

Minutes of the River Plan Committee – North Reach

January 15, 2008

5pm – 7pm

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

Committee Members Present: Pauline Anderson, Don Hanson, Bob Naito, Greg Wolley, Krystyna Wolniakowski

Absent: Jason Graf, Melissa Powers

City Staff Present: Brian Campbell, Sallie Edmunds, Deborah Stein, Steve Kountz, Shannon Buono, Brent Dorig, Matt Lustig, Roberta Jortner, Rick Bastasch, Arianne Sperry, Joan Hamilton (Recorder), Planning;

Others Present: Curt Schneider, Adam Robins, Debbie Silva, Wayne Kingsley, Dan Dishongh, Pat Wagner, Cyril Young, LeAnn Barley, Pam Arden, Paul Maresh, Joan Snyder, Rachel Wray, Greg Theisen, Francie Royce, Pat Warren

Don Hanson convened the meeting.

Handouts

Agenda

State and Metro Compliance Obligations Memo

Draft Industrial/Natural Resource Management Staff Proposal

Summary of the draft Industrial/Natural Resource Management Plan Staff Proposal

Straw Proposal Map

October 16, 2007 meeting minutes

1. Committee Business

Approve minutes from October 16, 2007

Change minutes to reflect Powers' presence at the last meeting. Minutes approved unanimously as amended.

Revisit the regular meeting date/time (3rd Tuesdays 5-7 pm)

Sallie Edmunds said that Powers is teaching a class until 6pm on Tuesdays and therefore cannot make the full meeting through June. The group decided that the 5-7 pm time is good, but Thursday would work to accommodate Powell's schedule. Final decision postponed until Melissa Powers arrives.

2. Updates

Natural Resources Inventory (NRI) Status Report

Roberta Jortner said the Environmental Team has been working through ~ 20 pages of comments on the draft NRI report. Staff has continued evaluating the inventory by looking at specific sites in more detail, meeting with stakeholders to talk about land cover and methodological issues, and holding a meeting to discuss the methodology of applying functional values to resources in the North Reach and including specific areas of special habitat. The meeting included representatives from the Port of Portland, federal agencies, Schnitzer Steel, and other technical experts, and resulted in a lively conversation with diverse and sometimes divergent opinions. Staff will continue developing responses to

the comments and conducting site visits, and hopes to have feedback for the River Team within a month. The report will be fully updated in March.

Questions: *Hanson asked if staff is going to try to incorporate all of the interim information into a final set of maps.* Jortner replied that staff is conducting additional site visits and the maps will change based on information about the location of contamination and changes in the modeling criteria.

Compliance with Metro and the State

Documents Distributed:

State and Metro Compliance Obligations Memo

Edmunds reviewed a memo summarizing the City's obligations for state and regional requirements for natural resource and industrial lands with attached letters from the Department of Land Conservation and Development (DLCD) and the Working Waterfront Coalition (WWC). The City's requirement for compliance includes updating the Greenway Plan to comply with State Land Use Goal 15. It has been mentioned that the City should comply with State Goal 5, but Goal 5 administrative rules state that Goal 15 requirements for natural resources supersede those for Goal 5. Metro's Title 13 Nature in the Neighborhood program fulfills requirements for State Goal 5 and State Goal 6, which has a water quality component. The City does not have to comply with Title 13 to meet Goal 5, but rather because of the Goal 6 compliance requirements. Title 13 allows jurisdictions to develop district plans, providing more protection in some areas and less in others, as long as the district plans substantially comply with Title 13. January 2009 is the Title 13 deadline for City compliance.

Industrial compliance obligations include State Goal 13, requiring an inventory of land committed to industrial and economic uses, and Goal 9, requiring jurisdictions to provide adequate opportunities for a variety of activities related to health and welfare of its citizens. The City is currently going through a periodic review with the state. Because the River Plan will be complete before the periodic review is finished, the City will not be required to complete a revised Goal 9 inventory and analysis. If the City proposes to rezone more than two acres from industrial/employment to non-employment, staff will need to work with DLCD to discuss additional work. Finally, under Metro's Title 4, if the City rezones land previously designated as industrial employment or regionally significant industrial land, it needs to submit a letter identifying the area and addressing criteria outlined by Metro.

Questions: Hanson said the two acre limit is in place to prevent land use characteristics from changing. *The task group has looked at some mitigation proposals; is it correct that as long as the City does not change the underlying zoning the two acre cap does not pose a problem?* Edmunds indicated that was her understanding but would work with DLCD if necessary.

South and Central Reaches

Edmunds said staff will need to update the River Concept for the South and Central Reaches and plans to start in the summer. This work will be part of the Portland Plan and Central Portland Plan. Staff is going to start after the North Reach is finished.

3. The River Plan / North Reach

Outline of draft plan

Arienne Sperry outlined the draft plan as follows:

- Introduction including the purpose of the River Plan;
- Background section touching on issues and the planning process;
- Vision for various Plan recommendations with an illustrated landscape view and a narrative of individual sub-districts;
- Narrative recommendations by River Renaissance vision theme;
- Regulations with code changes and comprehensive plan amendments;
- The “plan by the numbers” with statistics such as how many miles of trails will be built, how many acres of natural resources will be preserved, or how many days will it take harbor development to get permitted; and
- Implementation actions in a list or matrix format, with sections for investments, partnerships, funding and monitoring and evaluation.

Questions: Is there a cost estimate for implementing the plan? What is the funding for?

Sperry said a variety of investments and proposed projects that were identified through the process will be outlined in the plan, and we are trying to provide cost estimates for as many investments as possible. The Harbor Reinvestment Strategy includes an extensive list of infrastructure recommendations with rough cost estimates, including existing planned projects and recommendations for additional projects, and recommended economic development priorities from the overall list with indication of whether they are funded or not.

Update on development of draft code

Buono reported that staff is developing new river overlay zones for the North Reach and code development is largely dependent upon the work of task groups. River Plan staff are working with the results of several task groups and monitoring the work of the Integration Task Group. Staff is also working on the Dolan issues, but will need the cooperation of other bureaus and the City Attorney’s office to complete that task.

4. Overview of the work of Industrial Development and Natural Resource Integration Task Group and the straw proposal

Documents Distributed: *Draft Industrial/Natural Resource Management Staff Proposal; Summary of the draft Industrial/Natural Resource Management Plan Staff Proposal; Straw Proposal Map*

Edmunds said the Industrial Development and Natural Resource Integration task group has been meeting since July to develop a program that will mesh well with the industrial proposal for the Willamette. The goal was to reduce conflict between maximizing river-dependent industrial uses and protecting and enhancing natural resources. The proposal that staff developed in response to task group feedback is designed to simplify permitting,

provide flexibility for property owners, and provide permanent protection and enhancement of natural resources in the North Reach. The proposal applies an avoid, minimize, mitigate test on a broad scale across the North Reach. In exchange for flexibility and simplicity, property owners will be required to pay a fee that will be used to protect key restoration sites. This proposal is contingent on resolution of several tough issues. The alternative is to fall back on a program that is more like the environmental zoning program we have in other areas of the City.

The purple area on the map is the area where river-dependent or river-related industrial development is required, currently the i-overlay zone. The purple zone would not be subject to zoning code regulations for natural resource preservation, conservation or enhancement. Existing Greenway standards and review would be eliminated in the purple area. In exchange, development in the purple would be subject to a restoration fee, developed by Dennis Canty and presented in a previous meeting. All base zone regulations would still continue to apply, such as parking lot landscaping and storm water requirements. We need to consider if we want the fee to be completely invested off-site or spend some on-site.

The restoration sites are shown on the map in green, outlined in gold. The funds for protecting and enhancing these sites will come from this program revenue, but could also come from mitigation dollars for state and federal permits, and the natural resource damages that will be emerging out of superfund. This proposal aims to protect large areas along the river permanently, through City acquisition, conservation easement or perhaps a covenant. The sites would be maintained over time. The sites were identified for a number of reasons: they currently provide good quality fish and wildlife habitat, are important locations where fish and wildlife congregate, could provide substantially more habitat and/or are important additions to wildlife migration corridors. All sites should be capable of sustaining the restored functionality over time. The areas that are green but not outlined in gold are areas outside the purple zone that are high or medium ranked resources. These areas would be zoned with an environmental protection or conservation overlay.

There are several issues the task group is still working on, such as developing incentives to encourage sustainable development in the purple areas and discussing the possibility of tree canopy regulations outside the purple zone. This proposal was designed specifically for the conditions in the North Reach and would not necessarily apply to the South and Central reaches.

Discussion

Can you please explain the designation of the site in the lower left corner that is outlined? Edmunds replied that the site is outside the City's boundaries and planning authority so zoning can not be changed, but staff identified it as a potential restoration site.

Are there any flashpoints in the North Reach where you know there will be controversy? Edmunds replied that staff has not met with all property owners yet and therefore has not identified all potential flashpoints, but is definitely planning to work with willing owners.

Edmunds described site visits to several potential restoration sites where staff evaluates ecological lift, or how much improvement could be gained from a site. At one site there is a lot of pavement and structures in the water, and a stream that could potentially be daylighted. Company representatives are interested in staff proposals.

On another site the wetland area currently being used to raise cattle. There is potential for removing the cattle and enhancing the wetland habitat. The riverbank is in good shape but there may be additional enhancement opportunities. Hanson asked if there was a levee along the bank. Edmunds replied that there is. Staff has discussed that it would be beneficial if some of the area could be flooded, but that would be a regulatory challenge. Dishongh asked if the Olympic Pipeline passes through that area and Edmunds replied that it does.

A third site contains a stream that could be daylighted and the riverbank includes a sandy beach, so there is overall potential to enhance specific areas of the site. There is also potential for increasing vegetation along the beachfront and at the mouth of Saltzman Creek. The property owner needs space to perform maintenance dredging, so some in-water areas are not available for restoration.

Several of the sites have been identified because they have streams that could be daylighted which offers great potential for improving habitat for fish, in particular.

Theisen asked if staff is requesting information about development and expansion projections in discussions with industrial landowners. Does the task group have a feel for that? Campbell said they talk in general about the expansion projections for their land, and industry is generally optimistic about development and growth on the land. They will continue to stay engaged in the process and provide feedback. Kountz said most vacant sites are brownfields and there is a lot of uncertainty around how and when those will be developed. Edmunds said projecting expected revenue from the program needs to be completed before final decisions are made about how many sites are needed and when.

Where do companies have to expand in the North Reach? Kountz replied that there are 18 brownfield sites totaling 400 acres that make up most of the vacant land in the area. Most of the growth will be from expansion and redevelopment.

How will the trail be integrated into the restoration program? Buono explained there are a few areas where the trail intersects with restoration sites, such as in Linnton, Harborton Wetlands, Baltimore Woods, Willamette Cove. The trail is not generally located within the purple zones.

Do you envision some of the fees going toward some of the trail? Hanson said there will likely be projects that combine restoration and trail development, and there will be some

restoration sites where we do not want human access. The revenue generated by the fee is to support restoration projects.

If this is a multi-purpose trail with transportation uses, there might be benefit from providing incentives to industry to promote alternative transportation.

Is there an opportunity to include some green in Albina Yards? Revegetation with native species took place in an area about ½ mile N of the Fremont Bridge. Kountz said nearly all that area is in river-dependent use.

There is quite an opportunity for restoration along the Baltimore Woods area, are you looking at the upland features? Hanson said that Bob Sallinger from the Audubon Society is successfully urging the committee to think about upland features.

If you have a site that is so polluted it can not be re-used as an industrial site, can you use that site for mitigation? The potential varies with the level of contamination.

Is the Sauvie Island site going to serve as an off-site mitigation receiving area? Edmunds said the program will need some clean sites to restore at the beginning of the process. Staff will need to prioritize and time the acquisition and restoration applicably for each site.

Next Steps

- The Integration Task Group is going to meet at the end of January to look at the map in detail to see if there are any additional areas for restoration sites and discuss the potential fee.
- Staff is going to conduct additional site visits.

5. Public comment opportunity

none

6. Committee member items

none

Hanson adjourned the meeting at 6:30 pm.

[DRAFT]