes sense. This could be read to suggest that, for every project, we're now talking about water quality standards, and I would say we have just complicated the land use process for some projects. I have concerns about that. Air quality is another thing I'm not sure what to do with, because we don't have air quality standards for all projects. Typically, that's not a planning function as much as an agency like DEQ for mining operations and that kind of thing. This is a very broad policy, and going back to the

Policy Statement Review, do we really understand the consequences, are we really the right agency.

Majority agreed to drop proposed new policy 3.18 under Natural/Cultural Resources.

Moving on to the proposed goal E.2.3 under Public Facilities, Ingle said he did not care for the way was stated. It should say "discuss" opportunities to coordinate. But he also thinks perhaps it was covered in some other areas. Denney asked who the service providers and affected agencies are that we're talking about. Ingle said all of them, Soil & Water Conservation district, fire, ambulance, police, etc.

Cook said there are three policies under Public Facilities in the current draft plan. There's the Sauvie Island Drainage Company, Metro, and under this proposed goal is a proposed policy that references the Sauvie Island Rural Fire Protection District. Ingle asked whether Kevin thought it was needed. Cook said the question really is do you want goals preceding the policies for each of the subject areas. That is a common practice in plans.

It was agreed to keep proposed Public Facilities goal E.2.3, but delete the word "To", so the sentence begins with "Coordinate and collaborate..."

Tomkins said it seems to me if you're considering a goal, and maybe even this next policy, 4.4, you may not want to do that in isolation from the proposed section on this Public Facilities topic. Foster said we're losing a little of the discussion on all of these because we're not looking at the section we're really speaking to. Cook directed them to page 21 of the tracker tool for the current policy text. Ingle said, having looked at the Public Facilities section on page 21, does anyone feel that perhaps we could live without the new proposed goal and policy 4.4? Kessinger said I think the goal is intended to be an introduction to the policy, and I think I like that one. I don't yet have an opinion on 4.4. Silodor said the reason I like 4.4 is because it's specific to disaster preparedness planning and I think that's important. I think we should either keep it where it is or fit it in somewhere.

There was general agreement to include proposed new Policy 4.4.

E.5.6, a proposed new Transportation goal, was also agreed upon to include.

There were four proposed new transportation policies that followed, beginning with 5.13. Cook said he wanted to make sure you understand that we do not have the authority to direct the Sheriff's department, so you may consider slightly alternative language, such as encourage patrols at peak times, or something along those lines.

Denney said you were saying we can't order the sheriff to go out and do that, so I was wondering if we could say something like consider the community to form a patrol service, or a group of volunteers that would help do that job. Cook said I don't believe that would belong in the land use plan, but there is a committee that meets on a regular basis, and it includes the sheriff's department, the fire district. They are referred to as the Safety Action Team, I believe, and I'm quite certain that traffic is something that's frequently discussed. I don't know if that's one of the solutions, but that may be getting into something that's already in place, as opposed to a land use policy.

Ingle offered some proposed language, "Work with the Multnomah County Sheriff's Office to explore patrol and service standards for the island during identified peak periods". So it's not directing them, just suggesting that we'll partner with them to explore standards. Barber said I would read those amendments to suggest there are no standards in place now. Tomkins I have some concerns with the specifics here. This is the County's policy within the Sauvie Island Rural Area Plan, but the sheriff is an elected official, so however it comes out, all the words have to make sense, and I don't know that the County is going to partner with the sheriff. (But) those words can be determined. More of the idea right now is, are you going to entertain the idea at all, and if so, what aspect.

Ingle asked how many of the Commissioners feel we need to proceed with the policy or explore how we might reword it. Foster said he would like to reword it the way that Kevin proposed. What I see this as doing is maybe the County understanding when the big weekends are and letting the sheriff know. It looks harmless to me. Cook said we can bring this back to you, but I think my suggestion was encouraging the sheriff's department, and to use "explore" rather than increase.

Barber said I think our office has a role here mostly in communicating with the sheriff's office. Not only in the application review, but when we approve a use or when we know something's happening, just so they're aware and can plan for those types of peaks. I think that type of policy might be the most valuable for this type of document. It will help us remember that there are key components that we need to think about.

Foster said, so change a couple of words to capture that. Denney said my suggestion would be to say notify the Multnomah County Sheriff and request increase in patrol and service to the island during identified peak periods. Ingle had a problem with the word "request", it was thought that "encourage" would be a better word. Foster said, regarding notify, do you want to make something the county could be challenged on if they don't notify them? Tomkins said how about "keeping the sheriff apprised of peak period activities", or something along those lines. Foster said something a little softer than an absolute here is appropriate. Ingle said let's let staff come up with some language and revisit it next time.

Proposed Transportation Policy 5.14 was to establish Level of Service "D". Ingle wanted to find out what the Level of Service "D" was. Joanna Valencia, Senior Transportation Planner, said the current Design and Construction Manual, which is one of the implementation documents of the transportation department, actually identifies a Level of Service "C" for rural collectors. The levels of service range from "A" to "F", with "A" being more of your free flow, no impedance to traffic, all the way to "F" where it's not free flow and impedance to traffic. With a current Level of Service "C", Level Service "D" would essentially say we would tolerate less free flow of traffic. I just wanted to share that with you in regards to what the current Design and Construction manual identifies for our rural collector roads out here. It's a Level of Service "C". Based on what I understand of this proposed policy, I don't think that was the intent and maybe there was a misunderstanding about the language. I would encourage not adopting this portion of the policy. In regards to the second portion of this, measuring the peak hour, I would recommend revising the language to "maintain updated traffic counts for the area capturing peak seasons". Currently this identifies Memorial Day to Halloween, but as we all have experienced, peak seasons can change, so this would build in some flexibility. And this would direct staff to maintain those updated traffic counts. We do have a prioritization process in regards to which areas of the County we count, due to limited staffing, but it has been a priority for us for the past number of years. And I

understand from the community that they would like to see expanded counts in regards to being able to capture some of the early summer traffic from the beaches.

Ingle said would you be suggesting "establish Level of Service "C"" or should we just strike that? Valencia said Level "C" is already established, so I would suggest striking that. Ingle said we heard a proposal from staff; does it adequately cover our needs/concerns? Silodor asked how fine a line is there between Level "C" and Level "D". Valencia said, to give you an example, for a Level of Service "D", speeds can range from 17 to 22 mph, there's usually a 25.1 to 40 second signalized intersection delay, and it's high density, but stable flow. That's how it's described. For a Level of Service "C", the traffic flow is typically 22 to 28 mph, with a 15.1 to 25 second delay. Just to give you some comparisons, for example "A" would be less than 5 seconds delay for vehicles, and for Levels of Service "F", at an intersection, you're looking at greater than 60 second delay. Silodor said, and you're recommending against going to Level "D"? Valencia said Levels of Service "D", from what we're hearing from folks out here, tends to be more urban levels. As a side note, the County will tolerate up to a Level of Service "D" for our urban collectors. From what we've heard from the community, lack of free flow isn't really reflective of a rural level of service. Currently, our standard is Level of Service "C", essentially encouraging free flow in the rural areas for our collector roads. Silodor said what happens during the peak periods when there are lines and lines and miles of traffic? Valencia said what we're discovering, based on the traffic counts we've been collecting, we are hitting Levels of Service "F", especially during the October peak seasons. But generally, for the rest of the year, we are at the appropriate levels of service out here.

Ingle asked if there was general agreement to accept what we've heard. There was agreement.

Transportation Policy 5.15 proposes connecting Marina Way to Larson Road. Ingle asked staff if this was also "directing". "Connect" to me says we "will". Do we have the construction budget for that, do we have the engineering, the plans? Valencia said she would like to share similar concerns that Kevin has. Marina Way is an ODOT facility, so that is essentially a directive. Also, in taking a look at the crossings along the Channel area, there are private crossings and there are public crossings. The majority of crossings are private. Those agreements are between the railroad company and the users that are using the crossings. In light of that, what I would suggest is actually more softening, such as "exploring and working with the partners and looking at the option of connecting Larson with Marina Way". The crux being to address more convenient access to the marinas and the whole safety concern. Cook said I would just add that this policy, and the next proposed policy, should probably be generally worded enough to direct the process in the transportation system plan update to explore both of these concepts, because that is where it is typically appropriately studied. And we haven't studied either of these in any meaningful way.

Ingle said I actually wrote "Explore opportunities to connect", so we're thinking along the same line. There was agreement to accept 5.15 with the revised language.

Proposed Transportation Policy 5.16 discusses portable restrooms at the Sauvie Island Park & Ride. Ingle thought it needed to be reworked, something like "Initiate discussion with TriMet to explore opportunities for shared restroom facility for public use". Cook mentioned that we're not necessarily limited to some kind of sharing agreement with TriMet, but if you like the concept, you may consider a similarly worded policy to the one above; "explore opportunities to place restroom facilities...". It's enough to direct us to study the issue.

Denney asked if that area had water and sewage and if it was possible to look into putting in some actual restroom facilities. It makes sense to have reasonable restroom facilities because we have all these people coming out and parking there. Lorenz said I think we need to be careful about the facilities we're talking about providing, because one of the strong feelings on the island is not to encourage outsiders coming in, and I don't think we want to build a bunch of bathrooms that potentially comes across as encouraging that aspect of it. Denney said I strongly feel that the island is for everybody in Multnomah County and not just for the residents. People should be allowed to come out here and bike.

Ingle asked if Cook had specific language or just conceptual. Cook said conceptual. Kessinger said it would need to be generally worded, and not just focused on that one spot, because there are some other potential areas on the island, such as the wildlife area. Denney said if we're going to explore the opportunity of putting like a flush toilet, we also need to take into consideration how it would be maintained.

Ingle asked how many of the commissioners felt there was a need for public facilities on the island. Three commissioners agreed. Foster said, just explore, that's all I'm willing to commit to at this point. We're not making any decisions about where it would be or if it would be. Ingle asked how many are in favor of exploring the opportunity of a restroom facility on the island for public use. Foster reiterated, I'll explore, no further. They moved forward with a 4/3 agreement to explore.

Ingle moved on to proposed new goal under "Other", E.7.5, Plan Consistency and Enforcement, followed by proposed new policies X.1, X.2, X.3, X.4 and X.5. He said I think it might be beneficial to revisit with County Counsel on this. I think we had a fairly lengthy conversation about how this rural area plan serves our needs in the interim before we get implementing language. Cook said I would add that this goal and the following three proposed policies are contemplating a new section of the draft plan that does not currently exist. So if you contemplate the goal, you may want to contemplate the appropriateness of the three following policies as well. Ingle said I thought it might be good to revisit how the rural area plan would stand on its own in the interim period prior to actually getting all the implementing language that we need.

Tomkins said, in oversimplified statement, it basically boils down to, if something is stated with a degree of specificity, that a land use applicant could know what they would have to prove to establish satisfaction, you'll have a provision in the Comprehensive Plan. And that provision will apply until we implement it by code. If something is stated in a more broad level, the words that LUBA will use are aspirational, or general, or goal oriented, they won't find that those apply in a land use application review setting. That said, when you get down to a particular situation, you have to figure it out, you can't be utterly inconsistent even with an aspirational statement.

Ingle asked Tomkins if he thought the goal and policies were needed. Tomkins said he did not recommend adopting this section because the County's not lacking for the tools it needs to enforce the land use code. There are other factors that are the limiting factors, such as financial and time.

Ingle said when I read through it, I didn't feel that there was a need. Foster said one of the things it does is assures that this process is not going to be overruled by the Comprehensive Plan committee, and it puts it in black and white. I don't see any harm. Denney agreed with Commissioner Ingle, I don't think it's needed.

Tomkins said I want to qualify my statement in one way, but I'll respond first to Commissioner Foster. I think that the first few statements are taken care of by legal doctrine that will say "the most recent thing adopted". That's why I have concerns about adopting those into policy, on top of the fact that to me they aren't policies, they're the legal effect of this document; maybe put them in the narrative somewhere. But I do want to be fair to the proponents of these provisions; most of these are available to the County right now. But X.4 actually looks like a change in policy direction. The County's current program is voluntary compliance, and I think perhaps someone is proposing the opposite. That's different. They are asking you to consider change there. Foster said, you're right, thank you for pointing that out. I think that I understand the point of the policy here; the complaint driven system we have has such shortcomings. I would be for softening it, maybe, but not taking it out. I think that staff has already begun some discussions on alternatives to the complaint driven system, but I'd like to capture some of this. Kessinger said I want to bring up the point that Jed just brought up, with X.4, it is something different and I'm wondering if it's a.... That's a pretty big change of policy.

Silodor said I like all of these, and I understand the difficulty with X.4. I also understand where it comes from, that the difficulty with voluntary compliance is really tricky, and it's hard. I don't want to lose it, but I wouldn't mind rewording it.

Tomkins said one thing to remember is, this is the Sauvie Island Rural Area Plan. The enforcement program in place is county planning jurisdiction wide, and there is purview of the Comprehensive Plan going on, so this item might be more appropriate for that venue. Also, historically, I think in the early 2000's, the County re-upped the enforcement program and at that time, there was a county wide community outreach, with visits to different parts of the county to discuss what program they wanted, and they landed on the voluntary compliance model. So there's that overlay. I'm not trying to be a proponent of one model over another, I can implement both, to the extent I have a role, from my office. But there is a larger context with this discussion. So even adopting something like this, it would just be one piece of the county. Also, it is a voluntary compliance model. However, there is nothing about it that says the County can't enter into discussions about voluntary compliance without a complaint existing. That is not the model, and this seems to suggest that maybe it is. If we are out viewing a property for any reason, or you go past and you see something, our code compliance officers or our planners when they're out in the field, issues can be addressed.

Ingle said we have two schools of thought, one is to go through this and the other is to just eliminate them. Ingle asked for a general consensus on eliminating them. The vote was 4-3 to eliminate the new proposed goals and policies. Foster (who is one of the 3) added, I'm leaning towards eliminating them as well, because this enforcement issue is county wide. They have certainly brought it to our attention, but I'm not sure it needs to be in the Sauvie Island plan.

Cook introduced Step 3, Table 3, which are the remainder of the policies that have not been discussed yet. E.7.9, Squier et al. talks about the appropriate terminology.

Policy 1.0, talks about equity. Barber said equity is a very important concept for Multnomah County and the point of this policy is to make sure it's on our minds and that we're thinking about equity in these key decisions.

Agriculture/Agri-Tourism Policy 1.1 talks about maximizing retention of Sauvie Island's agricultural land base. There was general agreement to accept E.5.6, which includes 1.1 and 1.1(a), the Greenfield language.

With five minutes to go, Barber suggested that Policy 1.3 be deferred until the next meeting. Cook noted that the additional language was very much discussed at the sub-committee level, but staff feels strongly that these are the kinds of things that should be in code. While there is a strong desire to put very prescriptive things attached to the policy, it is staff's recommendation that that would come after the policy. Ingle said I couldn't agree more, and those were the comments I wrote down. It was a laudable effort, but it impinges on staff's code development process for implementing the rural area plan. I saw it as being too specific. Foster said let's just not get into it tonight. If we want to do something in the next five minutes, let's skip down to 1.4.

Ag & Transportation Policy 1.4 talks about amending the MUA zoning code to include deed restrictions. There was consensus to adopt the Greenfield E.5.6 version.

Ingle said we are now ready to close the meeting tonight for case PC-2013-2931. No decisions have been made by the Planning Commission. The hearing will be continued to the next meeting at 6:30 pm on Monday, May 4th in the Sauvie Island Academy Gymnasium at 14445 NW Charlton Road, Portland Oregon 97231. The May 4th meeting will be dedicated to final deliberation amongst the members of the Planning Commission.

VI. Director's Comments:

Barber told the Commissioners that former Commissioner John Rettig was awarded an Outstanding Community Service Award by the Multnomah County Board of County Commissioners this afternoon. That is extended to citizen volunteers who have really gone above and beyond. John was with the Commission for 16 years, until he recently retired. Many of you have worked with him over the years, and I really appreciated, from a staff level, his technical point of view. I think it really helped shape the projects because he would look at these proposals in a different light, which I really appreciated.

Meeting adjourned at 9:00 p.m.

The next Planning Commission meeting will be May 4, 2015.

Recording Secretary,

Kathy Fisher