

ORDINANCE No.

*Establish July 1, 2011 as the effective date of the River Plan / North Reach. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On April 15, 2010, City Council adopted Ordinance No. 183694, adopting the River Plan/North Reach and an effective date of January 1, 2011.
2. Ordinance No. 183694 also states that “Implementation of the recommended River Plan / North Reach requires Land Conservation and Development Commission’s (LCDC) approval of proposed changes to the Willamette Greenway boundaries within the North Reach before the River Plan becomes effective.” The ordinance purposely delayed the implementation date to January 2011 to accommodate the required boundary amendment process and other follow up work.
3. On April 28, 2010 the City separately submitted a Willamette Greenway Boundary amendment to LCDC by sending a letter to the Oregon Parks and Recreation Department requesting that they submit the proposed amendment to LCDC on behalf of the City of Portland, as required by the applicable administrative rules (OAR 660-020-0065).
4. On June 8, 2010, the Director of Oregon Parks and Recreation Department forwarded the City's request to the Department of Land Conservation and Development (DLCD) in accordance with the administrative rules.
5. The Commission held an initial hearing on the proposed boundary change on September 3, 2010 and continued the hearing to October 2010.
6. At its hearing on October 19, 2010 LCDC continued the hearing and postponed a decision to its December hearing. Further communications with DLCD staff indicate that LCDC will not be able to act by January 1, 2011. To allow time for LCDC to act, it is in the public interest to postpone the effective date of the River Plan/ North Reach.
7. Three parties appealed the River Plan/North Reach to the Land Use Board of Appeals (LUBA). Oral arguments are scheduled for December 2, 2010. LUBA's decision is not expected until after January 1, 2011.
8. To avoid confusion about the applicability of the new River Plan / North Reach zoning designations and regulations, it is in the public interest to postpone the effective date of the River Plan / North Reach.

11. The City Council held a public hearing on the new River Plan/North Reach effective date on December 1, 2010 at 3:30 pm.
12. Consistent with Statewide Planning Goal 1, notice of the December 1, 2010 hearing was mailed to all property owners affected by the River Overlay Zones, all property owners affected by the Willamette River Greenway Boundary amendment currently pending before LCDC, and all persons who testified about the River Plan / North Reach at City Council and for whom the Bureau of Planning and Sustainability has mailing addresses. On November 22, 2010, an email news letter, *River Plan News*, was sent to approximately 600 people and included a notice of the December 1, 2010 City Council hearing.
13. **Goal 2, Land Use Planning**, requires the development of a process and policy framework which acts as a basis for all land use decisions, and assures that decisions and actions are based on an understanding of the facts relevant to the decision. This ordinance establishes a new effective date for the River Plan/North Reach. Ordinance 148537, adopted on April 15, 2010, established January 1, 2011 as the effective date of the River Plan/North Reach. This ordinance establishes July 1, 2011 as the effective date for the River Plan/North Reach. The amendments are consistent with this goal because:
 - a. A public hearing was held on December 1, 2010; and
 - b. Notice of the December 1, 2010 hearing was mailed to all property owners affected by the River Overlay Zones, all property owners affected by the Willamette River Greenway Boundary amendment currently pending before the Land Conservation and Development Commission, and all persons who testified about the River Plan/North Reach at a City Council or Planning Commission hearing.

NOW, THEREFORE, the Council directs:

a. The River Plan / North Reach shall be effective on July 1, 2011.

Section 2. The Council declares that an emergency exists because the River Plan/North Reach is scheduled to become effective before LCDC has acted and LUBA has made a decision , which will create both confusion for property owners within the River Plan/North Reach area and administrative and legal difficulties for the City in implementing the River Plan/North Reach; therefore, this ordinance will be in full force and effect from and after its passage by the Council.

Passed by the Council:

Mayor Sam Adams
Sallie Edmunds
November 22, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By

Deputy