

Memorandum

Date: March 17, 2014
To: Multnomah County Planning Commission
From: Kevin Cook, Planner & Adam Barber, Senior Planner
Subject: April 7, 2014 Planning Commission Briefing on the Sauvie Island/Multnomah Channel Rural Area and Transportation System Plan Update (PC-2013-2931)

INTRO / BACKGROUND:

The purpose of this memo is to provide the Planning Commission a high level update on key issues discussed to date by subcommittees and the Community Advisory Committee (CAC) related to the Sauvie Island / Multnomah Channel Rural Area Plan and Transportation System Plan update. This memo is not intended to provide an exhaustive list of all issues discussed.

1. CAC Kick-Off Meeting (10/22/2013):

This was the first meeting of the CAC where members introduced themselves and the project team discussed the ground rules and the project schedule. CAC members were encouraged to sign up to serve on a subcommittee. The idea behind the subcommittees is to explore a given topic area in depth and to develop possible policy language to be considered further by the CAC. The subcommittees are comprised of both CAC members and technical advisory members. It was agreed that the focus of future subcommittee and CAC meetings would typically be organized by topic to include:

- *Agriculture & Rural Character*
- *Agri-Tourism & Farm Stands*
- *Natural & Cultural Resources*
- *Marinas & Floating Homes*
- *Parks & Public Facilities*
- *Transportation*

2. CAC on Agriculture and Rural Character (11/12/2013):

The meeting began with a discussion about rural character – a term that was frequently mentioned in the scoping process leading up to the Rural Plan update. The meeting concluded with a discussion about the zoning in the plan area, primarily being Exclusive Farm Use (EFU) and Multiple Use Agriculture – 20 (MUA-20). This meeting helped reveal that preserving rural character was a very high priority for the CAC and that defining this term was a challenge.

3. Subcommittee on Parks, Public Lands, and Public Facilities meeting #1 (12/10/2013):

It was noted that park type land within the plan area ranges from developed areas (Wapato boat launch, for example) to publically owned undeveloped lands (often managed by Metro) which are being rehabilitated but are not open to the general public. Burlington Bottoms is an example of the latter description. The number of visitors utilizing public lands was discussed and related impacts to wildlife crossing public roads, carrying capacity of the area and funding levels for police and fire services were all contemplated. A need to increase funding for police and fire services was a central part of the discussion.

4. Subcommittee on Marinas & Moorages meeting #1 (12/17/2013):

Impacts of natural hazards on the waterfront environment was discussed, including a need to also think about human induced hazards such as train derailments and gas leaks associated with a regional gas line located towards the southern end of the island. There seemed to be agreement that additional building codes should apply to floating development, with liveaboard boats a re-occurring component of that discussion particularly related to the need for safe electrical and sewage disposal codes.

5. Planning Commission Open House (1/6/2014):

Staff met with members of the public prior to the Planning Commission briefing where staff provided a project update and the term “Rural Character” was discussed by the Commission and the public. This discussion re-affirmed preservation of rural character appears to be a universally desired project outcome.

6. Subcommittee on Agri-tourism and Farm Stands #1 (1/7/2014):

There was general consensus that additional agri-tourism type events authorized by Senate Bill 960 should not be adopted by the county because the island is already burdened by high visitation. An opportunity for increased agency coordination between the Oregon Department of Agriculture and Multnomah County was identified related to licensing of food preparation and service. The concept of separating farm stand reviews into two different paths (Type I ministerial and Type II land use decision) was discussed with the proposal of any promotional activities potentially being a threshold. The concept of adding design review type standards to farm stands to consider operational layout, lighting, parking etc. was raised. It was noted that LCDC may be considering rulemaking in summer of 2015 to provide additional definitions and/or rules for farm stands which might address a number of specific issues raised.

7. Subcommittee on Parks, Public Lands, and Public Facilities meeting #2 (1/14/2014):

The group discussed a handful of existing policies which appeared to staff to no longer be relevant and potentially could be deleted from the plan. One example is existing Policy 19 which encourages Metro to purchase additional green space on the west side of the channel which has already occurred. The topic of emergency services funding arose again where it was noted only one Sheriff’s Deputy is assigned to the west side of the county. The concept was raised of establishing a parking fee for Sauvie Island to help pay for police and fire services commensurate with the visitor levels, although it was noted that a fee too high might price out some families. Having access to visitor number and parking availability data during peak times would help inform future discussions.

8. Subcommittee on Marinas & Moorages meeting #2 (1/21/2014):

Many issues raised during meeting #1 re-arose including a desire for the county to adopt the City of Portland's full range floating development of building codes (Title 28) to increase safety and help improve water quality. There seemed to be agreement that if allowable by the Rural Reserves designation; operations should be able to increase density within each operation's existing footprint, but that neither expansions nor new operations should be allowable moving forward. It was questioned which agency is responsible for confirming a proposal meets state and federal water quality and Endangered Species Act requirements and the assumption is that this responsibility lies with the Department of State Lands.

A third subcommittee meeting on Marinas and Moorage issues has been scheduled March 25 to further explore issues primarily related to the Rural Reserves designation, statewide planning Goal 14 (Urbanization), how the term "footprint" could be defined in the context of redevelopment and to further explore issues related to limited road access.

9. CAC on Parks, Public Lands, and Public Facilities (1/28/2014):

There was desire for policies that enhance (not just protect) natural areas. The topic of new visitor fees, and/or a shuttle service was discussed to minimize traffic, improve parking availability and help fund emergency services and trash removal. It was noted that a grant committee could be formed to manage this process. A comparison was made to the Portland Metro Zoo which uses shuttle services when the main parking lot is full. It was noted that shuttle busses would need to be narrow and a Metro bus was used as an example of a vehicle too wide for the road system to accommodate, particularly when considering cyclists. The need for additional public bathrooms on the island was highlighted.

10. CAC on Marinas & Moorages (2/11/2014):

The discussion generally aligned with the subcommittee recommendations. It was noted however that although the Special Plan Area may not be a commonly used permitting tool, there still could be value in this process and perhaps it should not be deleted. Jeff Fisher (NOAA) provided a very interesting presentation on the current scientific thinking around preserving fish habitat including ways to mitigate shading impacts related to floating infrastructure such as moving structures to deeper water, establishing light corridors between groupings of floating structures, establishing maximum height restrictions (to minimize structural shading) and installing open dock grating to achieve at least 50% light penetration. Jeff felt his agency might be able to help the county define best management practices in the attempt to minimize cumulative effects on aquatic species. Ultimately, the CAC agreed with the subcommittee that the county should allow redevelopment flexibility, when legally allowable, when impacts to fish and by traffic, etc. can be mitigated. The sentiment was for the county to do this in a clear and objective way to minimize process.

11. Subcommittee on Natural and Cultural Resources #1 (2/18/2014):

It was noted that there are un-inventoried resources within the plan area that should be mapped and policy revisions should recognize that the climate is changing which may put new and/or different demands on natural resources. Tim Couch (SI Drainage Improvement Company) provided a summary of the island's levee infrastructure, maintenance procedures (particularly with respect to tree growth on and near levee) and

status of the levee recertification effort. An opportunity was identified to relay the natural resource value of hedgerows to Multnomah County road maintenance who maintain the public right-of ways. Vehicular speed was identified as a complicating factor to the protection of wildlife at key road crossings and ideas such as fences to concentrate crossings, signs and community run training opportunities to increase awareness was discussed.

12. Subcommittee on Agri-tourism and Farm Stands #2 (2/25/2014):

The focus of this meeting was discussion of draft policy revisions based on previous subcommittee conversations. The bulk of the conversation contemplated policy language attempting to set thresholds assuring that future farm stands do not become the dominate use of the farm and ways to help buffer farm stands (and associated activities) from adjacent farming operations. Regulating the maximum size of farm stand operations and also requiring that some percentage of the produce sold come from either the farm or plan area generated much discussion. In hindsight, staff realized that this conversation was too fine grained and that polices should simply articulate the general concern for contemplation during future code amendments. It should also be noted that the county does not have the ability to be more restrictive than state law for certain uses including farm stands which may limit what the county can regulate.

13. CAC on Agri-tourism and Farm Stands (3/11/2014):

The status of the subcommittee conversations was relayed to the CAC where it was also noted LCDC may take up rule-making around agri-tourism and farm stands possibly as soon as next year (2015) and this could be an opportunity for the county to convey identified issues and community desires related to agri-tourism and farm stands. A summary table of agri-tourism and farm stand related policy discussions is presented as Exhibit B.

The CAC requested the county prepare a table summarizing thresholds related to all potential agri-tourism and event type event uses allowed in county code and state law to help with future discussions. A common desire seemed to be for Committee members to better understand the type of events current regulated by county code, the type of events allowed by state law outside of county purview and the type of events allowable in statute IF the county choices to adopt new regulations (example is Senate Bill 960).

The majority of the CAC reached agreement that the county should not adopt the optional Senate Bill 960 uses which would further expand the types of agritainment uses allowed. Discussions continue to occur around whether the county should require that farm stand goods “predominately” come either from the farm, or the island. The authority for the county to regulate product origin beyond the definition in state law has not been researched.

There appears to be support on the CAC for separating farm stands into two separate review paths as contemplated by the Subcommittee. The CAC is still contemplating a policy that establishes size threshold(s) to assure farm stands remain supportive of the primary farm use and not become the dominant use. Opinions vary with respect to the need for such a policy and the most appropriate approach. The Committee appears to be advocating for the county to ask LCDC to help address a number of specific farm stand

related issues through rule making including further defining what is a ‘processed’ or ‘prepared’ food item and how tents and food carts should be regulated.

ASSOCIATE PLANNER MAIA HARDY’S WORK:

1. Sauvie Island Academy Engagement:

Maia is working with 6-8 graders at the Sauvie Island Academy to answer the question “*How do we make Sauvie Island and the Multnomah Channel an equitable, accessible place for everyone to live, work and play?*” The students created an outreach plan, are conducting community interviews and are planning to present a movie to the Planning Commission during the June 2nd meeting on Sauvie Island! We are really excited to provide an opportunity for the students to interact with the Planning Commission directly and we hope the presentation informs future decisions.

2. Rural Character Project:

The “defining rural character” on-line interactive survey concluded with 350 respondents, some out of state and at least one as far away as the east coast. Maia analyzed the data and soon will present findings to the CAC, likely at the next CAC meeting scheduled April 8th.

3. Visioning / Vision Statement:

A number of discussions throughout the project with various committees have informed the latest version of the vision statement which has been posted on a web-based forum for CAC interactive discussion and refinement. The resulting draft will be shared with the community.

NEXT STEPS:

The most recent version of the project schedule (2.27.14) outlining next steps is presented as Exhibit A. At the time this memo was drafted, staff was still preparing for the March 18th Natural and Cultural Resources meeting #2. At this point, every major topic has been considered by subcommittee members (and some by the full CAC), except for ‘Transportation’ which will be considered by the subcommittee two times in April and the CAC in mid-May. We hope to hold a big picture summary meeting with the CAC May 27th and then schedule a Planning Commission hearing August 4th.

Staff does not envision holding a worksession with the Planning Commission prior to the hearing in August due to the compressed project timelines. The goal of these briefings is to make sure the Commission is made aware of the progress as the project evolves and has opportunities to ask questions. The next and last project briefing with the Planning Commission is planned for June 2nd.

EXHIBITS

Exhibit A. Project Schedule (2.27.14)

Exhibit B. Agriculture and Agri-Tourism Policy Discussion Summary Table (3.11.14)

EXHIBIT A

1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

Sauvie Island/Multnomah Channel RAP/TSP Update

FINAL CAC/Subcommittee Work Plan--- AT A GLANCE: (as of 2/27/14)

| OCTOBER 2013 | |
|---|---|
| CAC #1: Kick- Off | October 22, 2013 (SI Academy, 6-8:30PM) |
| NOVEMBER 2013 | |
| CAC #2: Agriculture & Rural Character | November 12, 2013 (SI Grange, 6-8:30PM) |
| DECEMBER 2013 | |
| Parks & Public Facilities Subcommittee meeting #1 | December 10, 2014 (Multnomah County Building, 3-5PM) |
| Marinas & Floating Homes Subcommittee meeting #1 | December 17, 2013 (Multnomah County Building, 3-5PM) |
| JANUARY 2014 | |
| PLANNING COMMISSION OPEN HOUSE | January 6, 2014 (SI Academy, 5:30-7:00PM) |
| Agri-Tourism & Farm Stands Subcommittee meeting #1 | January 7, 2014 (Multnomah County Building, 3-5PM) |
| Parks & Public Facilities Subcommittee meeting #2 | January 14, 2014 (SI Grange, 3-5PM) |
| Marinas & Floating Homes Subcommittee meeting #2 | January 21, 2014 (Multnomah County Building, 3-5PM) |
| CAC #3: Parks and Public Facilities | January 28, 2014 (Multnomah County Building, 6-8:30PM) |
| FEBRUARY 2014 | |
| CAC #4: Marinas & Floating Homes | February 11, 2014 (SI Grange, 6-8:30PM) |
| Natural & Cultural Resources Subcommittee meeting #1 | February 18, 2014 (Multnomah County Building, 3-5PM) |
| Agri-Tourism & Farm Stands Subcommittee meeting #2 | February 25, 2014 (Multnomah County Building, 3-5PM) |
| MARCH 2014 | |
| CAC #5: Agri-Tourism & Farm Stands | March 11, 2014 (SI Grange, 6-8:30PM) |
| Natural & Cultural Resources Subcommittee meeting #2 | March 18, 2014 (Multnomah County Building, 3-5PM) |
| Marinas & Floating Homes Subcommittee meeting #3 | March 25, 2014 (Multnomah County Building, 3-5PM) |
| APRIL 2014 | |
| Transportation Subcommittee meeting #1 | April 1, 2014 (Multnomah County Building, 3-5PM) |
| Planning Commission update | April 7, 2014 (Multnomah County Board Room, 6:30PM start) |
| CAC #6: Natural & Cultural Resources | April 8, 2014 (SI Grange, 6-8:30PM) |
| Transportation Subcommittee meeting #2 | April 29, 2014 (Multnomah County Building, 3-5PM) |
| MAY 2014 | |
| CAC #7: Transportation | May 13, 2014 (SI Academy, 6-8:30PM) |
| CAC #8: Topic Integration/Big Picture | May 27, 2014 (SI Academy, 6-8:30PM) |
| JUNE 2014 | |
| Planning Commission update | June 2, 2014 (SI Academy, 6:00PM start) |
| CAC #9: Rural Area Plan | June 24, 2014 (SI Academy, 6-8:30PM) |
| AUGUST 2014 | |
| Tentative Planning Commission Hearing | August 4, 2014 (Time & Location TBD) |

EXHIBIT B

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CAC on Agriculture and Agri-Tourism 3/11/2014

Agriculture and Agri-tourism Policy Discussion Table

Each Issue is accompanied by possible policy text if any has been proposed and post meeting comments are captured in the third column. These comments are compiled for presentation at the March 11th CAC meeting.

Agri-Tourism

| Issue | Possible Policy Text | Comments |
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| <p>Should agri-tourism Per SB 960 be allowed in EFU on Sauvie Island? General consensus of subcommittee is that agri-tourism is not appropriate on Sauvie Island due to fact that the Island is already burdened by high visitation. Policy should specifically state that agri-tourism as defined is not permitted on the Island – since statute states that ‘Counties may adopt...’ thus avoiding any confusion that silence on the issue may be somehow construed as approval.</p> <p><i>The general consensus among the subcommittee members is that agri-tourism is not desired due to high</i></p> | <p>Counties may adopt provisions for agri-tourism as provided for in ORS 215.284(4) and OAR 660-033-0120.</p> <p>Due to limited road infrastructure and high visitation the policy is to not adopt agri-tourism provisions in the Sauvie Island/Multnomah Channel Rural Plan Area.</p> | <ul style="list-style-type: none"> • I fully agree with the policy as stated. • No!! • I suggest that line three of the first sentence be revised to read “...setting forth the percentage allowance of farm stand income from retail incidental items and promotional activity...” • I believe with the exception of Mr. Hashem’s comment – the consensus was not to allow additional agri-tourism on the island. There is a need for further scrutiny and regulation re: events that fall (or may not fall) under “mass gathering” definitions – The County should do everything within its power to create guidelines under current law – and make recommendations to State (we have not had adequate time or information to formulate what those recommendations would be). We have many people on the island hosting events, and weddings on their properties without permits, the county either is going to adopt SB 960 as a way to regulate those events, and provide neighbors opportunities to comment on |

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| <p>visitor impacts.</p> | | <p>those application, or the county need to create a process to either regulate those events or actively stopped them from happening without having neighbors being the bad guys.</p> <ul style="list-style-type: none"> • I ask that the county conduct a study based on science and facts to determine , the truth about the island having reached a carrying capacity before any policies change is proposed based on few people hear say. |
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Farm Deferral

| Issue | Possible Policy Text | Comments |
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| <p>Some on the committee expressed a desire to take areas out of farm deferral that are not directly producing. However a differing opinion has been expressed; that is, farm stands are a way for farmers to supplement income and therefore provide some economic stability. The project team recommends further discussion on this topic. If the subcommittee recommends pursuing this concept, the project team will explore with the County Department of Assessment, Recording and Taxation</p> | <p>Consider policy directing County Department of Assessment and Taxation to remove parking areas and other farm stand infrastructure from farm deferral program.</p> | <p>Note: The subcommittee consensus was to eliminate this option as a land-use policy.</p> <ul style="list-style-type: none"> • I concur with the consensus. This option should be eliminated. • I agree with the above consensus. To adopt this approach would be 180 degrees in opposition to the preservation of agricultural land and rural character. • Should you choose to wade in here, I suggest you discuss with legal counsel. Tax deferral status is established in state law. • Unless the county is changing the zoning to commercial I agree that this proposal should be eliminated. |

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Farm Stands- Defining “Local Agricultural Area”

| Issue | Possible Policy Text | Comments |
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| <p>Policy should define ‘local agricultural area’ if there is a need for clarity on this. There was some debate as to the definition.</p> <p> OAR 660-033-0130(23)(d) defines local agricultural area: <i>“As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.”</i> </p> <p>County Code at MCC 34.2625(G) (4) uses the same definition.</p> | | <ul style="list-style-type: none"> • While the state has a broad definition of “local area”, it is important that much if not most of the crops sold at farm stands be from the island. Otherwise, the stands serve more as grocery stores, not farm stands. I would like to see a policy requiring that some minimum percentage (35%, 50%) of all crops and livestock sold at the farm stand be from the farm or farms on the island that are operated by the farm stand owner, and that a larger percentage of total crops sold (50%, 65%??) be from farms on the island. That way the farm stand truly serves the island and is not a grocery store. I believe that Multnomah County has the authority to provide a more narrow provision as long as it is providing opportunity for the farm stand to exist. I have attempted writing a policy to carry this out. • The underlying concern is that EFU farmland with farm stand can become a “grocery store”, with little, if any, crop from the farm being sold at farm stand - and creating unintended opportunity for farm stands to become more retail/event oriented, than agricultural crop oriented. • The county should define this as narrowly as possible within state guidance. Emphasis should be on sale of products raised on the island; next areas immediately around the island. |

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| | | <p>A mileage radius would be good.</p> <ul style="list-style-type: none"> • LCDC administrative rule, not statute, defines “local agricultural area.” Should check if a more restrictive definition runs contrary to <u>Brentmar v. Jackson County</u>. • To me this is very clear. It includes all of the state of Oregon, and adjacent county to Multnomah County from an adjacent state (Washington) that is Clark County. I don't see the need to waste time redefining it. • PROJECT TEAM COMMENTS: County legal staff does not believe the County has the authority to provide a more restrictive definition of local agricultural area than the state definition. |
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Farm Stands- Review Processes

| Issue | Possible Policy Text | Comments |
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| <p>Consider separating type of review for farm stands into Type I for basic farm stand and Type II for farm stand with promotional activities. Other counties may have similar concept.</p> | <p>Multnomah County shall develop a two-tiered review process for farm stand operations on EFU land. Farm stands that do not include promotional activities, events, or <u>large</u> structures shall <u>may</u> be reviewed through the County’s Type I application process, which involves clear and objective standards. Farm stands that include any combination of promotional activities, events, and <u>large</u> structures shall be reviewed under the County’s Type II application process which involves a degree of discretionary review.</p> | <ul style="list-style-type: none"> • As defined, farm stands ARE structures, so they have to include structures. This needs to be rewritten. But I support the concept. If no events or promotional activities are held, a streamlined process is appropriate. I strongly recommend you contact Jim Johnson (Oregon Dept. of Agriculture) for preferred wording. • Discretionary review, re: Sauvie Island, should lean toward promoting actual local crops and agricultural, versus, non-site specific products and events. Traffic and parking issues need to be constrained due to island infrastructure – and to limit taking EFU land out of production. • I would be in favor of this type of |

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| | | <p>permitting. My concern would be the cost to a non-promotional farmer. We should keep the cost low and affordable to encourage compliance. This would be ok if it were clear that it is NOT encouraging new farm stands and if the criteria were protective enough. Type I should have clear and objective standards including footprint and square footage of structure; total land area including driveway, parking, structure less than or equal to 1 acre. Type II should have clear and objective standards as to structure size; where produce comes from; acreage including event spaces 2 acres or less (but excluding corn mazes and u-pick actual fields. Including any parking by those fields).</p> <ul style="list-style-type: none">• This would be a great way to recognize the “true” traditional farm stands as opposed to facilities that include all the “extras.”• Instead of reinventing the wheel, we should stay with what we have. The proposed type one application is being conducted under home occupancy at present time. Only when a farm wants to sell other farms products and incidentals, and or conduct fee based activities of any kind that a type II should or is required now. Creating more steps for a process already complicated does nothing but cause more complication for farmers, neighbors, and county staff.• PROJECT TEAM COMMENTS: The intent is to provide options for applicants based on what is being proposed but not to create an additional step. County staff is unaware of any farm stands that are approved via a home occupation |
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| Issue | Possible Policy Text | Comments |
| <p>LCDC is considering rule making around additional definitions and/or rules for farm stands. County can identify needs with regard to clarity and/or issues that have arisen with respect to farm stands. Consider concept of working backwards (that is policies that encourage action at the state level).</p> | | <ul style="list-style-type: none"> • The LCDC rulemaking process will be very important with respect to what constitutes processing and what is prepared food items. I anticipate the process may also set limits on the scale of farm stands to ensure that they achieve certain results, including (1) not being grocery stores; (2) serve the primary purpose of helping the farm owner enhance his/her farm operation, and (3) minimize land removed from the agricultural base. • We did not have any meaningful discussion around this – and no time has been made to do so. It sounds like the County is not interested in taking the time to make recommendations to the State – which was actually suggested during the sub-committee meetings. Very disappointing. I heard very loud and clear at our first subcommittee meeting that there was a strong preference for farm stands to be producing actual product – with less emphasis on income from events, etc. This does not seem to be reflected anywhere in writing. • Encourage greater clarity AND the goal of having farm stands focused on agricultural production from the farm and immediately surrounding farms, not on hauling products in or engaging in entertainment or events. • There is definite need for more definition and clarification. Recommendations from local government based on actual issues that have been and are being dealt with would be a tremendous help. |

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| | | <ul style="list-style-type: none"> • County staff should promote the idea of including farm stand owners in any LCDC rule making to be complete and comprehensive. • PROJECT TEAM COMMENTS: The project team is not in a position to promise anything with respect to how the county might participate in state rule making. Nevertheless, it is appropriate for the CAC to identify those areas that LCDC could take up in rule making. |
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Farm Stands- Percentages and acreages

| Issue | Possible Policy Text | Comments |
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| <p>Consider developing procedure for validating compliance with 25/75 rule based on farm stand sales and crops in production on site.</p> | <p>Amend county regulations to clarify authority to require an annual report to be submitted to the county each year a farm stand is in business setting forth the percentage allowance of farm stand income and percentage allowance of income from promotional activity. Code amendments can provide county ability to audit the farm stand records at the county's expense.</p> | <ul style="list-style-type: none"> • This is not detailed enough. The policy should require each farm stand annual report to identify the gross income obtained (1) from the sale of farm crops or livestock; (2) the sale of retail incidental items, including any food sold at food carts (if allowed) and (3) fees from promotional activities, including but not limited to harvest festivals, farm to plate dinners, small gatherings, tours, cow trains, etc. (each separately listed). The report should be stamped and certified by a CPA. • I would be in favor of this provision. I need assurances that any accounting I give the county does not become public record. However, a pie chart, without dollar amounts but a percentage, would be okay for public viewing. • Agree with requiring reports. But needs to be expressed much more clearly and precisely than this. Needs |

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| | | <p>to be specific about what is included and excluded from each category. What should be measured is gross income from farm products, gross income from retail incidental <u>including gross</u> income from any food cart, gross income from events.</p> <ul style="list-style-type: none"> • There should be a means of validating – however – it needs to go beyond accounting on paper – as numbers can easily be manipulated by creative accountants. If the real concern is that EFU farmland is being used for farming and promoting local diverse crops – accounting is only a portion of the answer. I would like to hear more from local and regional farmers who are successfully growing diverse crops profitably – as to what this sort of “audit” should look like – I’m guessing looking at the farm itself should be part of the audit process. • Support • In Bella Organic permit this language was incorporated into the permit, although the county already has the authority to verify compliance through reporting, and audits when needed. most farmers fear miss uses of such regulation as a way to harass, and discriminate against certain farmers , and maybe used by opponents of farm stands on the island as a way to harass and intimidate family farms. Any language needs to be reviewed by legal counsel, to make sure we have safe guard from abuse for such proposed regulation. |
| Issue | Possible Policy Text | Comments |
| Farm stands could be | In order to preserve the farmland | <ul style="list-style-type: none"> • Allowing a farm stand owner to |

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| <p>limited to a percentage of the total acreage up to a certain size in order to protect the primary use (agricultural production).</p> <p><i>The idea behind this concept is to preserve EFU land for its primary intended use: agricultural production. Limiting the footprint of farm stands is one way of insuring that farm stands, which are accessory to agriculture do not compete with agriculture as the dominate use of the tract upon which the farm stand is located. 25 percent of the farm tract is contemplated because the ratio is also used in separating the types of farm stand income for essentially the same reason. The subcommittee may want to consider a cap on the overall size of the farm stand operation out of the idea that that there is a reasonable upper limit for farm stand operation that includes promotional activity and also out of strong desire amongst the community to maintain the rural character of the Island. Consideration of the overall farm stand area can include those areas (such as parking and structures) that are generally taken out of production when the farm</i></p> | <p>for agricultural production the area dedicated to the farm stand shall not exceed 25 percent of the total area of the farm tract or X acres, whichever is smaller. The area dedicated to the farm stand are those areas that support the farm stand but are generally not cultivated during the operation of the farm stand. The overall extent of the farm stand shall remain as compact practicable and be located as close to the road providing access to the farm stand as practicable. A 200 foot setback from neighboring properties that are not part of the subject tract shall apply to the farm stand operation.</p> | <p>remove 25 percent of farm land from production from land identified as foundation agricultural land is outrageous. The stand itself requires no more than a few hundred to perhaps 5000 (for the very largest) square feet of space, plus parking. Overflow parking for events in September and October should occur on lands that are used for growing crops earlier in the season. Very few extra acres are needed for events. A corn maze may require about 5 acres, but we aren't seeing them much larger than that so there is no need to allow larger ones. I think a maximum limit of 5 acres for all of the area associated with a farm stand that does not have a corn maze, and a maximum area of 10 acres for a farm stand with a corn maze, is more than enough, especially given the importance of farming this farm land for crops to feed this metropolitan region. The setback provision is fine. Consequently, change the policy to say that the farm stand shall not exceed 10 percent of the total area of the farm tract or 10 acres, whichever is smaller. For farm stands that have no corn maze, the farm stand shall not exceed 5 percent of the total area of the farm or 5 acres, whichever is smaller. Since this affects how the use goes in, and not whether it is allowed, I see no conflict with Brentmar.</p> <ul style="list-style-type: none"> • I think you need to break down the components of a farm stand into: the farm stand structure itself, parking area, road access, promotional activity areas and any other defined area. I wouldn't limit the size of the |
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stand is operating. Though some thought should be given to areas that are in production but may be part of a u-pick operation or similar. Consideration may be given to corn-mazes, which are obviously not producing corn during the operation of the farm stand. Related to the concept of limiting the size of the farm stand the Subcommittee may want to consider the extent and/or dimensions of the farm stand area. Generally the concept of maintaining a compact form close to the point of access is considered good practice when the goal is to protect and minimize impact to a resource (in this case farm land). Another consideration that was brought up during the scoping process is the idea that farm stands operations can have an impact on neighboring farm operations and dwellings. A common agricultural setback is 200 feet.

***Please note that the above concepts need to be explored by County Counsel with particular concern regarding the Brentmar vs. Jackson County case of 1995.**

farm stand structure itself, as it is clearly the intended sub (1) use, unless you want to limit promotional activities within the farm stand structure. Because the associated sales and activities are incidental they are more legitimately regulated. In my opinion, because allowable income from retail incidental items and promotional activity is 25% of FARM STAND sales, not total farm sales, any limit on percent or acreage of land these uses occupy should be related to the FARM STAND STRUCTURE and associated uses, not the entire farm tract. The logic here (think nexus and proportionality) is that lots of farm produce for sale justifies more promotional activities while relatively little farm produce for sale justifies less promotional activity. Farm stand sales may or may not directly reflect farm size. All that said, I don't think the 25% figure will work in this instance, as farm stand structures are typically smaller than promotional activity areas. I suggest you do an informal survey of existing farm stands and promotional activity areas to determine an appropriate percent or acreage figure that will allow farms to capture 25% of farm stand revenues from promotional activities, yet not be so large that income from promotional activities will clearly be more than 25% of farm stand sales.

- Please refer to my comments in cover letter – Sub-committee did not come to consensus on this – and part of that is due to time and information. 25% was viewed as “too high”, those farming don't want limits, those

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| | | <p>concerned with events & parking getting out of hand, do want limits – This whole area needs more information and further discussion.</p> <ul style="list-style-type: none">• Not in favor of this concept!• The 25% suggestion is a travesty. Its outcome would be to destroy agricultural activity on the island. Total area should not exceed 5% of total tract or 3 acres, whichever is less. If a corn maze is included, that must be 4 acres or less including parking and driveways within the total 7 acre. Likewise, u-pick fields are not included, although parking for them is part of the 5%/3 acres.• Concern with a percentage approach as larger acreages could have much larger facilities with no real primary nexus to farm use. Support the primary idea/concept. The discussion relates mitigation such as setbacks to the farm stand operation. It must be clear what “operation” is (define). “Operations” such as parking, recreational activities and the like can greatly impact farming operations/ practices on adjacent lands. The idea of a cap is a good one and merits serious consideration. While I do not disagree with “checking” against Brentmar, be careful to distinguish between “legislative criteria” v. local, supplemental criteria. If I remember the discussion of this after the decision, the scope of the decision was against “local “legislative criteria” or criteria used to determine if a land is approved or not. Brentmar did not take away the ability of a county to adopt siting or design standards. Nor did it take away the ability to interpret/define |
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| | | <p>the statutory criteria. I have attached a DOJ memo provided to DLCD for your information. I agree with the expressed concepts of “compact” farm stand development as a way to limit conversion of productive cropland and minimize impacts to surrounding farming operations.</p> <ul style="list-style-type: none">• I don't see EFU land in danger of being anything else. Farm stands on the island are being farmed actively on all 3 farm stands. The legislation 25%-75% is a safe guard already, and we can't possibly think of every possibilities to put into a policy to preserve EFU land any better the legislators have done. It is a simple as economic. A farm stand which does not plant berries would not get any business during June, July, August, or September. Customers would not visit or spend money at a farm stand if it is not actively farmed. We don't need the CIA to verify if a farm stand is actively being farmed because customers would not spend money, or visit it. Why come to a farm stand if you end up buying the same products you will find in your local grocery store? Instead of making it so complicated for farmers and county staff to figure this process which has been nothing but easy until now , why we don't proposed a ban on any new farm stands beyond what we already have and solve all of the problems? A 100 feet set back is sufficient to provide a buffer. What if you have neighbors on 4 sides 200 feet would make it impossible to figure out and maintain compliance. The problem we are having here is the interpretation change from the |
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| | | <p>original policy #1-2 in the original 97 plan which talk about preserving the agriculture character of the island and promoting the agriculture economy of the island by promoting the establishment of farm stands, and U pick on the island, to preserving the rural character of the island. The problem the island is not rural it is an industrious agriculture community. Skyline is Rural because it is not farmable and does not have the soil or the irrigation to support similar farming operation on the island. I support keeping the original Policies in the 97 plan, as a way to avoid the minimizing of the agricultural economy of the island, and prevent residential sprawl which have crept up to the island in the past 20 years and now dominate the policy making in this planning process. Less than 10% of the island is small acreage residential but they make the majority of the planning committee, which is why the policy is being changed from preserving agriculture, to preserving rural residential sprawl.</p> <ul style="list-style-type: none">• PROJECT TEAM COMMENTS: County legal staff does not believe the County has the authority to put specific caps on the extent of farm stand uses. The question of indirect regulation (e.g., setbacks) is an open question but is probably too specific for policy level efforts. The team suggests something along the lines of a policy statement that "the county shall limit the footprint to the greatest extent allowed by law, while balancing the financially viability of the farm against the |
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| | | <p>policy of conserving productive agricultural acreage." This is another topic that may appropriate for LCDC rulemaking discussion.</p> |
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Farm Stands- Components/Structures/Design

| Issue | Possible Policy Text | Comments |
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| <p>There was general agreement among those present that wine is a processed item and not a prepared item and can therefore count as part of the 75 percent category as opposed to the 25 percent incidental category. A policy indicating this may be helpful.</p> | | <ul style="list-style-type: none"> • I believe Washington County considers this a retail incidental item. The legislative history of the farm stand law shows that the kind of retail incidental items considered were T-shirts, mugs, etc. Selling wine is like making this a grocery store. I anticipate there is a good chance that LCDC will prevent this by rule. I would follow Washington County's lead here. For now, there is no need for a policy on this, so don't have one. See what LCDC does first. • This is not accurate. We were told that wine was included in the 75% "take", rather than 25% retail, etc. There was no consensus that this was a good idea – in fact I believe on the audio from the first subcommittee meeting, one of the guests said "we have to fix that" – Most of the sub-committee seems to favor policy that links farm stand sales to actual farm production – and LESS of a grocery store model. • These definitions need clarity at the state and county level. As a policy matter, prepared food items are those that have been readied for sale and consumption without further manipulation. Hamburgers, wine, beer, sandwiches. All of these fall into the 25% along with other retail incidental items. I believe a great deal |

| | | <p>of the confusion comes from the use of "prepared" as a definition in the general EFU definitions and in a different way in the farm stand regs. Must be sorted out.</p> <ul style="list-style-type: none"> • Wine is just like Cider, syrups or similar by products which processed farm products. The legislators discussed processed farm products extensively in the legislative history. The county council has researched wine sale as anything but processed farm products and was not able to find any authority to contradict the finding that Mr. Johnson of the department of agriculture provided to the subcommittee. I agree with the group's finding. • PROJECT TEAM COMMENTS: Clarification of prepared vs. processed and where wine and spirits may be considered is an appropriate question for LCDC. |
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| Issue | Possible Policy Text | Comments |
| <p>Consider Design Review type standards for managing farm stand impacts such as parking, noise, signs, hours of operation etc. Other counties may have similar concept. Goal is to accommodate these practical things but equally important is to protect the maximum amount of productive farmland.</p> <p><i>Design Review typically focuses on location and</i></p> | | <ul style="list-style-type: none"> • Yes. • Design review, yes – but also having a means of enforcement re: ever-expanding overflow parking areas that may or may not have been part of the design review. • I think I need more information on this concept. • See previous comments. • Most of those items are already part of the current process, and new policy may be redundant. More is less. The process is complicated enough as is, that is why in the past 20 years we only had one new farm stand on the island (Bella Organic) Kruger's farm, and the Eggers farm stand have been |

| <p><i>design of a use. Ideas about location and extent are considered in item 7 above. Off street parking, safe and reasonable access, noise, and signage are currently addressed in code but nevertheless policy can specify that these codes are applicable to farm stands.</i></p> | | <p>around for that many years and only in the past 9 years when the county asked them to get farm stand permits. The fear that we will have an explosion of farm stand is greatly exaggerated and is not supported by facts. This process was an educational to everyone involved including to the county, since it was all new to them too. I believe the county staff when they worked with farm stand operators, have been able to accomplish more than when they did not. I believe that most farm stands operator are reasonable people who are trying to make living , and want to follow the code and live in peace if they are permitted to do so. Is Support more cooperation between the county staff and farm stands operator as a mean to achieve balance for everyone? The county was being used in political and sometime personal feud and that should not be allowed to happen.</p> <ul style="list-style-type: none"> • PROJECT TEAM COMMENTS: The team suggests policy language that generally supports the concept of consideration of location and function of buildings, parking and circulation, signage, traffic impacts etc. to the extent allowed by law. |
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| Issue | Possible Policy Text | Comments |
| <p>Consider issue that tents aren't allowed at farm stands unless for the sale of crops. Could be allowed under mass gatherings...</p> | | <ul style="list-style-type: none"> • No need to address mass gatherings here. Tents are not allowed unless or until the law changes. The plan might want to state what the current status of the law is, and recognize that there may be changes to it through enactment of statutory amendments or administrative rules. |

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| | | <ul style="list-style-type: none"> • This is a good policy, but type I reviews of farm stands will involve farm stand structures, so this should be clarified to be OK. • Tent should be allowed. We live in Western Oregon and we do experience rain in the summer. It is nice to offer a dry place for customers to wait for friends, wait out a storm or even rest in the shade. • Tents become a problem when they become semi-permanent structures for events. The point made here: “could be allowed under mass gatherings” is why the County needs to do something about the mass gathering law at the State level - and do what they can at local level to regulate/define guidelines. Events occur at farm stands under mass gathering law that bring completely non-agricultural related events, tents, vehicles and activities – appear to be wholly unregulated, and add to the unending confusion and issues that impact island residents, noise, crowds, etc. • The finding of the court of appeal, that tents, food carts, and any structures can be used on the farm stands when they are used for the sale of farm products first, and then for other approved use like fee based activities, and or incidentals. We can't change that unless the legislators amend the law. <p>PROJECT TEAM COMMENTS: The issue of structures associated with farm stands is a good topic for LCDC to discuss in rule-making. The current state of affairs means the County evaluates proposals based what state</p> |
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| | | statute and recent case law. |
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| Issue | Possible Policy Text | Comments |
| <p>Consider policy clarifying whether permanent restroom facilities are allowed in conjunction with food prep. (Note that ODA requires restroom facilities as part of approved food prep facility).</p> <p><i>If the restroom is for personnel only then it shouldn't be a problem allowing the restroom if the food prep is allowed. If it is shared with the public then consideration of item 12 below is in order.</i></p> | | <ul style="list-style-type: none"> • I think that Type II food stands should be permitted to have seasonal portapotties. Remember that restaurants are not permitted at farm stands. Whether food carts are restaurants is an interesting question. • I don't believe that permanent restroom facilities are appropriate or that there should be food prep allowed on-site. • Permanent facilities include septic and drain field. Such facilities have shown a historic tendency to develop into larger operations than intended. Could also take productive farmland out of production. • Common sense and the law require having public restrooms if food of any kind is being sold. I don't see what is the problem with having restrooms on a farm stands. Employees and customers need them to maintain public health. I support have bathrooms on a farm stand, and porta potty as needed to support needs. I ask that porta potty be required on all farm stands which do not have farm stand permit as a way to avoid customers from using public roads or land or existing farm stands as public restrooms. in fact I demand that the county requires all park, and public facilities on the island be provided with restrooms as a way to reduce use islands public or private fields as public restrooms, and address sanitation concerns. • PROJECT TEAM COMMENTS: This is a concern that LCDC could address in |

| | | <p>rule making. Currently it appears that restrooms are structures that are not allowed (unless – possibly – the restroom(s) are located inside a structure for the sale of farm crops).</p> |
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| Issue | Possible Policy Text | Comments |
| <p>Consider the need for restroom facilities at farm stands (porta potties vs. stand alone building vs. restrooms under the same roof as place where farm goods are sold).</p> <p><i>The idea should be explored further but this is a tricky issue and it may be that restrooms and porta-pottys are not allowed as stand-alone structures and therefore must be located inside a structure that is used for the sale of farm products.</i></p> | | <ul style="list-style-type: none"> • See above. Restrooms are a secondary issue to uses and numbers. Number and location come AFTER there is clarity about what should be going on and in what numbers, and what the public health impacts are. • I need more information on this. Is it being suggested that porta potties be located within a building? I don't think they can be serviced by the owner/ pumping truck if they are located inside. Porta potties are temporarily placed and used for the season. I would rather have waste material removed from my farm than having to put in a permanent septic system that is far too expensive for my small farm stand. • I support having restrooms in all farms stand, and allow porta potty when or where are needed including at farm stands without permits, as a way to address sanitation needs of employees, and customers alike. It is just a common sense. Customers now visit farm stands which are not permitted but have no access to bathrooms because the current code prevent farms from using porta potty even for farm workers. That is wrong and needs to be modified to make sense. • PROJECT TEAM COMMENTS: This is a concern that LCDC could address in rule making. Currently it appears that |

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| | | <p>restrooms are structures that are not allowed (unless – possibly – the restroom(s) are located inside a structure for the sale of farm crops).</p> |
| <p>Consider policy that requires proof that food service approval has been obtained from the ODA and/or County Health Dept. Concern is that there is jurisdictional overlap and operators could fail to obtain the proper approvals. Require sanitation sign off as well.</p> | | <ul style="list-style-type: none"> • Good idea. • See above. More regulation is needed on all levels re: food, sanitation, etc, but again, after there is some sane way of dealing with numbers of humans that accrue – based on legally allowed uses – with adequate enforcement, which is viewed by many as “non-existent” on Sauvie Island. • Okay • ODA already license permitted farm stands. I am not sure if they license non permitted farm stands which some of them sell processed farm products, and in some cases prepared food. Those farms need to be looked at for licensing. • PROJECT TEAM COMMENTS: This is very straight forward for staff to implement. Policy can simply direct the department to implement procedures to ensure the appropriate agencies have reviewed and commented on the proposal. |
| Issue | Possible Policy Text | Comments |
| <p>Specify how many food carts should be allowed (one or no more than two probably). Don't want food courts.</p> | | <ul style="list-style-type: none"> • Under the Court of Appeals decision, if food carts are allowed at all, they likely must be located within the primary food stand structure. To avoid the farm stand from becoming a food court, which is more like a restaurant, a policy limiting food carts to just one or two per farm stand would be good. A policy also is needed stating that all gross income from sales of food at food carts or through other food |

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| | | <p>service must be included as part of the 25% reported in the annual report.</p> <ul style="list-style-type: none"> • This issue is a sub-issue of everything discussed above – no – there should not be food carts – and food courts, and farm stand grocery stores selling everything but produce and produce-related items – The intention of widening allowed activities was to help farmers make a living, not exchange farming crops, for food courts, events, and ever-expanding and specious definitions of what is agriculture-related. • Food carts! Really, I don't think they should be allowed at all. Restaurants are not allowed on EFU, and I see food carts as small restaurants. \ • Food carts are a way to serve prepared food without dust, or flies. It is simply more sanitary, because you have hands, and utensil washing facility on board. The court of appeal already ruled that food carts are a farm stand structure to be used for the sale of farm products and than for incidental, and fee based activities. Placing a limit on food carts may violate the court's ruling, and does not provide us with the guarantees we are asking for which is avoiding having food carts courts. Food carts have to be used in conjunction with a harvest festival. I don't believe they can be used as a standalone event. So I don't see the need for additional policy change. • PROJECT TEAM COMMENTS: This is a concern that LCDC could address in rule making. Currently the County must evaluate food carts in the context of state law (i.e. 75/25 rule, structures, etc., prepared vs. processed, etc.) and recent case law. |
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| | | It is likely that given these factors that a food court scenario is not very probable. |
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| Issue | Possible Policy Text | Comments |
| <p>Consider defining processed vs. prepared food.</p> <p><i>The team recommends exploring this concept further. There is concern that creating a specific list of items in the Rural Area Plan could create further confusion, whereas general definitions will always leave room for some interpretation.</i></p> | | <ul style="list-style-type: none"> • This is very difficult. I am almost certain LCDC will need to address this in rulemaking. However, all cooked foods should be identified as prepared food, as should items like sandwiches and drinks prepared for sale to the public. • Has the state defined processed vs. prepared? I don't think this committee or the county should be defining these terms. • (Comment applies to entire table not processed versus prepared exclusively)The fundamental confusion is that products and activities at farm stands were to create venues for farmers to sell their produce and other "local" produce to the benefit of their livelihood, and good use of EFU farmland – NOT to create urban events for urban visitors that have little or specious relationship to agricultural education or promoting local farm crops. All of these issues are sub-issues to that larger problem that morphs each year into whatever a creative entrepreneur can come up with and get away with on Sauvie Island. I have not heard one comment by any island resident that they want to stop farmers from making a good living, in fact, the opposite. There is frustration over pushing the limits, constantly, by a handful of folks, resulting in massive crowds that could be doing exactly what they are doing anywhere in downtown Portland or some other |

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| | | <p>venue - because there is next to no relationship between the activity and the farm. The meaning of “rural” and “farm related” drops off – and it’s just another place to consume or do (whatever) – but with a more rural sky and surrounding landscape. Not addressing this fundamental issue, in my view, is the crux of the matter.</p> <ul style="list-style-type: none">• These definitions need clarity at the state and county level. As a policy matter, prepared food items are those that have been readied for sale and consumption without further manipulation. Hamburgers, wine, beer, sandwiches. All of these fall into the 25% along with other retail incidental items. I believe a great deal of the confusion comes from the use of "prepared" as a definition in the general EFU definitions and in a different way in the farm stand regs. Must be sorted out.• This has and continues to be an issue around the state. Definitions would be good either at the state and/or the local level.• I believe a prepared food items using farm products like corn on the cob or caramel apple, apple cider, or similar products should be considered part of the 75%, and products like coke, Pepsi, hamburgers, or hotdogs could be counted as part of the 25%, as it is now all food prepared to be consumed on the farm by customers is counted as part of the 25%. We can leave this alone and let the county staff and farm stand operators work on a definition independent from this vision plan.• PROJECT TEAM COMMENTS: Clarification of prepared vs. processed |
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Farm Stand-Other

| Issue | Possible Policy Text | Comments |
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| <p>LCDC is considering rule making around additional definitions and/or rules for farm stands. County can identify needs with regard to clarity and/or issues that have arisen with respect to farm stands. Consider concept of working backwards (that is policies that encourage action at the state level).</p> | | <ul style="list-style-type: none"> • See above. Beyond this Rural Plan, more work should be done with the County and concerned Sauvie Island related players – to find ways of addressing the impacts of entrepreneurial activities that are loosely and/or not related to farming, local farm product, etc – Something specific, and not vague, should come out of this process – to begin a specific dialogue with LCDC – around these issues. • Maybe proof that produce is actually grown on the land. The 75/25 definition is a little broad. I fear that many farm stands have turned into grocery/ produce stores and not authentic farmers selling their own produce. If a customer can get an apple, a funnel cake, prepared salad dressing and an African basket from a farm stand located on EFU, how much of the land this farm stand is located on was actually farmed for these products? I think we need to bring farming back to the farm stand and EFU land. • Needed. • See previous comments. • The county staff should advocate for clarity from the legislators especially for the use of structures for approved use. It is confusing if not contradictory to authorize a use like promotional activities but deny use of the tools to |

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| | | <p>conduct such activity. there are a movement among farm stands owners and Agri-Tourism groups around the state to ask the legislators to modify the law to authorize temporary structures for uses already authorized , and it would be advantageous for the county to be part of that process as to clarify those issues for all of us.</p> |
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Others:

| Issue | Possible Policy Text | Comments |
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| <p>Better code enforcement is needed.</p> | | <ul style="list-style-type: none"> • Policy needs to be stronger than mere voluntary compliance. When that does not work, then what? The policy should give county the authority to fine or shut down a farm stand that fails to comply with requirements. The fine must be sufficiently high to make it not worth the farm stand operator’s while to merely ignore the requirement. • YES! • Yes. I would suggest that the County find a way of providing immediate – on the spot – enforcement in coordination with Sheriff’s office - There was talk (I think K. Schilling) about the possibility of having some sort of ombudsman position for dealing with issues of enforcement and determining permitted uses. The current voluntary compliance protocol requires a neighbor to formally lodge a “complaint” to even get something investigated by the County. There needs to be a more straightforward way for anyone to report a concern, and have the County respond, with |

| | | <p>more “immediacy”.</p> <ul style="list-style-type: none"> • Absolutely • Consistent even handed enforcement. Avoid being used for settling personal feuds. You need to deal with not for profit events, or unauthorized events • PROJECT TEAM COMMENTS: The project team is not in a position to promise anything with respect to how the county might participate in state rule making. Nevertheless, it is appropriate for the CAC to identify those areas that LCDC could take up in rule making. |
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| Issue | Possible Policy Text | Comments |
| <p>The Columbia River Gorge Commission defines ‘agricultural landscape setting’ among the various landscape settings in the gorge. County could consider similar approach on the Island.</p> | | <ul style="list-style-type: none"> • Do we need this? • I would need more information before commenting • Without having a clear sense of traffic on roads, destination parking area thresholds (what it looks like and where rural becomes urban except for the sky and surrounding landscape) we will not have done our job. We will have demonstrated, instead, how to preserve rural landscape, except for cars parked everywhere, multi-modal road congestion, massacring of wildlife on roadways, etc. I had hoped to see planning tools that have been used here and elsewhere – to actually get at these issues. Except for the photograph exercise, which was great – we haven’t addressed the preservation of rural character in a way that will translate on the ground. • Adopting the definition would not achieve anything. There are many policies within the plan that are applicable here. It is not possible to sort through 35 pages of the |

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| | | <p>Management Plan within the short time you have provided for comment.</p> <ul style="list-style-type: none">• Could be useful in defining what “rural character” is.• I don't see the point of that, unless we are trying to change the island to a rural residential instead of agricultural. More rules do not serve farmers, and does not create but more reasons to divide a community. I don't see that happening especially since the island is a 1/3 in Multnomah County and the rest sits in Colombia and most of it owned by the state and federal government. We can't make decision for others, nor can we?• PROJECT TEAM COMMENTS: It is not clear what this is attempting to accomplish. The idea surfaced in subcommittee number 1 because of a concern around the overall size of buildings and the extent of the farm stand uses. Implementing standards that specify the design and extent of farm stands is appropriate at the state level, whereas county policy probably cannot implement a Gorge style landscape setting against which farm stands and buildings are reviewed. |
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Existing Policies That Could be Deleted or Modified:

The 1997 SIMC Plan had relatively few land use policies related to agriculture and agri-tourism.

Exclusive Farm Use Policies and Strategies

POLICY 1: Support measures which will ensure that Sauvie Island maintains and enhances its agricultural diversity on Exclusive Farm Use lands.

STRATEGY: Multnomah County shall use this policy as a guideline in reviewing proposed changes in Exclusive Farm Use statutes and administrative rules, and will review the appropriateness of the \$80,000 gross income level as a threshold for farm dwellings if state law allows consideration of different income standards.

Project Team: There have been no changes in ORS 215 or OAR Division 33 provisions related to the \$80,000 gross income threshold.

Comments:

- Maintaining agricultural diversity is important, but maintaining and enhancing the agricultural land base is even more important, especially given that these lands are Foundation agricultural lands. A new policy is needed such as: Multnomah County shall prepare and adopt regulations to maintain the agricultural land base on Sauvie Island for agricultural production to the maximum extent feasible.
- There are three other potential tests for farm dwelling approvals in division 33.
- I have no information on the 80K level, or what makes sense – someone should have info on that – are there not economic farm studies that suggest what that income threshold should be? Isn't that the type of information we should have at hand when trying to have a meaningful discussion about this?
- Although this is a tough test to pass, the \$80,000, I would not remove this wording or restrict it any further.
- My suggestions above should be self explanatory.
- I am assuming that this policy will continue to be the focal point of any new plan? , how do you serve exclusive farm use without the most important policy in the original plan. The island is an agricultural community, it was found on agriculture. The minute you change the focus of policy 1 you will open the door for the demise of the island farming community, and you better let the rest of the island farmers know about this policy change. I am absolutely against changing the focus of the original plan, and support keeping policy #1 as the base of the new plan.

POLICY 2: Multnomah County shall promote the appropriate establishment of farm stands and u-pick facilities which will support the agricultural economy of Sauvie Island.

STRATEGY: Multnomah County shall implement this policy through review of the Multnomah County Zoning Ordinance Exclusive Farm Use and Multiple Use Agriculture zoning districts.

Project Team: In 1997, the issue of promotional activities in the EFU zone had not yet become prominent. As noted in Section 3 of the Appendix 3 background document, the farm stands statute had just been adopted in 1993; the farm stands statute was amended in 2001 to provide direction to local governments on promotional activities associated with farm stands.

Following amendments to ORS 215 related to promotional activities associated with farm standards, the County amended Chapter 34 of the Multnomah County Code to read as follows:

“(G) Farm Stands when found that:

(1) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or live-stock sold at the farm stand if the annual sale of incidental items and fees from pro-motional activity do not make up no more than 25 percent of the total sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

(3) As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(4) As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington that borders Multnomah County.”

As we see above, Policy 2 is very general and simply promotes the appropriate establishment of farm stands and u-pick facilities which support the agricultural economy. Interestingly, the Policy 2 strategy directs county staff to review the Exclusive Farm Use and Multiple Use Agriculture zoning districts in the context of promoting appropriate establishment of farm stands. Farm stands are currently only listed as a review use option in the Exclusive Farm Use Zone and the project team would like to assess the subcommittees’ thoughts on updating this strategy to remove reference to the Multiple Use Agriculture zone.

Comments:

- Does the county really want to “promote” farm stands, especially given the large numbers of visitors coming to the island? Would “permit” be a better word? Also, change “which will support” to “which support”. It also should adopt a regulation that states that a farm stand that removes more than 10% of the property on which it is located or 10 acres, whichever is less, from active farming is not considered to support the agricultural economy of the island.
- I am refraining from comment at this time – These are the sorts of things that should be discussed in a broader framework – like what was the underlying reason for including MUA – could this policy be more clear about why we want farm stands (for example, to promote farming and agriculture on EFU farmland, versus events and product that have nothing to do with the farm or farm stand?)
- I need more information on this policy. What is the thought for removing MUA land?
- Let sleeping dogs lie.
- I believe I need additional explanation on this policy change before I can provide an opinion.

POLICY 3: Include deed restrictions protecting surrounding agricultural practices as a requirement for dwelling approval in the Multiple Use Agriculture zoning district.

STRATEGY: Multnomah County shall implement this policy through amendments to the Multnomah County Zoning Ordinance.

Project Team: Deed restriction is now required for all new dwellings adjacent to farmland.

Comments:

- While it is required, retain the policy.
- Vague – I’m guessing this gets at setbacks – need more info.
- Keep this policy as is.
- Keep it.

POLICY 4: Encourage property owners to protect their lands as wildlife habitat through the use of tax deferral programs, and allow switching of tax deferral status from agriculture to open space wildlife habitat without penalty.

STRATEGY: Multnomah County shall forward this policy as an informational item to the Oregon State Legislature and the Association of Oregon Counties.

Project Team: The Sauvie Island Soil and Water Conservation District and other non-profit organizations have been successful in encouraging property owners to protect EFU and MUA land as wildlife habitat through easements and other means – as will be documented in Appendix 5: Natural and Cultural Resources. Many properties have habitat tax deferrals applied.

Comments:

- Extend the tax deferral to MUA lands.
- How does this square with wanting to preserve EFU farmland for farming? I am in total support of habitat restoration and tax deferral – just questioning how this dovetails with wanting to preserve EFU farmland for farming.
- Keep this policy as is.
- OK