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MEMORANDUM

TO: Commissioner Amanda Fritz
COPY: Patti Howard, Amy Ruiz, Susan Anderson and Joe Zehnder
FROM: Sallie Edmunds
SUBJECT: Responses to your questions from the Town Hall on 12/16/09

1. How has the Greenway Plan failed and how does the North Reach Plan correct the flaws?

Response: Public and private stakeholders have highlighted a number of problems with the Plan over the years. Following are some of those concerns and how the River Plan responds to those concerns:

- Concern - The Plan contains unclear regulations.
Response - The North Reach Plan involved a complete rewrite of the Greenway Code to make the regulations more clear and objective.
- Concern - All permit applicants have to go through review if the proposed development is not exempt. There is no standards track.
Response – The revised code contains development standards that allow for certain types of development (e.g., cargo conveyors) to avoid river review.
- Concern - The landscaping that is required in the Greenway Plan is more decorative than functional. Property owners and resource advocates want to invest in meaningful enhancements.
Response - The North Reach Plan proposes a new vegetation standard that has been designed to produce functional results.
- Concern - The “i” overlay required river-dependent and river-related uses and was not flexible enough to address the needs of industry.
Response – The revised code refines the definition of river-related uses to allow more flexibility for industries that switch between primary reliance on river and rail transportation.
- Concern - The Greenway Plan’s required setback from the river for non river-dependent uses does not allow enough flexibility for site design, and does not contribute to watershed health as a stand alone policy.
Response – The revised code does not include a setback for river-dependent and river-related uses. For other uses, development will need to be set back 50 feet.
- Concern - Applicants are not required to mitigate for impacts to development.
Response – The revised code requires applicants to mitigate for impacts to development (unless they are exempt) using a “no net loss” policy.
- Concern - The permitting process for activity below ordinary high water is complicated, and there is a lack of coordination among city, state and federal agencies.
Response - The North Reach Plan includes a proposal to create an optional Willamette River Early Project Review Pilot, which will provide an opportunity for private-sector project sponsors to have a discussion with federal, state and local regulatory agencies about project goals and timetables prior to submitting a formal permit application.

2. Have we considered Emergency Preparedness (in context of oil pipelines, and generally)

Response: Emergency preparedness is a citywide initiative that is led by the Portland Office of Emergency Management (POEM) and may be a component of the Portland Plan.

The River Plan is not proposing changes in the North Reach that would exacerbate conditions in an emergency but we are also not recommending relocation of the tank farms or pipelines. We are recommending a variety of transportation improvements which, if implemented, could improve evacuation capacity in addition to the facilitating freight movement.

POEM played a key role in the 2006 City Council decision to keep the Linnton Village industrial and not allow new residential development between the tank farms. Their testimony appeared to be a key reason why several commissioners decided that residential uses were not desirable.

3. Could we give credit for environmental improvements done before applying for a permit i.e., "just because it's the right thing to do"?

Response: The proposed amendments to the vegetation standard do allow a property owner to count the existing vegetation on their property towards meeting the vegetation standard. Counting prior improvements toward mitigation is more difficult since we would have to know that the habitat was not created as mitigation for some other permit. That would require a considerable amount of research into City, state, and federal permits. While it would appear to be very difficult to do, we could explore ways to track future voluntary environmental improvements in order to encourage that sort of thing. It will be easier to track once the mitigation bank is in place.

4. Can anything extra be done for the Linnton Mill site?

Response: The River Plan has not proposed any zone changes for the Linnton Mill site in accordance with the 2006 City Council decision to keep the Linnton Village area industrial (see attached text box "Previous Planning in Linnton") The existing zoning is industrial and that allows industrial development or use of the land for habitat. Over the years PDC has tried to recruit potential buyers for the Linnton Mill site and I understand that there are ongoing negotiations with British Petroleum but that there are some contamination related complications keeping that from moving forward. We are also proposing to retain the existing trail alignment which follows the property boundary out to a viewpoint on the river. (See River Plan / North Reach Volume 1A, Map 9)

Many of the Linnton speakers requested that the City not request that Metro designate the site as a Regionally Significant Industrial Area so that there is more flexibility in the future. Regionally Significant Industrial Areas are designated by Metro and are areas near the region's most significant freight transportation infrastructure or other features that are not likely replaceable by a UGB expansion. We do not have any plans to submit this request to Metro.

5. Trail crossing property/rail lines at NW 107th, NW Front, and top of bank on one property. Are these alternatives or why three on one property?

Response: We are proposing an amendment to the trail alignment in Linnton to address this situation. Our proposal is to change the NW Front avenue alignment to a long term alignment but to keep the other two alignments since those are the existing alignments in the 1987 plan. Timing the development of the NW Front Avenue trail along with the rail with trail from Linnton North makes more sense. (See Mayor's Proposed Amendments, River Plan / North Reach Volume 1A, Map 9)