

Minutes of the River Plan Committee – North Reach

January 17, 2006

5pm – 7pm

Portland Bureau of Planning, 1900 SW 4th Avenue, Room 4a (4th floor)

Committee Members Present: Pauline Anderson, Brian Campbell, Jason Graf, Bob Naito, Melissa Powers, Greg Wolley, Krystyna Wolniakowski

Absent: Don Hanson

City Staff Present: Sallie Edmunds, Marguerite Feuersanger, Steve Kountz, Deborah Stein, Peter Ovington, Arianne Sperry, Joan Hamilton (Recorder), Planning; Doug Morgan, Tom Carter, Kate Green, BDS; Dawn Sanders, BES

Others Present: Bob Short, Steve Durrant, Greg Theisen, Pam Arden, Thomas Ebert, St. Johns NA; Mark Riskedahl, NEDC

Vice-Chair Campbell convened the meeting in Hanson's absence.

Committee Business

- Committee members approved meeting minutes for November 15 and December 12, 2005.
- Campbell notified River Plan Committee members that the Port of Portland, where he formerly worked, has asked him to work as a consultant possibly at the airport and regionally, but nothing specifically related to waterfront planning or the river. RPC members did not perceive a conflict as long as there is no overlap in duties.

Trails Task Group Update

Feuersanger reported that the task group has met four times, and staff is developing proposals for recommended trail alignment to be vetted by the Trails Task Group in February and reviewed by the River Committee in March. Feuersanger and Edmunds described West Side and East Side field trips, and Feuersanger indicated the West Side field trip did not reveal much variation from the existing greenway trail designation, except where there are two alternatives for alignment at Front Avenue and St. Helens Road. She noted that Front Ave. has more industrial uses and driveways, features a narrower right-of-way, but is closer to the river, which makes it optimal from a trail user's perspective.

Comments:

- Greg Theisen, Port of Portland, objected to the suggestion that Front Ave. would be optimal for trail use because of the intense industrial traffic and limited view of the river.
- Graf indicated he was surprised at the amount of access on the East Side, although much land is on private property and, therefore, raises political issues. He asked if the Swan Island Trails Action Plan for the University of Portland alignment would be considered by the trails group.
- Thomas Ebert questioned the relationship of the St. Johns Lombard Plan to the River Concept.

Feuersanger explained that the SJLP established the vision and zoning but deferred issues of the greenway to this river planning. She confirmed she would return with alternative routes and criteria to select the preferred alignment relative to Front Ave. and St. Helens Rd. She also confirmed that plans for the Waud's Bluff trail at University of Portland are included in

the trails group's work as well as other existing reports, including a Metro-funded North Beach Action Plan and Portland Parks' North Portland Willamette Greenway Trail Feasibility Study. Feuersanger agreed to send Graf the reports.

River-Dependent and River-Related Industrial Uses Task Group

Kountz reported that he's still in the process of convening the River Dependent-River-Related Industrial Use Task Group, the Harbor Reinvestment Strategy interviews are going well with about a dozen property and business owners, and three of four focus groups have been held.

Natural Resources Inventory

Stein reported that her team has been building a citywide inventory of natural resources that will include a map, methodology and report on landscape features, streams, wetlands, and topography along the river. She said resources will be ranked by relative criteria and value, and the inventory will provide information from which a task group and later the River Committee can help draft policy.

River Concept and Planning Commission Resolution

Document Distributed:

- *The River Concept January 6, 2006 Draft*
- *Draft Resolution*

Edmunds reported revisions to the Concept based on feedback, and she distributed a draft Resolution for Planning Commission. She announced that Planning Director Gil Kelley and Planning Commission officers have asked that the River Concept be forwarded to City Council after the Planning Commission, so that new members of Council become familiar with ongoing work on river planning. Edmunds said she would need to notify persons by e-mails and phone calls about the addition to process, since there was no mention of City Council review during previous outreach.

Edmunds confirmed changes to the River Concept, including revised language clarifying that the Concept represents synthesis of existing policy and aspirations for new policy and that it provides guidance, not set policy. She described additional modifications, including information about phases of the plan and dates of accomplishment, differentiation between short-term task groups and ongoing technical advisors, and steps for implementation of the River Plan. She highlighted changes to the Clean & Healthy River and Harbor sections, including explaining a reference to circular economy in context with other economic development, clarifying that the maintenance dredging statement refers to the navigation channel rather than the environmentally sensitive shore in the North Reach, and clarification of expectations for the Central Eastside.

Comments from Committee and Audience on Process

Members of the committee and audience discussed implications of forwarding the River Concept to City Council – whether a Council decision would result in binding or nonbinding policy, set a precedent or increase the clout of recommendations. Edmunds and Stein confirmed the resolution would represent nonbinding City policy, which expresses the opinion of City Council but does not represent mandatory requirements. The Committee confirmed there would be a comment period and opportunities for testimony at both Planning

Commission and City Council. Committee members and staff concluded that going to Council represents a logical step and that City Council's review now could prevent problems later. Staff confirmed that City Council's action on the concept will be nonbinding policy and that Council will adopt binding policy only after approving the River Plan.

Comments from Committee and Audience on Revised River Concept

Committee members praised the effort to incorporate comments, organize the report, and clarify the purpose and schedule. Campbell led the committee through the report page by page, making further recommendations, clarifications, and corrections to:

- Clarify the relationship between drafting the River Concept and developing the North Reach River Plan;
- Integrate the schedule on page 7 into the flow chart on page 5 to clarify steps in processes for both the River Concept and River Plan, with a graphic showing phased work;
- Clarify that technical advisors will work on subsequent phases of the entire River Plan;
- Distinguish sections on background and process from guidance by using bolder section headings and revising titles.

Short indicated he still feels the Concept confuses the reader and does not adequately describe its purpose relative to the River Plan. He recommended calling the report *River Concept North Reach*. Committee members confirmed that the River Committee is charged with 1) forwarding a river concept for the entire river to the Planning Commission and City Council and then 2) drafting the actual plan for the North Reach as a second step.

Thomas Ebert, St. Johns Neighborhood Association, expressed that most citizens would find the various river projects' terminology confusing – River Plan, River Concept, and River Renaissance. Pam Arden, SJNA, added that she would need to review the report relative to comments made by her North Portland neighbors. Campbell said this draft represents improvements from the earlier draft, and the committee will continue to try to clarify issues.

Motion

- Anderson made a motion to forward the River Concept to the Planning Commission as amended, edited, and clarified; the motion was seconded and passed unanimously by an Aye vote.
- Naito's motion to approve the Resolution as edited to reflect forwarding to City Council was seconded and passed unanimously by an Aye vote.

Superfund and the River Plan/Greenway Code

Documents Distributed: Power Point Printout

Dawn Sanders, Bureau of Environmental Services (BES) Superfund Program, provided a Power Point providing background on Superfund site cleanup efforts and issues:

- She identified the somewhat variable boundaries of the site in the Portland Harbor, noted the number of private and public stormwater outfalls into the river, listed pollutants found in the harbor, explained environmental concerns due to toxicity and

bioaccumulation, and listed sources of pollutants, including historical contamination from activities over 60 years ago.

- She listed Superfund procedural steps: remedial investigation; feasibility study; proposed plan; record of decision; remedial design; and remedial action. She explained that a Superfund process can take as long as 20-25 years to determine stakeholders, reach a decision on cleanup remedies, and design and implement remedies.
- She reported that the EPA and Lower Willamette Group (LWG) represent a group of 10 parties that have stepped forward to help fund the work, and they agreed to an aggressive schedule, with hopes to finish the feasibility study by Dec. 2007. She noted there are 70 parties identified as potentially responsible.
- She explained the roles of State and Federal agencies, with EPA leading in-water work and DEQ leading the upland work. She cited 50 sites in the harbor currently working with DEQ.
- She described the City's role in helping fund cleanup, evaluate potential responsibility, determine adequate source control, and administer regulations. She stressed that regulatory administration relates to concern for public trust, but there are only a few options for river cleanup – dredging and disposal (in-water confinement or upland placement), capping (contamination covered), natural recovery (clean sediment settling over contaminated), and chemical treatment (limited capacity). She said natural recovery may also be limited because Portland lies at the bottom of a large drainage basin, but it can be a better option than dredging or capping, which create impacts.
- She described issues for the River Committee from a Superfund perspective: 1) land use/zoning in relation to clean-up requirements; 2) flexibility in the Greenway Code to allow remediation activities and facilitate appropriate cleanup activities; and 3) consideration of cumulative impacts on flood storage if every in-water site chooses the remedy of sediment caps. She noted that the State law requires DEQ to reduce risk, and capping reduces risk, although that may not be the City's preferred solution.

Tom Carter, BDS Planning & Zoning, explained how BDS administers numerous codes related to zoning, flood regulations and excavation. He explained that State and Federal law are exempt from following City procedures in cleanup efforts, while Oregon State Law requires meeting the substance of the regulations, but not observing the procedural requirements. He stressed that Superfund cleanup is not a land use action requiring review or public notice, and most of the relevant cleanup efforts are upland projects led by DEQ. He explained the need to update Code provisions to accommodate hazardous substance investigations and cleanup, because current City regulations restrict development, including monitoring well structures, from the greenway setback and riverbank. He stressed that cleanup actions may affect suitability of property for future uses, and cleanup activities threaten to result in widespread, armoring or capping of the riverbank, which would contradict City policies to plant more vegetation and habitat on the riverbank.

Doug Morgan, BDS Site Development, reported that his department reviews development in the flood hazard area, which consists of the 100-year flood plain delineated by FEMA and the area inundated during the flood of 1996. He provided background on the City's participation in the national flood insurance program, which makes federally backed flood

insurance available to citizens in exchange for the City's adopting minimum flood hazard regulations. He described requirements for both an unobstructed floodway down the main channel and adequate flood storage areas for overflow. He explained the desire for more flexible cut and fill regulations, which relate to requirements to compensate for developing sites needed for flood storage. He requested that the task group consider changes to requirements for cut and fill to:

- allow mitigation where an alternative compensatory site is unavailable;
- recognize that flood storage benefits relate to the size of the range basin; for instance, the Willamette River versus Johnson Creek;
- consider how cumulative capping of contaminated sites can create an impact on flood storage capacity.

Kate Green, Bureau of Development Services (BDS) Land Use Review, described difficulties applying current greenway regulations to projects along the 5-mile stretch of the Willamette River designated a Superfund site, because the Code requires balancing desires for greenway and enhancement of the riverbank with other goals. She provided examples of issues arising over clean up of waterfront sites, including routing of pipes and installation of monitoring wells. She advocated clear code language that would encourage routing pipes to avoid natural areas and provide criteria for installing monitoring wells below ground or above grade. She explained that better guidance would help reviewers and developers solve problems, and she listed recommendations:

- 1) Add provisions that address hazardous substance investigations or cleanups;
- 2) Develop alternative methods for addressing the balanced cut and fill code such as offsite mitigation banks;
- 3) Develop ways to allow for offsite environmental or habitat mitigation;
- 4) Reevaluate what future land uses are desired along the river.

Comments

- Wolniakowski inquired whether the City has authority regarding the type of cleanup. Green acknowledged it's problematic for the City to get involved in that decision, because applicants often do not approach the City until after they've undertaken years of investigation and discussed potential solutions with the State. Sanders and Green stressed the need to engage the State DEQ in earlier discussions and noted that although there's not much current ability to push back on capping solutions, more guidance in the Code would help.
- Graf asked about cleanup efforts at Willamette Cove and McCormick & Baxter sites. Sanders said Willamette Cove is still under remedial investigation, but there's cap treatment in place at McCormick & Baxter as well as wells for continued monitoring.
- Steve Kountz described the relationship of the Superfund to the River Plan because of the significant economic development implications. He reported that the harbor is important to the regional economy, so the City needs to:
 - 1) Play a leadership role in facilitating completion of projects in 10-15 years rather than 20-25 years;
 - 2) Maintain future opportunities for dredging and deepening in the harbor, to maintain a competitive port;
 - 3) To recognize cost impacts on industries in the harbor because of their significant contributions to the economic base;
 - 4) To facilitate development on brownfield (constrained) sites; and

- 5) To mitigate liability of river cleanup for innocent new investors in the harbor.

Committee members discussed whether to amend language about Superfund cleanup in the Clean and Healthy River section on p. 10 of the River Concept to more accurately say “reduce risk of contaminated sites” rather than “contaminated sites will be cleaned up.” Members agreed that would be a significant change requiring a new vote and possibly longer timeline. Committee members agreed to forward the report as adopted, with the understanding that Edmunds would make the approved revisions and forward additional issues, including use of the term “clean up,” to the Planning Commission.

Next Meetings

February 21, 2006 –Natural Resources Inventory and Environmental Issues

March 21 – Trails Task Group Report

[Minutes approved at meeting on February 21, 2006]